

**STAFF REVIEW AND RECOMMENDATIONS
PUBLIC HEARING
JANUARY 19, 2012**

PRELIMINARY PLAT: LAZY ACRES PLAT NOTE REMOVAL
LEGAL DESCRIPTION: SEC. 1 T17N, R2E, SEWARD MERIDIAN, AK
OWNER: RICHARD & SHEILA FERN
REVIEWED BY: PEGGY H. FOWLER **CASE: 2011-108**

REQUEST

The request is to remove plat note #11 and remove the Private Park note on Lot 18, Block 1, Lazy Acres Subdivision (Plat #75-36) and also remove plat note #9 on Lazy Acres Subdivision Addition 1 (Plat 75-37). The plat notes state that Lot 18, Block 1 Lazy Acres is dedicated for the private use of all individual lot owners within the two subdivisions listed above. The current owners bought the lot at a foreclosure sale and they want to use it as a home site. Alaska Statute 29.40.120 requires that the owners of a majority of the land affected can petition the platting authority to alter a recorded plat. There are 60 lots in the 2 subdivisions and Mr. and Mrs. Fern gathered 38 signatures from the lot owners.

EXHIBITS

VICINITY MAP	EXHIBIT A
PETITION TO AMEND	EXHIBIT B
PLAT COPIES	EXHIBIT C
DEC SIGNOFF	EXHIBIT D
AERIAL PHOTO	EXHIBIT E
SITE VISIT PHOTOS	EXHIBIT F

COMMENTS

DPW:	EXHIBIT G
CODE COMPLIANCE:	EXHIBIT H
CULTURAL RESOURCES:	EXHIBIT I
ROW COORDINATOR:	EXHIBIT J
ADF&G:	EXHIBIT K
MTA:	EXHIBIT L
ENSTAR:	EXHIBIT M
RSA #26:	EXHIBIT N
PUBLIC:	EXHIBIT O
OWNER'S RESPONSE:	EXHIBIT P

DISCUSSION

Lot History: Lot 18, Block 1 is labeled a Private Park on the Lazy Acres plat and there are plat notes on the Lazy Acres and the Lazy Acres Addition 1 plats that say the lot is for the benefit of the lot owners within both subdivisions. The current owners of the lot, Mr. & Mrs. Fern, received the property from the Borough at a foreclosure sale in 2004. The property was foreclosed on in 2001 because the natural gas Local Improvement District (LID) assessment, placed on the lot in 1997, was not paid. The property owner at that time was the Lazy Acres Homeowners Association with a mailing address of General Delivery, Palmer. The association was not active at that time and although the borough sent several notices to that mailing address, the other owners of lots within Lazy Acres did not know the private park was assessed the LID amount. Once it went into foreclosure, several of the subdivision lot owners protested, but to no avail. Once an assessment goes unpaid, it is state statute that requires the taxing authority to foreclose. The borough saw no public benefit in keeping a private park, so they offered it for sale notifying all potential buyers that the private park designation was on the lot.

Staff notes, this lot is now in private ownership and the request before you today is a petition to amend the plats so the private park designation can be removed from the plats.

The Petition: Alaska Statute 29.40.120, Alteration or Replat Petition, allows for alterations of a recorded plat. It states, "A recorded plat may not be altered or replatted except by the platting authority on petition of the state, the borough, a public utility, or the owners of a majority of the land affected by the alteration or replat."

Mr. and Mrs. Fern received signatures from 23 owners in Lazy Acres and 15 owners in Lazy Acres Addition 1 (38 of the 60 lot owners), assuring a majority of the lot owners agreed to the removal of the plat notes (**Exhibit B**). The Ferns are requesting the plat note removals so the property can be useable for a home site consistent with the square footage & design of the homes on the lots surrounding this property.

The Ferns have been in contact with the surveyor of record, Mr. Warren Fiscus, and he is willing to refile the plats, removing the indications that the lot is a private park.

Trails: The southeastern corner of Lot 18 is at the terminus of one of the 15' wide Public Walkway and Recreational Trails within the two subdivisions. Removing the private park note will eliminate one of the access points to the trails, but staff notes the trails continue to be accessible from Rambling Road, Idle Drive, and Lazy Lane as shown on **Exhibit C**. Since this was a private park, the access to the public trail from the park was only available to the subdivision lot owners. The closest alternate public access to that portion of the trail system is approximately 300' feet away between Lots 15 and 16, Block 1. Access to another portion of the trail system is less than 120' away on the opposite side of Rambling Road.

Area: Plat note #1 on Lazy Acres plat states all lots within this subdivision have 100 percent useable areas unless otherwise noted. The plat shows the lot to have 2.103 acres and it appears that the entire lot is useable area. At the time this subdivision was

recorded, the Department of Environmental Conservation reviewed the useable area reports for borough subdivisions (**Exhibit D**).

Site Visit: From the aerial photo (**Exhibit E**) and staff's site visit (**Exhibit F**), there does not appear to be any large cleared areas, trails, or improvements on the property.

Comments: DPW stated they received the required information; they have no further comments (**Exhibit G**). Code Compliance had no comments (**Exhibit H**). Cultural Resources commented that there are no recorded sites on this property but there are several close by and caution should be taken during construction in the event cultural remains are found (**Exhibit I**). The ROW Coordinator had no comment (**Exhibit J**).

ADF&G has no objection to the preliminary plat (**Exhibit K**).

MTA and Enstar have no objection (**Exhibits L & M**).

The Road Service Area #26 Supervisor, Mr. Quaas, had no objection to this platting action (**Exhibit N**).

Public Comments (Exhibit O): Staff received a written comment from Ms. Pam Strahan that states the borough created this problem and needs to fix it. This was echoed by objections received from Mr. William Fred Weith and Mr. Sylvester Guszregan. They are objecting to the fact that a natural gas local improvement district (LID) assessment was placed on the private park in 1997 and then the property was foreclosed upon for nonpayment of the assessment in 2001. All three commenters stated the borough needs to reimburse the buyers their money and fix the problem they created. Staff notes the subdivision lot owners had several chances to pay the assessment on the property and keep it for their private use, but they did not choose to do that.

After receiving these public comments, the Ferns provided a short letter in response, as you'll see in **Exhibit P**.

CONCLUSION

The request to remove plat note #11 and remove the Private Park note on Lot 18, Block 1, Lazy Acres and remove plat note #9 on Lazy Acres Addition 1 is consistent with AS 29.40.120, Alteration or Replat Petition, whereas "A recorded plat may not be altered or replatted except by the platting authority on petition of the state, the borough, a public utility, or the owners of a majority of the land affected by the alteration or replat."

There are 60 lots within Lazy Acres and Lazy Acres Addition 1 Subdivisions and the Ferns received signatures from 38 of the lot owners, assuring a majority of the lot owners agreed to the modification. There were no objections from Borough departments or outside agencies for the plat note removals.

There were objections received as a result of the public noticing. The responders want the borough to refund the Fern's money and leave the lot as a private park.

