

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER**

**FINAL FINDING & DECISION
EV 3-375**

**Petitioners: Aleksandr Baletsky
Section Line Easement Vacation**

This Final Finding & Decision compliments, confirms, and updates the attached Preliminary Decision (PD) approved on February 28, 2024. No changes have been made to the PD.

PETITIONED ACTION:

The petitioner is requesting approval to vacate the two 33-foot section line easements within Lots 1-4 of Little Susitna Flats, Plat 2022-133, Palmer Recording District. This action falls within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T18N, R2W, S.M., Alaska, and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T18N, R2W, S.M., Alaska as depicted on Attachment A. It should be noted that the petitioner will donate a 50-foot easement adjacent to the north side of Pittman Road per the Department of Transportation & Public Facilities (DOT&PF) conditional approval stipulation.

LEGAL AUTHORITY:

AS 38.05.035, AS 38.05.945, 11 AAC 51.065, AS 19.10.010, 11 AAC 51.025, 11 AAC 51.100 and AS 19.30.410.

The Alaska Department of Transportation and Public Facilities (DOT&PF) and the Department of Natural Resources (DNR) have concurrent authority for approving the vacation of SLEs.

PUBLIC NOTICE AND COMMENT:

Public Notice of approval of the PD, pursuant to AS 38.05.945, was posted from March 1, 2024 through April 1, 2024, on the State of Alaska Online Public Notice web site. Copies of the PD were sent to the Petitioner, to the petitioner's surveyor, Matanuska-Susitna Borough (MSB), State Agencies listed below under Agency Review and Comments.

No other comments or objections to the proposed action were received during this comment period.

AGENCY REVIEW AND COMMENT:

1. The following Agencies submitted non-objection comments: Division of Parks & Outdoor Recreation (DPOR), Alaska Department of Fish and Game (ADFG), Mental Health Trust Land Office (MHTLO), Matanuska Telephone Association and DNR Southcentral Regional Lands Office.
2. The Department of Transportation & Public Facilities replied with a conditional approval. Their condition for approval required the petitioner "to dedicate a 50-foot right of way adjacent to [the] existing Pittman Road right of way for future realignment and/or straightening." The petitioner and their respective surveyor discussed and agreed to this requirement.

3. No other comments or objections on the proposed EV action were received.


FINDING:


1. The proposed alternate access meets the requirements for vacation of the subject section-line easement pursuant to AS 19.30.410 and 11 AAC 51.065. The proposed alternate route is equally useable, protected by easements of record, is adequately wide to satisfy all present and reasonably foreseeable uses.
2. Pursuant to 11 AAC 51.065(e)(1), the Department has given consideration to the recommendations of the MSB. The MSB reviewed this proposed section line easement vacation on September 3, 2024.

Approval of the proposed action is contingent upon the following conditions:

1. Comply with Matanuska-Susitna Borough's conditions of approval unless waived by the Director, DMLW.
2. Per the conditional approval submitted from the Department of Transportation and Public Facilities, the petitioner will dedicate a fifty-foot (50') wide right of way adjacent to the existing Pittman Road (North) right of way for future realignment and/or straightening.
3. A final plat (owner signed / surveyor sealed Mylar) must be submitted to DNR within two years from the date of approval of the Final Finding and Decision unless extended by DMLW, Survey Section.
4. Submittal of a Certificate to Plat, current within 90-days, with the final plat.

Prepared By:



Victoria Braun,
Natural Resource Specialist



Date

FINAL DECISION:

The finding presented above has been reviewed and considered. The requirements of all applicable statutes and regulations have been satisfied. It is the finding of the Director, Division of Mining, Land and Water, that it is in the best interest of the State of Alaska and the public, and that I hereby approve the proposed action.

Approved By:


Gwen Gervelis, PLS
Chief, Survey Section


Date






APPEAL PROVISION:

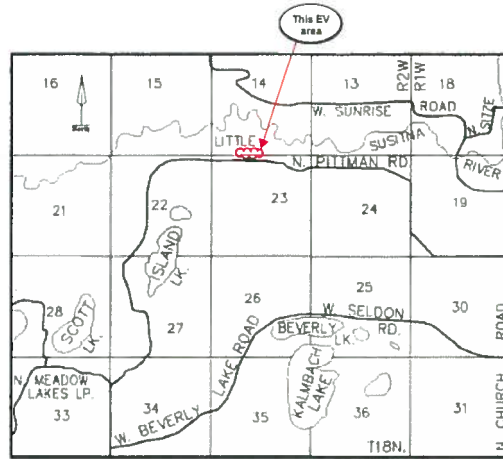
An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department.

Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b). A copy of 11 AAC 02 is available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.

EV 3-375 Attachment A

Legend:

-  33' SLEs proposed for vacation
-  Previously Vacated EV 2-686
-  Alternate Route: N. Pittman Road
-  Section Line
-  50-Foot wide right-of-way to be dedicated by Petitioner



VICINITY MAP: 1" = 1 MILE



Sections 14 & 23, T18N, R2W
Seward Meridian, Alaska

Little Susitna Flats, Lots 1-4,
Plat 2022-133, Palmer Recording District

Two 33' Section Line Easements proposed for vacation total 66'. The Petitioner will dedicate a 50-foot right of way adjacent to the north side of N. Pittman Road.