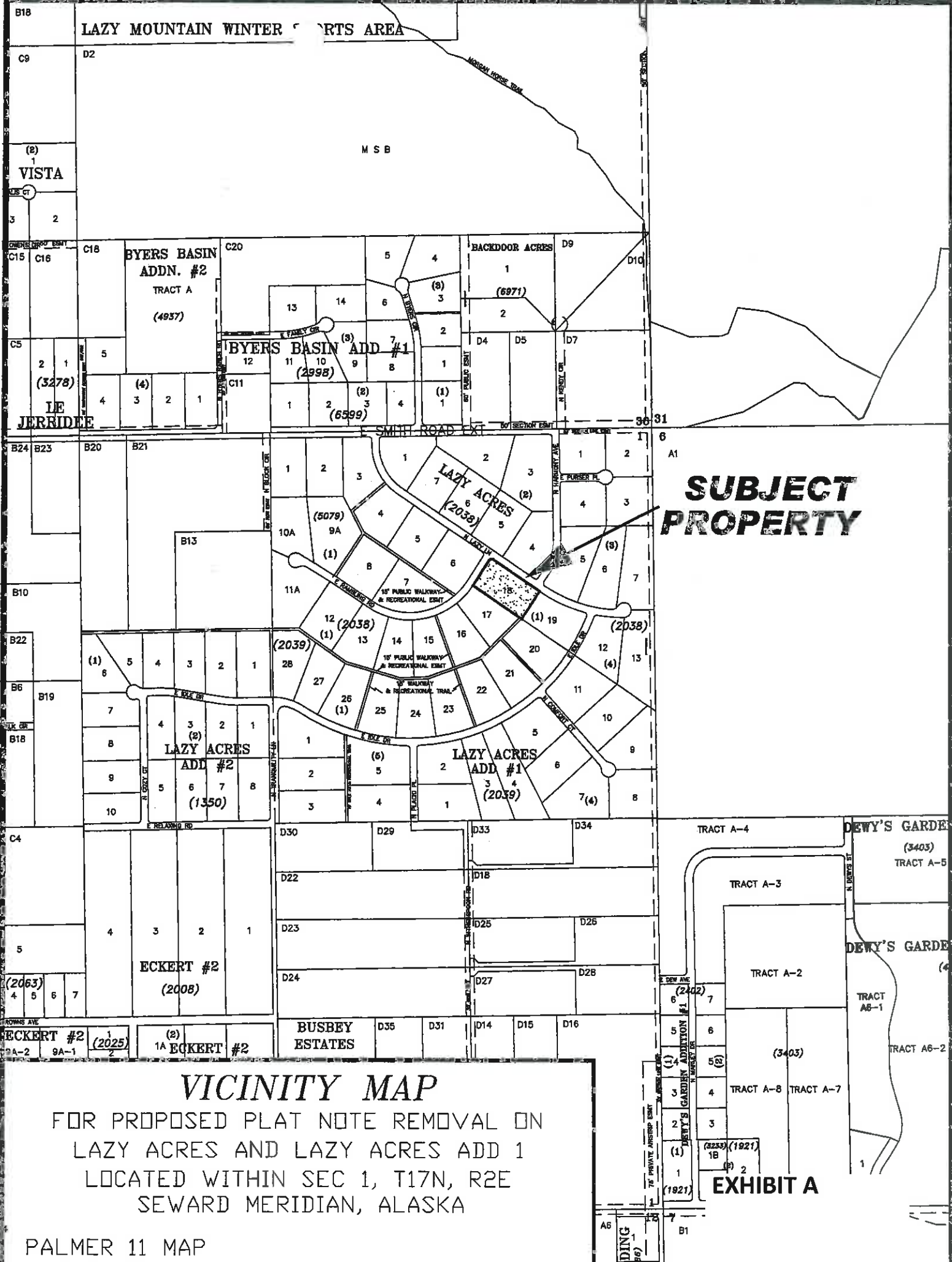
RECOMMENDATIONS

Staff recommends approval of the request to remove plat note #11 on plat 75-36, remove the Private Park note on Lot 18, Block 1, Lazy Acres, plat# 75-36, and remove plat note #9 on Lazy Acres Addition 1, plat# 75-37, located within Section 1, Township 17 North, Range 2 East, Seward Meridian, Alaska contingent upon:

1. Contact Mr. Warren Fiscus, the surveyor of record, to refile both plats.
2. Submit recording fee payable to the State of Alaska, Dept. of Natural Resources.

FINDINGS

1. The request to remove plat note #11 and remove the Private Park note on Lot 18, Block 1, Lazy Acres and remove plat note #9 on Lazy Acres Addition 1 is consistent with AS 29.40.120, Alteration or Replat Petition.
2. There were objections received as a result of the public noticing. The comments were centered on the LID assessment that was placed on the private park in 1997, the borough's foreclosure due to non-payment of the assessment in 2001 and subsequent sale of the property in 2004. The responders want the borough to refund the Fern's money and "fix the problem the borough created."
3. There are 60 lots within Lazy Acres and Lazy Acres Addition 1 Subdivisions and the Ferns received signatures from 38 of the lot owners, assuring a majority of the lot owners agreed to the removal of the plat notes.
4. Plat note #1 on Lazy Acres plat states all lots within this subdivision have 100 percent useable areas. The Dept. of Environmental Conservation reviewed and approved the subdivision useable area report for Lazy Acres and Lazy Acres Addition 1 in 1975.
5. The southeastern corner of Lot 18 is at the terminus of one of the 15' Public Walkway and Recreational Trails within the two subdivisions. There are alternate public accesses to the trail system along Rambling Road, Idle Drive and Lazy Lane. The public did not have access to the trail from within Lot 18.
6. The Ferns have been in contact with the surveyor of record and he is willing to refile the plats, removing the indications that the lot is a private park.
7. There are no objections from any borough departments or outside agencies.



VICINITY MAP

FOR PROPOSED PLAT NOTE REMOVAL ON
 LAZY ACRES AND LAZY ACRES ADD 1
 LOCATED WITHIN SEC 1, T17N, R2E
 SEWARD MERIDIAN, ALASKA

EXHIBIT A



Matanuska-Susitna Borough
Telephone (907) 745-9874

350 East Dahlia Avenue
Palmer, Alaska 99645-6488

PETITION TO AMEND OR ALTER A PLAT #75-36

VACATION OF A SUBDIVISION

Comes now the undersigned, Richard Fern, Shiela Fern and Kimberly Pilch and petitions the Matanuska-Susitna Borough to amend a plat lying within the following described property, to-wit:

Lot 18, Block 1, Lazy Acres Subdivision aka 17800 E. Rambling Rd. - Palmer, AK 99645

Proposed change requested: (OR see attached sheets)

Amend the plat to remove the plat note #11 and remove the Private Park note on Lot 18, Block 1, Lazy Acres Subdivision (plat 75-36). Also to remove plat note #9 on Lazy Acres Subdivision Addition 1 (plat 75-37).

The action sought by this petition is for the following reasons: (OR see attached sheets)

So the property can be useable for a home site consistant with the square footage & design of the homes on the lots surrounding this property.

APPLICANT OR OWNER Name: Richard & Shiela Fern
Mailing Address: 1166 South Katie Circle - Palmer, Alaska Zip: 99645
Contact Person: Shiela Fern Phone: 907-301-5102 or 907-746-7392

SURVEYOR Name (FIRM): _____
Mailing Address: _____ Zip: _____
Contact Person: _____ Phone: _____

SIGNATURES OF PETITIONER(S):

[Signature] L18B1 Lazy Acres X Kimberly J. Pilch L26B1 Lazy Acres #1
Shiela Fern L18B1 Lazy Acres

THIS AREA TO BE COMPLETED BY THE MATANUSKA-SUSITNA BOROUGH

THE APPLICATION HAS BEEN REVIEWED AND FOUND TO MEET SUBMITTAL STANDARDS AS NOTED ABOVE.

NOVEMBER 30, 2011
DATE

[Signature]
PLATTING DIVISION REPRESENTATIVE

SCHEDULED FOR PLATTING BOARD/SHORT PLAT MEETING OF: JANUARY 19, 2012

EXHIBIT B-1

Matanuska-Susitna Borough
Telephone (907) 745-9874

PETITION TO AMEND OR ALTER A PLAT #75-36 and #75-37
VACATION OF A SUBDIVISION

350 East Dahlia Avenue
Palmer, Alaska 99645-6488



Comes now the undersigned, Richard Fern and remaining property owners listed below with signatures and petitions the Matanuska-Susitna Borough to amend a plat lying within the following described property, to-wit:

Lot 18, Block 1, Lazy Acres Subdivision aka 17800 E. Rambling Road - Palmer, Alaska 99645

Proposed change requested: (OR see attached sheets)

Amend the plat to remove the plat note #11 and remove the Private Park note on Lot 18, Block 1, Lazy Acres Subdivision (plat 75-36). Also to remove plat note #9 on Lazy Acres Subdivision Addition 1 (plat 75-37).

The action sought by this petition is for the following reasons: (OR see attached sheets)

So the property can be useable for a home site consistent with the square footage & design of the homes on the lots surrounding this property.

Applicant or Owner: Richard & Shiela Fern 1166 S. Katie Circle Palmer, AK 99645

Contact Person: Shiela Fern

Phone: 907-301-5102 or 907-746-7392

SUB NAME - BLK/LOT	1ST OWNER	2ND OWNER	ADDRESS/CITY/STATE/ZIPCODE	PRINT NAME/S	SIGNATURE/S
Lazy Acres B1 L1	Hodder Jeremy D & Jonnie K		228 S. Alaska Drive - Palmer, AK 99645		
Lazy Acres B1 L2	Amgwert Reed & Heather		17480 E. Smith Road EXT-Palmer, AK 99645-8620	<i>Hether Amgwert</i>	<i>Heather Amgwert</i>
Lazy Acres B1 L3	Owens Ben		P.O. Box 4429 - Palmer, AK 99645-4429	<i>Ben Owens</i>	<i>Ben Owens</i>
Lazy Acres B1 L4	Owens Ben L & Lori A		17237 E. Smith Road EXT - Palmer, AK 99645-8619	<i>Signed above</i>	<i>Signed above</i>
Lazy Acres B1 L5	Pekkala Wayne F & Cynthia M		1650 N. Lazy Lane - Palmer, AK 99645	<i>Cynthia Pekkala</i>	<i>Cynthia Pekkala</i>
Lazy Acres B1 L6	Clark Casey A		1600 N. Lazy Lane - Palmer, AK 99645	<i>Casey Clark</i>	<i>Casey Clark</i>
Lazy Acres B1 L7	Watkins Mark D & P A		P.O. Box 3567 - Palmer, AK 99645-3567	<i>Mark Watkins</i>	<i>Mark Watkins</i>
Lazy Acres B1 L8	Gray-Osland Mary Ellen	PMB 170 STE 3	1150 S. Colony Way - Palmer, AK 99645-6967	<i>Mary Ellen Gray-Osland</i>	<i>Mary Ellen Gray-Osland</i>

PETITION TO AMEND OR ALTER A PLAT #75-36 and #75-37
VACATION OF A SUBDIVISION

SUB NAME - BLK/LOT	1ST OWNER	2ND OWNER	ADDRESS/CITY/STATE/ZIPCODE	PRINT NAME/S	SIGNATURE/S
Lazy Acres RSB B/1 L/9/1 - B1L9A	Larue WM D & Debra Kay		17475 E. Rambling Road - Palmer, AK 99645	William Larue	<i>William Larue</i>
Lazy Acres RSB B/1 L/9/1 - B1L10A	Farrelly Kevin T & Stepha		17455 E. Rambling Road - Palmer, AK 99645	Stephanie Farrelly	<i>Stephanie Farrelly</i>
Lazy Acres RSB B/1 L/9/1 - B1L11A	Wilson Diane J		17450 Rambling Road - Palmer, AK 99645	Diane Twilock	<i>Diane Twilock</i>
Lazy Acres B1 L12	Larue Alice H		17500 E. Rambling Road - Palmer, AK 99645	Alice H. Larue	<i>Alice H. Larue</i>
Lazy Acres B1 L13	Lewis Cecile		17550 E. Rambling Road - Palmer, AK 99645	Cecile Lewis	<i>Cecile Lewis</i>
Lazy Acres B1 L14	Schillinger Max A & K M		P.O. Box 4207 - Palmer, AK 99645-4207	Max A. Schillinger	<i>Max A. Schillinger</i>
Lazy Acres B1 L15	Schillinger Max & Kristine		P.O. Box 4207 - Palmer, AK 99645-4207	Kristine Schillinger	<i>Kristine Schillinger</i>
Lazy Acres B1 L16	Park Terry B & Connie J		17700 E. Rambling Road - Palmer, AK 99645-7533	Terry B. Park	<i>Terry B. Park</i>
Lazy Acres B1 L17	Wilcox Mary Anita EST	Wilcox Allan Clark	P.O. Box 1488 - Palmer, AK 99645-1488	Allan Wilcox	<i>Allan Wilcox</i>
Lazy Acres B1 L18	Fern Richard & Shiela Call: 404-725-2234		1166 S. Katie Circle - Palmer, AK 99645	Richard Fern	<i>Richard Fern</i>
Lazy Acres B1 L19	Guszregan Sylvester E & A		P.O. Box 1412 - Palmer, AK 99645-1412		
Lazy Acres B2 L1	Bergey Ronald L & Kimberl		1745 N. Lazy Lane - Palmer, AK 99645		
Lazy Acres B2 L2	Owens Ben		P.O. Box 4429 - Palmer, AK 99645-4429	Signed on Page 1	
Lazy Acres B2 L3	Forkner Billy N & Haley TRE	Forkner Family TR	17800 E. Smith Road EXT - Palmer, AK 99645		
Lazy Acres B2 L4	Weldin Richard & Jennie J	Weldin Richard L & Jennie S TRES	P.O. Box 281 - Palmer, AK 99645-0281		
Lazy Acres B2 L5	Soper Monte		1625 N. Lazy Lane - Palmer, AK 99645		
Lazy Acres B2 L6	Soper Monte		1625 N. Lazy Lane - Palmer, AK 99645		
Lazy Acres B2 L7	Campfield Michael J & Hea		1675 N. Lazy Lane - Palmer, AK 99645	Michael J. Campfield	<i>Michael J. Campfield</i>
Lazy Acres B3 L1	Clark John D & Jacqueline		17955 E. Purser Place - Palmer, AK 99645	John D. Clark	<i>John D. Clark</i>
Lazy Acres B3 L2	Clark John D & Jacqueline		17955 E. Purser Place - Palmer, AK 99645	John D. Clark	<i>John D. Clark</i>

PETITION TO AMEND OR ALTER A PLAT #75-36 and #75-37
VACATION OF A SUBDIVISION

SUB NAME - BLK/LOT	1ST OWNER	2ND OWNER	ADDRESS/CITY/STATE/ZIPCODE	PRINT NAME/S	SIGNATURE/S
Lazy Acres B3 L3	Bingham Newton J & Connie		17950 E. Purser Place - Palmer, AK 99645	Newton Bingham	<i>Newton Bingham</i>
Lazy Acres B3 L4	Bingham Newton J & Connie		17950 E. Purser Place - Palmer, AK 99645	Connie Bingham	<i>Connie Bingham</i>
Lazy Acres B3 L5	Zink Traverse & Anne B		1605 N. Harmony Avenue - Palmer, AK 99645-8623		
Lazy Acres B3 L6	Matthews David J & Victoria		P.O Box 1173 - Palmer, AK 99645-1173		
Lazy Acres B3 L7	Doyle Gary W		1455 N. Lazy Lane - Palmer, AK 99645		
Lazy Acres B4 L12	Strahan Jackson Ray & P A		17920 E. Idle Drive - Palmer, AK 99645		
Lazy Acres B4 L13	Weith WM Fred & Patricia		1425 N. Lazy Lane - Palmer, AK 99645		
Lazy Acres ADD #1 B1 L20	Estes Jeff L		P.O Box 173 - Moose Pass, AK 99631-0173		
Lazy Acres ADD #1 B1 L21	Erickson Florence E		17755 E. Idle Drive - Palmer, AK 99645		
Lazy Acres ADD #1 B1 L22	Erickson Florence E		17755 E. Idle Drive - Palmer, AK 99645		
Lazy Acres ADD #1 B1 L23	Mayer Steven J & Susan		17605 E. Idle Drive - Palmer, AK 99645	STEVE MAYER	<i>Steve Mayer</i>
Lazy Acres ADD #1 B1 L24	Mayer Steven J & Susan L		17605 E. Idle Drive - Palmer, AK 99645	STEVE MAYER	<i>Steve Mayer</i>
Lazy Acres ADD #1 B1 L25	Firmstone Carl E		10338 Lee Street - Eagle River, AK 99577-7212		
Lazy Acres ADD #1 B1 L26	Pilch John H & Kimberly J		8130 Peck Avenue - Anchorage, AK 99504-1422		<i>Separate Sheet Attached</i>
Lazy Acres ADD #1 B1 L27	Earles Dan'l Lynn		17465 E. Idle Drive - Palmer, AK 99645		
Lazy Acres ADD #1 B1 L28	Barron David E. & Coral L		17435 E. Idle Drive - Palmer, AK 99645-8632		
Lazy Acres ADD #1 B4 L1	Burns Thos E & Deborah A		1255 N. Placid Place - Palmer, AK 99645-8622		
Lazy Acres ADD #1 B4 L2	Gutierrez Fred J & Heildi		1305 N. Placid Place - Palmer, AK 99645-8622		
Lazy Acres ADD #1 B4 L3	Cotterman Ronald C& Pamela		17690 E. Idle Drive - Palmer, AK 99645		
Lazy Acres ADD #1 B4 L4	Broneske Deborah J		17750 E. Idle Drive - Palmer, AK 99645		

PETITION TO AMEND OR ALTER A PLAT #75-36 and #75-37
VACATION OF A SUBDIVISION

SUB NAME - BLK/LOT	1ST OWNER	2ND OWNER	ADDRESS/CITY/STATE/ZIPCODE	PRINT NAME/S	SIGNATURE/S
Lazy Acres ADD #1 B4 L5	Imm Terry L		4410 Mcalister Drive - Anchorage, AK 99515		
Lazy Acres ADD #1 B4 L6	Staskyicz Barry & Shelly		1300 N. Comfort Court - Palmer, AK 99645-8636	Barry Staskyicz	[Signature]
Lazy Acres ADD #1 B4 L7	Kopsack Braun T & Valeria		1250 N. Comfort Court - Palmer, AK 99645	Braun Kopsack	[Signature]
Lazy Acres ADD #1 B4 L8	White Larry E Jr. & V L		P.O. Box 2482 - Palmer, AK 99645-2482	Larry White Jr.	[Signature]
Lazy Acres ADD #1 B4 L9	Heun Robt W & Michelle L		1255 N. Comfort Court - Palmer, AK 99645		
Lazy Acres ADD #1 B4 L10	Barnhart Kevin W & Cheryl	Jordan Cheryl A	P.O Box 3816 - Palmer, AK 99645-3816	Kevin Barnhart	[Signature]
Lazy Acres ADD #1 B4 L11	Barnhart Kevin W		P.O Box 3816 - Palmer, AK 99645-3816	Kevin Barnhart	[Signature]
Lazy Acres ADD #1 B5 L1	Henslee Sarah M		P.O Box 4119 - Palmer, AK 99645-4119		
Lazy Acres ADD #1 B5 L2	Whatley Kenneth B	Whatley Ronda Diane	P.O. Box 395 - Palmer, AK 99645-0395	Kenneth B. Whatley	[Signature]
Lazy Acres ADD #1 B5 L3	Korman Bruce J Jr. & C H		1205 N. Tranquility Lane - Palmer, AK 99645-8624	William Korman	[Signature]
Lazy Acres ADD #1 B5 L4	Buckley Joshua C & M L		P.O Box 2544 - Palmer, AK 99645-2544	Josh Buckley	[Signature]
Lazy Acres ADD #1 B5 L5	Eastman Gabriel & Pamela		17550 E. Idle Drive - Palmer, AK 99645	Pamela Eastman	[Signature]

THIS AREA TO BE COMPLETED BY THE MATANUSKA-SUSITNA BOROUGH

THE APPLICATION HAS BEEN REVIEWED AND FOUND TO MEET SUBMITTAL STANDARDS AS NOTED ABOVE.

DATE: 1/30/11
PLATTING DIVISION REPRESENTATIVE: [Signature]

SCHEDULED FOR PLATTING BOARD/APPROPRIATED PLAT MEETING OF: 1/19/2012

Richard & Shiela Fern
P.O. Box 1255
Palmer, AK 99645
(907) 746-7392 or (907) 301-5102
akfern@gci.net

August 5, 2011

Dear Lazy Acres Subdivision and Lazy Acres Subdivision Addition #1 property owner,

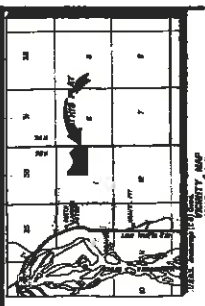
We purchased Lot 18, Block 1, Lazy Acres subdivision (aka 17800 E. Rambling Rd. – Palmer, AK) several years ago in a tax foreclosure sale. The property had been owned by the Lazy Acres Homeowners Association and the taxes had been unpaid for a number of years.

We have been trying to get plat note #11 on plat 75-36 and plat note #9 on plat 75-37 amended or removed so a home could be built on the lot. That note states "Lot 18, Block 1, shall be dedicated for the private use of all individual lot owners within this subdivision and Lazy Acres subdivision Add. No. 1." We have been trying to do this since 2005 and have recently received in writing from the Matanuska-Susitna Borough what they require to submit the application. They are requiring a petition signed by the majority of the property owners within the two plats.

We respectfully request your signature on our petition so we can move forward with the long process of getting the plat notes amended or removed from the plats so we can build a home on the property. Without the removal of the notes the Borough will not issue any required development permits and banks will not provide any type of financing.

If we missed you at home while going around for signatures please call us at the phone numbers listed above and let us know when is the best time to speak with you and bring our petition by. We understand this is an inconvenience to you and apologize for having to just stop by or request you to contact us, but we have no other option.

Sincerely, Richard and Shiela Fern



CERTIFICATE OF COMPLETION AND ACCEPTANCE
I hereby certify that the records of the property shown and described herein are complete and correct as shown on the plat of the property, and that the same conform to the laws and regulations of the State of Florida, and that the same conform to the requirements of the laws of the State of Florida relating to the recording of maps.

ACCEPTANCE
I, the undersigned, being duly qualified and sworn, do hereby certify that the records of the property shown and described herein are complete and correct as shown on the plat of the property, and that the same conform to the laws and regulations of the State of Florida, and that the same conform to the requirements of the laws of the State of Florida relating to the recording of maps.

CERTIFICATE OF APPEAL BY THE COMMISSION
I hereby certify that the application for this subdivision has been approved by the Commission, and that the same conform to the laws and regulations of the State of Florida, and that the same conform to the requirements of the laws of the State of Florida relating to the recording of maps.

COMMISSIONER'S CERTIFICATE
I hereby certify that this is a valid and lawful subdivision, and that the same conform to the laws and regulations of the State of Florida, and that the same conform to the requirements of the laws of the State of Florida relating to the recording of maps.

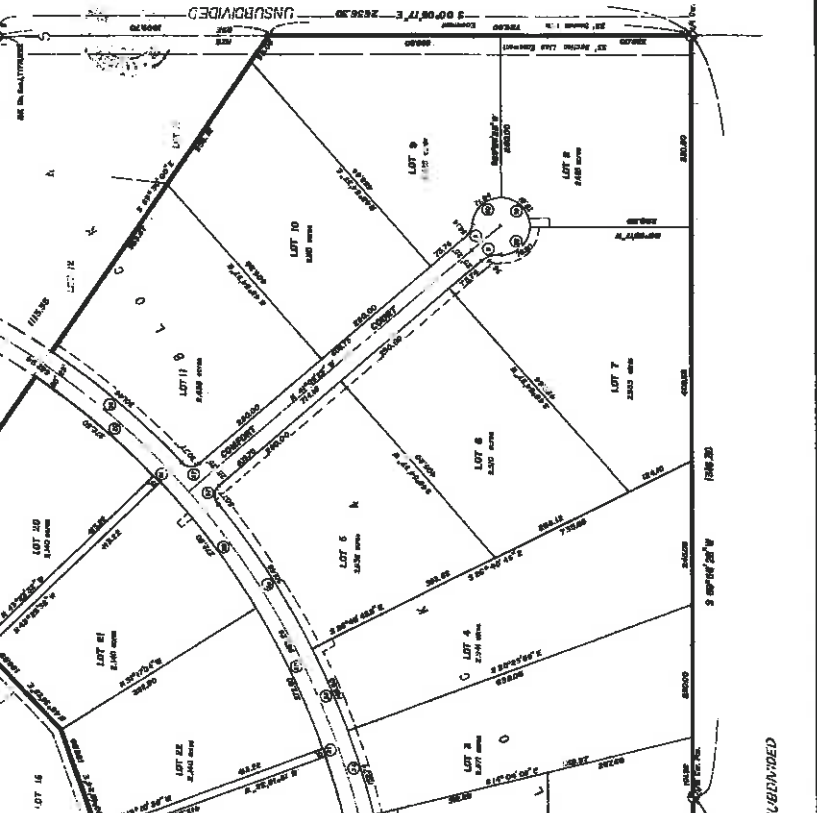
PLANNING BOARD'S CERTIFICATE
I hereby certify that this is a valid and lawful subdivision, and that the same conform to the laws and regulations of the State of Florida, and that the same conform to the requirements of the laws of the State of Florida relating to the recording of maps.

PLANNING BOARD'S CERTIFICATE
I hereby certify that this is a valid and lawful subdivision, and that the same conform to the laws and regulations of the State of Florida, and that the same conform to the requirements of the laws of the State of Florida relating to the recording of maps.

PLANNING BOARD'S CERTIFICATE
I hereby certify that this is a valid and lawful subdivision, and that the same conform to the laws and regulations of the State of Florida, and that the same conform to the requirements of the laws of the State of Florida relating to the recording of maps.

TABLE SHOWING PERCENTAGE OF GRASSLAND

LOT	PERCENTAGE
LOT 1	10.00
LOT 2	12.50
LOT 3	15.00
LOT 4	17.50
LOT 5	20.00
LOT 6	22.50
LOT 7	25.00
LOT 8	27.50
LOT 9	30.00
LOT 10	32.50
LOT 11	35.00
LOT 12	37.50
LOT 13	40.00
LOT 14	42.50
LOT 15	45.00
LOT 16	47.50
LOT 17	50.00
LOT 18	52.50
LOT 19	55.00
LOT 20	57.50
LOT 21	60.00
LOT 22	62.50
LOT 23	65.00
LOT 24	67.50
LOT 25	70.00
LOT 26	72.50
LOT 27	75.00
LOT 28	77.50
LOT 29	80.00
LOT 30	82.50
LOT 31	85.00
LOT 32	87.50
LOT 33	90.00
LOT 34	92.50
LOT 35	95.00
LOT 36	97.50
LOT 37	100.00



- LEGEND**
- ① Existing state easement (S&L)
 - ② 75' wide easement at 10' feet of all line
 - ③ 75' wide easement at 10' feet of all line
 - ④ 75' wide easement at 10' feet of all line
 - ⑤ 75' wide easement at 10' feet of all line
 - ⑥ 75' wide easement at 10' feet of all line
 - ⑦ 75' wide easement at 10' feet of all line
 - ⑧ 75' wide easement at 10' feet of all line
 - ⑨ 75' wide easement at 10' feet of all line
 - ⑩ 75' wide easement at 10' feet of all line
 - ⑪ 75' wide easement at 10' feet of all line
 - ⑫ 75' wide easement at 10' feet of all line
 - ⑬ 75' wide easement at 10' feet of all line
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 - ㊿ 75' wide easement at 10' feet of all line

TABLE

NO.	DELTA	RADIUS	PERCENT	TANGENT	CHORD
1	0.0000	1.0000	0.0000	0.0000	0.0000
2	0.0000	1.0000	0.0000	0.0000	0.0000
3	0.0000	1.0000	0.0000	0.0000	0.0000
4	0.0000	1.0000	0.0000	0.0000	0.0000
5	0.0000	1.0000	0.0000	0.0000	0.0000
6	0.0000	1.0000	0.0000	0.0000	0.0000
7	0.0000	1.0000	0.0000	0.0000	0.0000
8	0.0000	1.0000	0.0000	0.0000	0.0000
9	0.0000	1.0000	0.0000	0.0000	0.0000
10	0.0000	1.0000	0.0000	0.0000	0.0000
11	0.0000	1.0000	0.0000	0.0000	0.0000
12	0.0000	1.0000	0.0000	0.0000	0.0000
13	0.0000	1.0000	0.0000	0.0000	0.0000
14	0.0000	1.0000	0.0000	0.0000	0.0000
15	0.0000	1.0000	0.0000	0.0000	0.0000
16	0.0000	1.0000	0.0000	0.0000	0.0000
17	0.0000	1.0000	0.0000	0.0000	0.0000
18	0.0000	1.0000	0.0000	0.0000	0.0000
19	0.0000	1.0000	0.0000	0.0000	0.0000
20	0.0000	1.0000	0.0000	0.0000	0.0000
21	0.0000	1.0000	0.0000	0.0000	0.0000
22	0.0000	1.0000	0.0000	0.0000	0.0000
23	0.0000	1.0000	0.0000	0.0000	0.0000
24	0.0000	1.0000	0.0000	0.0000	0.0000
25	0.0000	1.0000	0.0000	0.0000	0.0000
26	0.0000	1.0000	0.0000	0.0000	0.0000
27	0.0000	1.0000	0.0000	0.0000	0.0000
28	0.0000	1.0000	0.0000	0.0000	0.0000
29	0.0000	1.0000	0.0000	0.0000	0.0000
30	0.0000	1.0000	0.0000	0.0000	0.0000
31	0.0000	1.0000	0.0000	0.0000	0.0000
32	0.0000	1.0000	0.0000	0.0000	0.0000
33	0.0000	1.0000	0.0000	0.0000	0.0000
34	0.0000	1.0000	0.0000	0.0000	0.0000
35	0.0000	1.0000	0.0000	0.0000	0.0000
36	0.0000	1.0000	0.0000	0.0000	0.0000
37	0.0000	1.0000	0.0000	0.0000	0.0000

NOTES

10. The area shown is for information only and is not a final subdivision.
11. All contained herein is subject to all laws and regulations.
12. The area shown is for information only and is not a final subdivision.
13. The area shown is for information only and is not a final subdivision.
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36. The area shown is for information only and is not a final subdivision.
37. The area shown is for information only and is not a final subdivision.

LAZY ACRES SUBDIVISION

L O C K

TABLE

LOT	AREA
LOT 1	0.0000
LOT 2	0.0000
LOT 3	0.0000
LOT 4	0.0000
LOT 5	0.0000
LOT 6	0.0000
LOT 7	0.0000
LOT 8	0.0000
LOT 9	0.0000
LOT 10	0.0000
LOT 11	0.0000
LOT 12	0.0000
LOT 13	0.0000
LOT 14	0.0000
LOT 15	0.0000
LOT 16	0.0000
LOT 17	0.0000
LOT 18	0.0000
LOT 19	0.0000
LOT 20	0.0000
LOT 21	0.0000
LOT 22	0.0000
LOT 23	0.0000
LOT 24	0.0000
LOT 25	0.0000
LOT 26	0.0000
LOT 27	0.0000
LOT 28	0.0000
LOT 29	0.0000
LOT 30	0.0000
LOT 31	0.0000
LOT 32	0.0000
LOT 33	0.0000
LOT 34	0.0000
LOT 35	0.0000
LOT 36	0.0000
LOT 37	0.0000

EXHIBIT C-1

UNSUBDIVIDED

LA SUBLIDED

Existing Brass cap monument (G.L.O.)

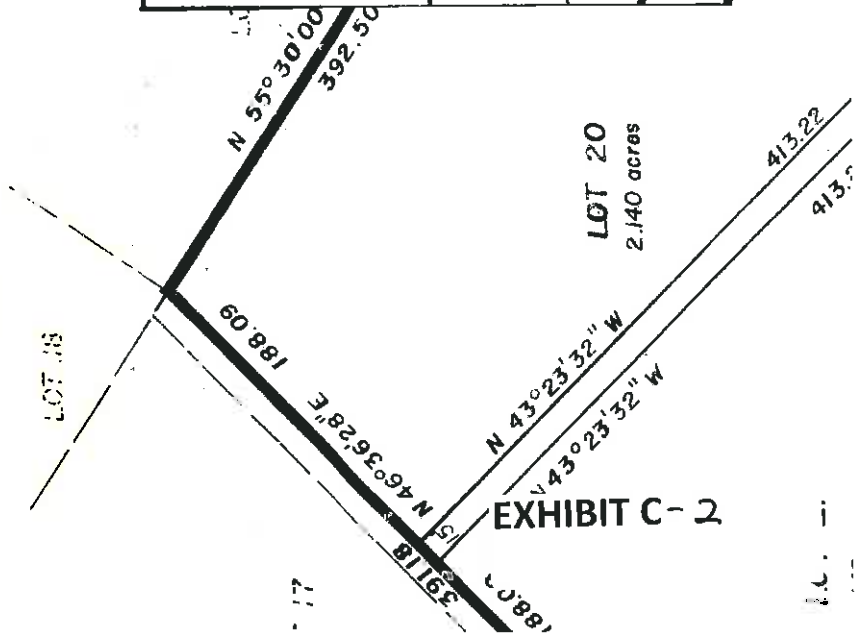
1/2" x 18" rebar set on all corners of all lots unless otherwise noted

Anchor Easements

NOTES

1. All lots within this subdivision have 100 percent useable areas unless otherwise noted.
2. Structural setbacks shall not be less than 25 feet front yard and 10 feet side yards.
3. School bus routes follow the existing Smith Road.
4. No trailer or quonset hut shall be placed on any lot within this subdivision with the following exceptions: a trailer for temporary use will be permitted on any lot for a period of time not to exceed 18 months for use during the construction of a permanent structure.
5. All pets and livestock brought into this subdivision shall be kept under control at all times by the owner's of such animals.
6. All anchor easements are 10' by 25' and utility easements are 15' wide unless otherwise noted.
7. No lots within this subdivision shall be subdivided into smaller lots.
8. All driveways or access roads shall have culverts installed if deemed necessary by owner.
9. Lot 18, Block 1, shall be dedicated for the private use of all individual lot owners within this subdivision and Lazy Acres Subdivision

Continued:



CONTAINS: 65.663 ACRES MORE OR LESS

LAZY ACRES SUBDIVISION ADDITION NO. 1

LOCATED IN NE 1/4 SEC. 1, T17N, R2E, SEWARD MERIDIAN, ALASKA

WARREN FISCUS LAND SURVEYING, INC.

SURVEYING	MAPPING	PLANNING
P. O. BOX 290	PALMER, ALASKA 99645	
DATE: May 9, 1975	SCALE: 1 INCH = 100 FEET	
DRWN BY: UNICORN DRAFTING SERVICE BOX 619 WASILLA, ALASKA, 99687	SHEET 1 OF 1	

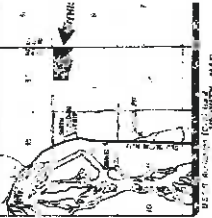
EXHIBIT C-2

1-11-17
 RECORDED - FILED 5
 Palmer REC. DIST.
 DATE 8-20 1975
 TIME 8:43 A.M.
 Requested by MATANUSKA SUBSTINA
 Address PALMER, ALASKA
 BOX B

NE Cor. Sec. 1, T17N, R2E

NA

100 / 35 / 1



CERTIFICATE OF COMPLETION
 I hereby certify that the subdivision shown on this plat has been approved by the Board of Supervisors and that all the requirements of the Subdivision Map Act have been met.

John J. [Signature]
 Director of Planning

[Signature]
 City Engineer

CERTIFICATION OF APPROVAL
 I hereby certify that the subdivision shown on this plat has been approved by the Board of Supervisors and that all the requirements of the Subdivision Map Act have been met.

[Signature]
 Board of Supervisors

CERTIFICATION OF APPROVAL
 I hereby certify that the subdivision shown on this plat has been approved by the Board of Supervisors and that all the requirements of the Subdivision Map Act have been met.

[Signature]
 Board of Supervisors

CERTIFICATION OF APPROVAL
 I hereby certify that the subdivision shown on this plat has been approved by the Board of Supervisors and that all the requirements of the Subdivision Map Act have been met.

[Signature]
 Board of Supervisors

CERTIFICATION OF APPROVAL
 I hereby certify that the subdivision shown on this plat has been approved by the Board of Supervisors and that all the requirements of the Subdivision Map Act have been met.

[Signature]
 Board of Supervisors

EXHIBIT C-3

DATE July 20, 1988

SCALE 1" = 100'

SECTION 27

TOWNSHIP 14 N

RANGE 12 W

COUNTY Butte

STATE Montana

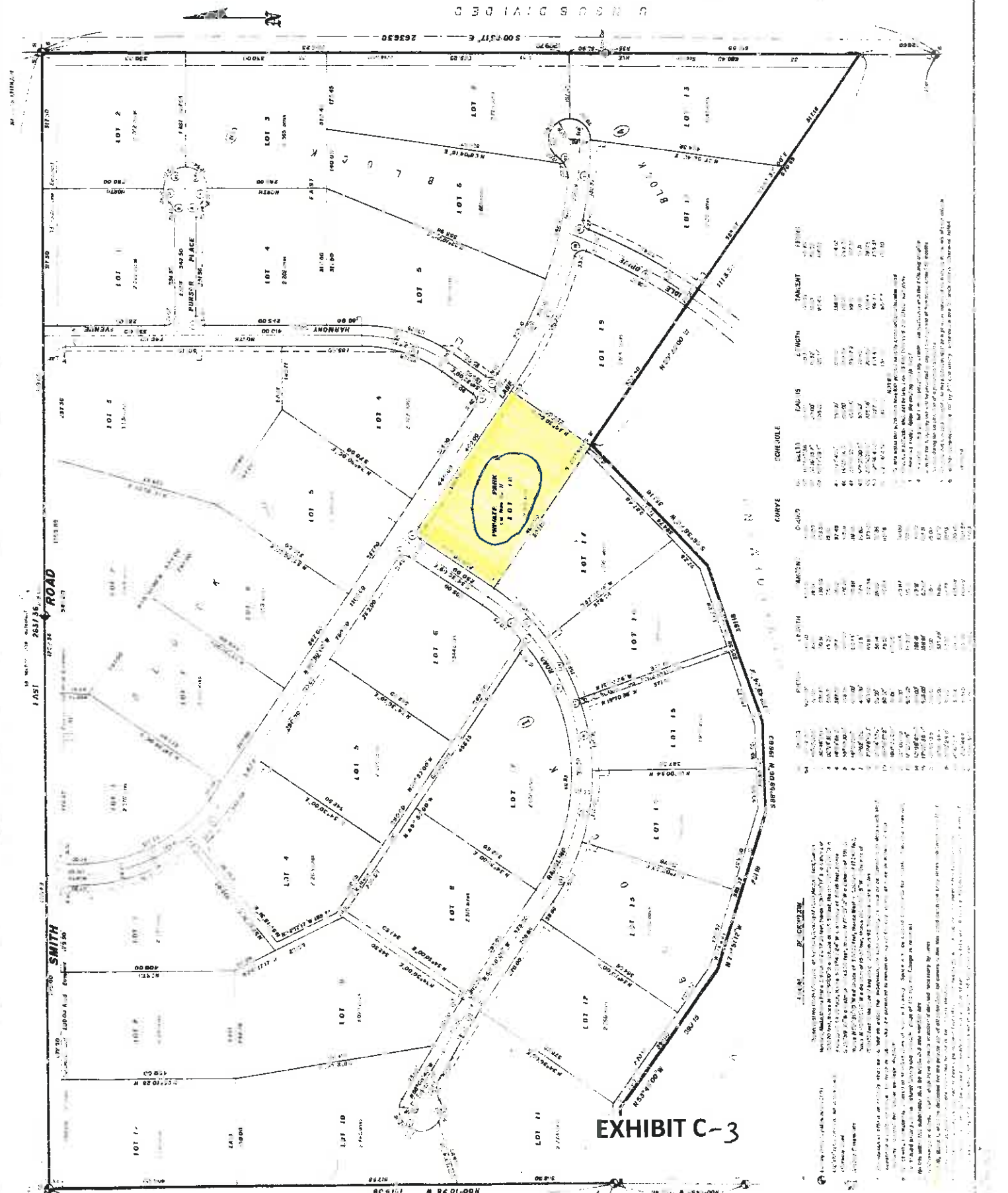


EXHIBIT C-3

LOT	ACRES	FRONT	REAR	SIDE	AREA
LOT 1	0.15	100.00	100.00	100.00	10,000
LOT 2	0.15	100.00	100.00	100.00	10,000
LOT 3	0.15	100.00	100.00	100.00	10,000
LOT 4	0.15	100.00	100.00	100.00	10,000
LOT 5	0.15	100.00	100.00	100.00	10,000
LOT 6	0.15	100.00	100.00	100.00	10,000
LOT 7	0.15	100.00	100.00	100.00	10,000
LOT 8	0.15	100.00	100.00	100.00	10,000
LOT 9	0.15	100.00	100.00	100.00	10,000
LOT 10	0.15	100.00	100.00	100.00	10,000
LOT 11	0.15	100.00	100.00	100.00	10,000
LOT 12	0.15	100.00	100.00	100.00	10,000
LOT 13	0.15	100.00	100.00	100.00	10,000
LOT 14	0.15	100.00	100.00	100.00	10,000
LOT 15	0.15	100.00	100.00	100.00	10,000
LOT 16	0.15	100.00	100.00	100.00	10,000
LOT 17	0.15	100.00	100.00	100.00	10,000
LOT 18	0.15	100.00	100.00	100.00	10,000
LOT 19	0.15	100.00	100.00	100.00	10,000

CONTAINS: 93.951 ACRES MORE OR LESS

N 53° 48' 00" W

LOT 14
1.991 acres

LAZY ACRES SUBDIVISION
LOCATED IN

NE 1/4 SEC. 1, T 17, R 2E, SEWARD MERIDIAN, ALASKA

WARREN FISCUS LAND SURVEYING, INC.

SURVEYING MAPPING PLANNING
P.O. BOX 290 PALMER, ALASKA 99645
DATE: MAY 9, 1975 SCALE: 1 INCH = 100 FEET
DRWN BY: UNICORN DRAFTING SERVICE
BOX 619 WASILLA, ALASKA, 99687 SHEET 1 OF 1

95.95 191.90 and 95.9.

S 88° 59' 06" N 196.69

NO.	DELTA
54	14° 22' 27"
1	90° 00' 00.0"
2	36° 46' 29.0"
3	02° 13' 35.0"
4	14° 29' 56.0"
5	55° 30' 00.0"
6	14° 19' 18.6"
7	01° 52' 32.0"
8	73° 04'
9	41° 24' 35.0"
10	85° 56' 37.2"
11	180° 00' 00"
12	60° 00' 00"
13	17° 21' 12.0"
14	18° 09' 42.0"
15	17° 20' 35.2"
16	01° 38' 13.5"
17	18° 48' 48.8"
18	97° 18' 29.0"
19	1° 30' 19.7"
41	12° 08' 44.4"
53	20° 36' 34.3"

LEGAL DESCRIPTION

Beginning at the North 1/4 Corner of Section 1, Township 17 North, Range 2 East, Seward Meridian, Alaska; thence East a distance of 2637.36 feet; thence S 00° 05' 17" E a distance of 1909.70 feet; thence N 55° 30' 00" W a distance of 1113.35 feet; thence S 46° 36' 28" W a distance of 391.18 feet; thence S 70° 49' 24" W a distance of 391.18 feet; thence S 88° 59' 06" W a distance of 196.69 feet; thence N 72° 51' 12" W a distance of 391.18; thence N 55° 30' 00" W a distance of 390.15 feet; thence West a distance of 179.67 feet; thence N 00° 04' 52" W a distance of 15.00 feet; thence N 00° 10' 28" W a distance of 1319.08 feet to the point of beginning. Containing 93.951 acres more or less.

LEGEND

EXHIBIT C

- 1. [Symbol] Mass Cap Monument (GLO)
- 2. [Symbol] Iron bar set on all lot corners unless noted.
- 3. [Symbol] [Symbol] Measurements

- 7. Thus or offensive activity shall be carried on within the subdivision, nor shall anything be done or permitted to be done which shall constitute a public nuisance. No trash or debris shall be permitted to remain on any lot for any period of time in excess of that normally required for regular garbage disposal.
- 8. No lot will be completely cleared of standing trees of size and quantity. Space may be cleared to provide for construction, and trees may be thinned so long as the natural beauty and aesthetic value of the natural foliage is retained.
- 9. No lots within this subdivision shall be subdivided into smaller lots.
- 10. All driveways or access roads shall have culverts installed if deemed necessary by owner.

- 11. Lot 18, Block 1, shall be dedicated for the private use of all individual lot owners within this subdivision and Lazy Acres subdivision Add. No 1
- 12. All lots are residential and are restricted to one or two-family dwellings.
- 13. All residential housing is required to have a permanent foundation. All dwellings will be required to meet FHA building codes.
- 14. No inoperative vehicle shall be parked or maintained on any lot or street in the subdivision. A vehicle temporarily parked for repair of not to exceed thirty (30) days shall not be considered in violation of this provision.

C 1/4 Cor. Pos.
Sec. 1

387.30

LOT

1.915

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF ENVIRONMENTAL CONSERVATION

SOUTHCENTRAL REGIONAL OFFICE

338 DENALI STREET
MACKAY BUILDING-ROOM 850
ANCHORAGE 99501

MATANUSKA-SUSITNA BOROUG
Date Rcv'd: 6-7-75 Initial: JVO
Noted By: PJB Log No:

June 3, 1975

Mr. Warren Fiscus
Warren Fiscus Land Surveying, INC.
Box 290
Palmer, AK 99645

Subject: Lazy Acres Subdivision

Dear Mr. Fiscus:

We have reviewed the soil test report prepared by Leo M. Thompsen P.E. on the subject subdivision and this subdivision is approved for the features with which this Department is concerned.

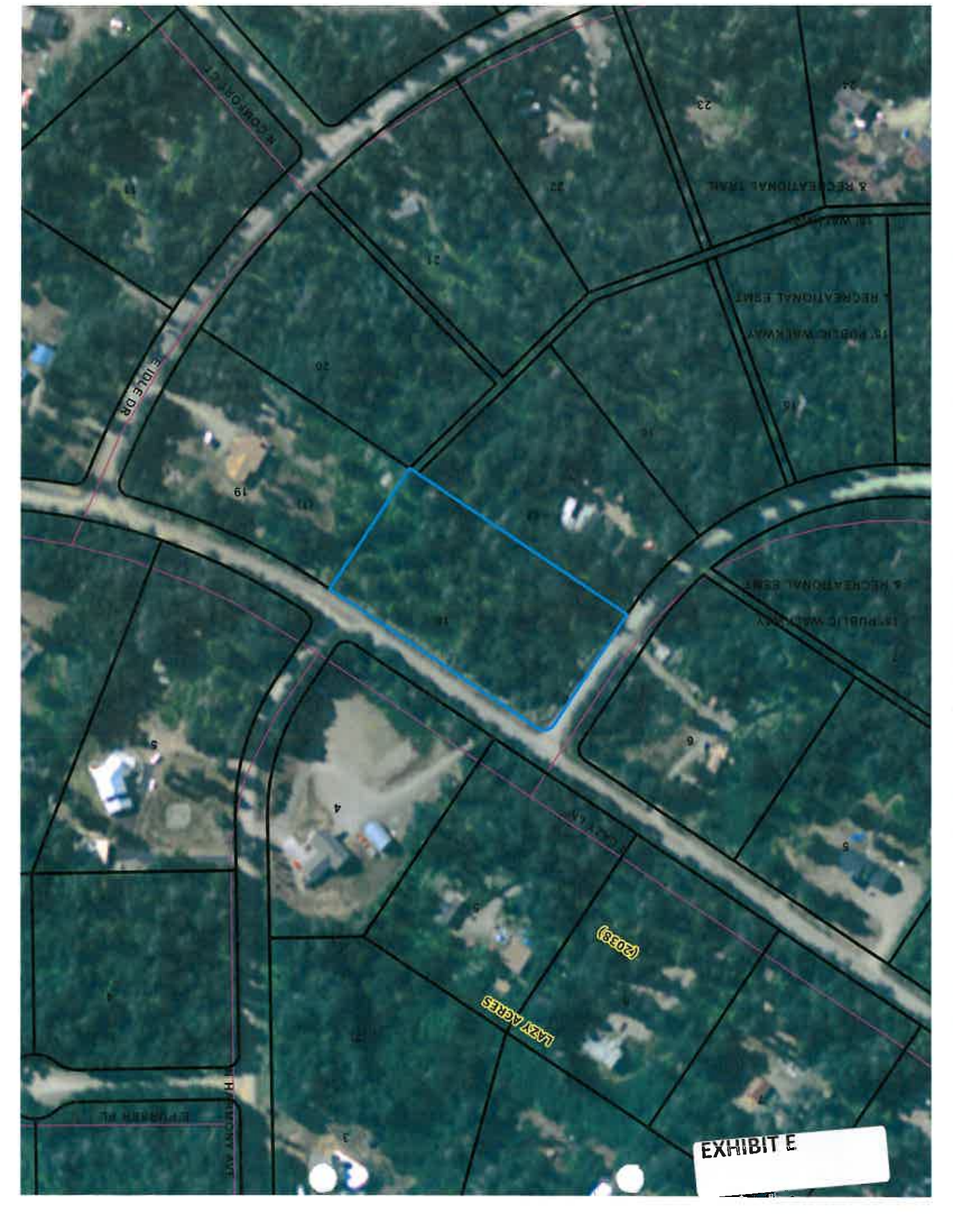
Very truly yours,

Gary F. Garthwait
Sanitary Engineer

cc: Leo M. Thompsen
Ray Baker

*Copy
Lazy Acres
Lazy Acres #1*

EXHIBIT D



E IDLE DR

3 RECREATIONAL TRAIL

1 RECREATIONAL TRAIL

12 PUBLIC WALKWAY

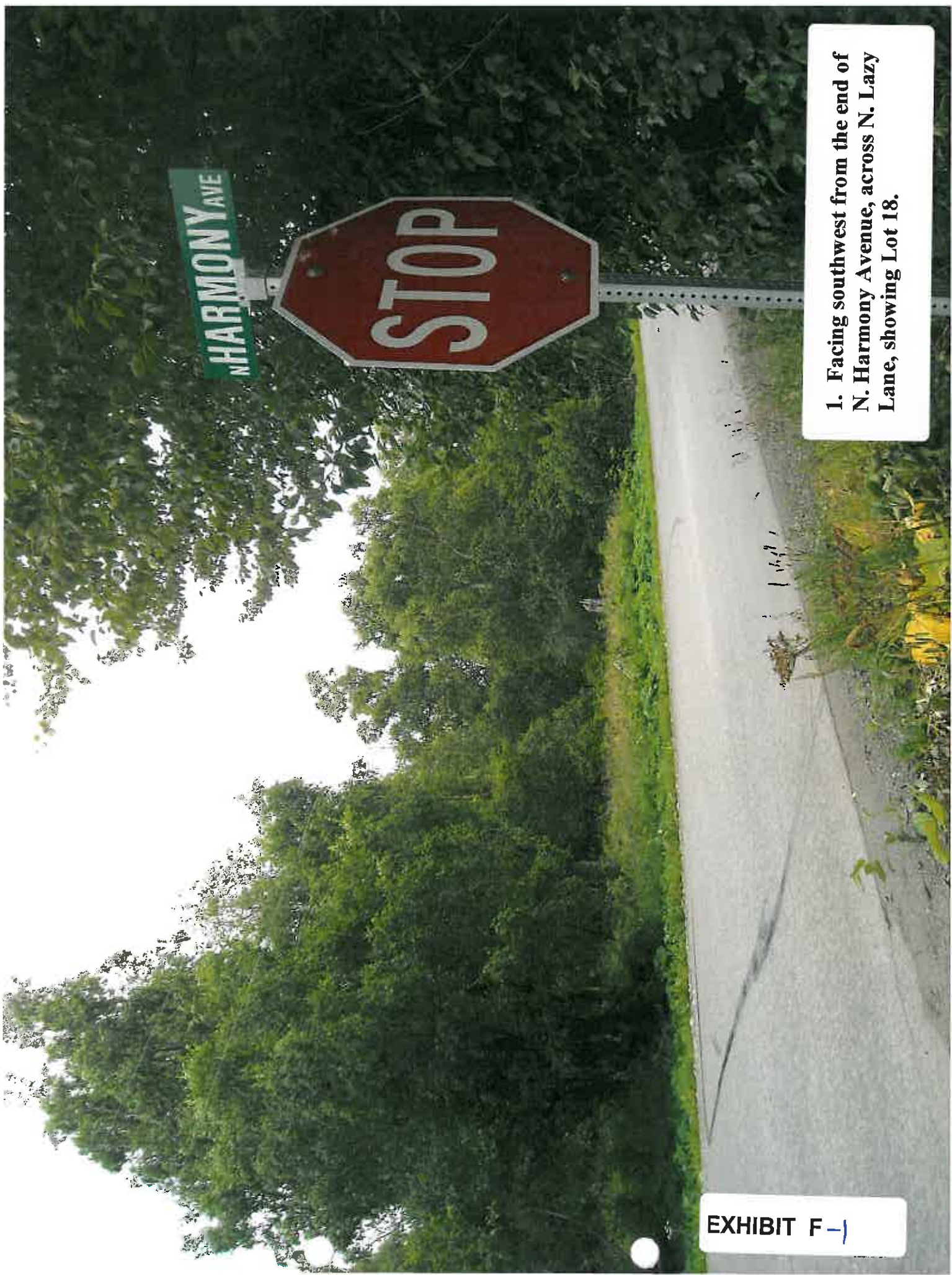
2 RECREATIONAL TRAIL

12 PUBLIC WALKWAY

(2038)

LAZY AGRES

EXHIBIT E



1. Facing southwest from the end of N. Harmony Avenue, across N. Lazy Lane, showing Lot 18.

EXHIBIT F-1



2. Facing southwest from the end of N. Harmony Avenue, across N. Lazy Lane, showing Lot 18.

EXHIBIT F-2



3. Facing southwest from the end of N. Harmony Avenue, across N. Lazy Lane, showing Lot 18.

EXHIBIT F-3



4. Facing west down N. Lazy Lane, showing Lot 18 on the left.

EXHIBIT F-4



Matanuska-Susitna Borough
Public Works Department
 350 East Dahlia Avenue • Palmer, AK 99645
 Phone (907) 745-9869 • Fax (907) 745-9635

RECEIVED
 DEC 16 2011
 PLATTING DIVISION
 RP

MEMORANDUM

DATE: December 16, 2011
TO: Paul Hulbert, Platting Officer
FROM: C. Peter Curtis, Civil Engineer *CP*
SUBJECT: Preliminary Plat Comments for Lazy Acres #1, Plat Note Removal
COMMENTS DUE: January 6, 2012
PETITIONER: Richard and Sheila Fern

Tax Map # **Tax ID #** **Road Service Area:** **Legal Description:**
 PA 11 2038B01L018 26- Greater Butte Lot 18, Block 1, Lazy Acres Subdivision

Public Works (DPW) has reviewed the application for compliance with specific sections within Chapter 27.20 *Subdivision Development Standards* only. DPW has the following suggestions in preparing this subdivision:

Code	DPW Response
29.45.450	<p>DPW recommended the petitioner solicit and obtain approval from a majority of the "individual lots owner's within Lazy Acres subdivision Addition No1" supporting their petition to removed the plat note #11 and the conditions associated with this plat note.</p> <p>This information was submitted for DPW review. DPW has no further comments.</p>

Sufficient information has been provided and DPW is satisfied with the submittal. DPW supports approval. DPW's support is contingent upon the petitioner's receipt of all required development approvals prior to proceeding with any construction.

The petitioner must obtain all necessary authorizations before proceeding.

cc: Subdivision File

EXHIBIT G-1

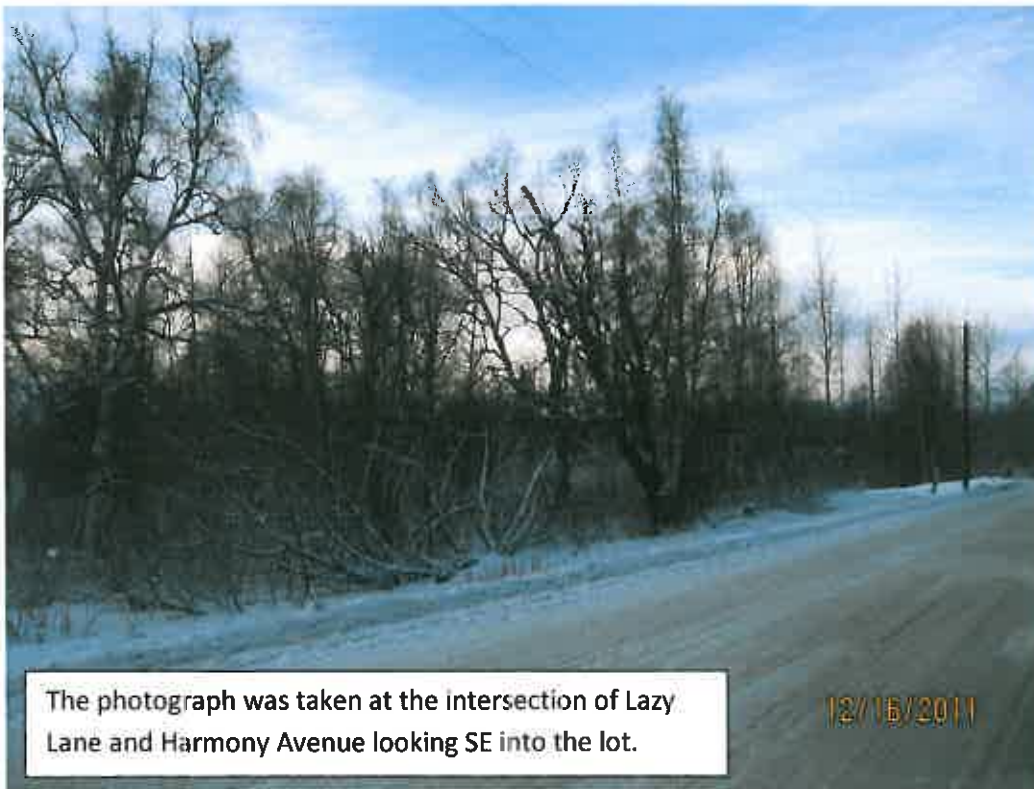


EXHIBIT G -2



The photograph was taken at the intersection of Lazy Lane and Rambling Road looking NW. The subject property is to the left of this photograph.

12/15/2011



The photograph was taken at the intersection of Lazy Lane and Harmony Avenue looking SE into the lot.

12/15/2011

EXHIBIT G-3



EXHIBIT G-4



MATANUSKA-SUSITNA BOROUGH

• PLATTING DIVISION •

350 EAST DAHLIA AVENUE, PALMER, ALASKA 99645-6488
PHONE 745-9874 • FAX 746-7407

Matanuska-Susitna Borough
Code Compliance

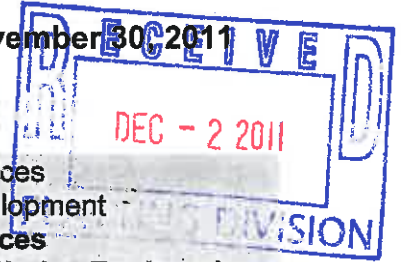
NOV 30 2011

Received

Comments Due: January 6, 2012

November 30 2011

Plat Note Removal Distribution List



AK Dept. of Transportation – Anchorage
 AK Dept. of Transportation – Palmer
 AK Dept. of Transportation – Aviation
 AK DNR, Division of Mining/Land/Water
 AK DNR, Public Access Defense
 AK DF&G, Habitat Mgmt. & Permitting
AK DF&G, Division of Sport Fish
 AK Railroad, Engineering Department
 Corp of Engineers
 City of:
Community Council: Butte
Fire Service Area: #2 Butte
Road Service Area: #26 Greater Butte
MSB – Borough Attorney

MSB – Emergency Services
 MSB – Community Development
MSB – Cultural Resources
MSB – Dept of Public Works, Engineering
 MSB – Dept of Public Works, O&M
MSB – Assessments
MSB – Code Compliance
 MSB – Planning Division
 MSB – Pre-Design Division
 MSB – Permit Center
 M.E.A.
 M.T.A.
 ENSTAR
 GCI
 MSB – Borough Clerk

R

TAX MAP: PA 11 ASSEMBLY DISTRICT: 1 Pre-App: 8/5/2011
TITLE: LAZY ACRES & LAZY ACRES ADD 1 PLAT NOTE REMOVAL
LEGAL: SECTION 1, T17N, R2E, SEWARD MERIDIAN, ALASKA
PETITIONER: RICHARD & SHIELA FERN
ADDRESS: 1166 S. KATIE CIR, PALMER AK 99645

Attached is a copy of a petition which has been received by the Matanuska-Susitna Borough Platting Division for the proposed PLAT NOTE REMOVAL.

The request is to remove plat note #11 and remove the Private Park note on Lot 18, Block 1, Lazy Acres Subdivision (Plat #75-36) and also remove plat note #9 on Lazy Acres Subdivision Addition 1 (Plat 75-37). The plat notes state that Lot 18, Block 1 Lazy Acres is dedicated for the private use of all individual lot owners within the two subdivisions listed above. The current owners bought the lot at a foreclosure sale and they want to use it as a home site. Alaska Statute 29.40.120 requires that the owners of a majority of the land affected can petition the platting authority to alter a recorded plat. There are 60 lots in the 2 subdivisions and the petitioners gathered 38 signatures from the lot owners.

Please submit your comments in writing, specifying any requirements that your department or agency may need or any data which you feel should be incorporated in our report to help us more effectively enforce our subdivision regulations. All comments, existing files and correspondence that you may have relating to this case must be submitted to the Platting Division by **January 6, 2012** so that we may incorporate this information into our recommendations to the Platting Board, for the public hearing to be held on **January 19, 2012**.

Thank you,

Peggy H. Fowler
Platting Technician
peggy.fowler@matsugov.us

Case #: 2011-108 Tax ID: 2038B01L018

No Comments.

Mark Whisenhunt
CCO, MSB

EXHIBIT H

PR3R2011-0261



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Cultural Resources Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 745-9859 • Fax (907) 745-9876

MEMORANDUM

DATE: 12-8-11
TO: Peggy Fowler
FROM: Daniel Stone, KABATA Archaeological Coordinator

SUBJECT: Plat Note Removal, Fern
TITLE: Lazy Acres Add #1
LEGAL: S1, T17N, R2E
TAX MAP: PA11
CASE NUMBER:

RECEIVED
DEC 16 2011
PLATTING DIVISION

SPECIAL NOTE: UNKNOWN TRACT – GENERAL CAUTION

To Whom It May Concern:

Cultural Resources Division staff has reviewed the above subdivision activity and finds there are no *recorded* sites on said property. This conclusion was derived through research of the documented sites on file in the Cultural Resources Division of the Matanuska-Susitna Borough and sites documented in Alaska Heritage Resource files at the State Office of History and Archaeology.

Therefore, we have no specific comment to the proposed action, apparently supported by a majority of the surrounding landowners. However, since our records are not complete and this property is in proximity to recorded sites, we recommend caution during construction or related activities in the event cultural remains may come to light or be recovered. If cultural resources are found as a result of the above mentioned activity we would appreciate the chance to document them to augment our knowledge of local history. Cultural remains may include features such as cache pits, house pits, garbage pits, depressions and /or other non removable indications of human activity, as well as, artifacts, buildings, machinery, etc.

Note: recording of cultural resources or other remains does **not** change ownership status of materials found, they belong to the property owner, **nor** does it prohibit your activity request. If cultural remains are located please contact this office at (907) 745-9859 as soon as possible. This would enable us to photograph and record any cultural materials that may be observed. Thank you for your cooperation. We appreciate you helping us learn more about our past.

In the event that human remains are encountered, all construction activity must cease instantly. The Alaska State Troopers must be notified immediately.

NOTE §A.S.11.46.482 (a) of the Alaska Statutes states that

EXHIBIT 1-1

- (a) A person commits the crime of criminal mischief in the third degree if, having not right to do so or any reasonable ground to believe the person has such a right,
.....
- (3) If a person knowingly
- (A) defaces, damages or desecrates a cemetery or the contents of a cemetery or a tomb, grave, or memorial regardless of whether the tomb, grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected;
 - (B) removes human remains or associated burial artifacts from a cemetery, tomb grave, or memorial regardless of whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost or neglected.

EXHIBIT 1-2



MATANUSKA-SUSITNA BOROUGH

• PLATTING DIVISION •

350 EAST DAHLIA AVENUE, PALMER, ALASKA 99645-6488

PHONE 745-9874 • FAX 746-7407

RECEIVED
DEC 12 2011

Comments Due: January 6, 2012

November 30, 2011

PLATTING DIVISION

Plat Note Removal Distribution List

AK Dept. of Transportation – Anchorage
 AK Dept. of Transportation – Palmer
 AK Dept. of Transportation – Aviation
 AK DNR, Division of Mining/Land/Water
 AK DNR, Public Access Defense
 AK DF&G, Habitat Mgmt. & Permitting
AK DF&G, Division of Sport Fish
 AK Railroad, Engineering Department
 Corp of Engineers
 City of:
Community Council: Butte
Fire Service Area: #2 Butte
Road Service Area: #26 Greater Butte
MSB – Borough Attorney

MSB – Emergency Services
 MSB – Community Development
MSB – Cultural Resources
MSB – Dept of Public Works, Engineering
 MSB – Dept of Public Works, O&M
MSB – Assessments
MSB – Code Compliance
MSB – Planning Division
 MSB – Pre-Design Division
MSB – Permit Center
 M.E.A.
 M.T.A.
 ENSTAR
 GCI
 MSB – Borough Clerk

TAX MAP: PA 11 ASSEMBLY DISTRICT: 1 Pre-App: 8/5/2011
TITLE: LAZY ACRES & LAZY ACRES ADD 1 PLAT NOTE REMOVAL
LEGAL: SECTION 1, T17N, R2E, SEWARD MERIDIAN, ALASKA
PETITIONER: RICHARD & SHIELA FERN
ADDRESS: 1166 S. KATIE CIR, PALMER AK 99645

Attached is a copy of a petition which has been received by the Matanuska-Susitna Borough Platting Division for the proposed PLAT NOTE REMOVAL.

The request is to remove plat note #11 and remove the Private Park note on Lot 18, Block 1, Lazy Acres Subdivision (Plat #75-36) and also remove plat note #9 on Lazy Acres Subdivision Addition 1 (Plat 75-37). The plat notes state that Lot 18, Block 1 Lazy Acres is dedicated for the private use of all individual lot owners within the two subdivisions listed above. The current owners bought the lot at a foreclosure sale and they want to use it as a home site. Alaska Statute 29.40.120 requires that the owners of a majority of the land affected can petition the platting authority to alter a recorded plat. There are 60 lots in the 2 subdivisions and the petitioners gathered 38 signatures from the lot owners.

Please submit your comments in writing, specifying any requirements that your department or agency may need or any data which you feel should be incorporated in our report to help us more effectively enforce our subdivision regulations. All comments, existing files and correspondence that you may have relating to this case must be submitted to the Platting Division by **January 6, 2012** so that we may incorporate this information into our recommendations to the Platting Board, for the public hearing to be held on **January 19, 2012**.

Thank you,

Peggy H. Fowler
Platting Technician

peggy.fowler@matsugov.us

Case #: 2011-108 Tax ID: 2038B01L018

No Comment
A.D.

EXHIBIT J

JP

Peggy Fowler

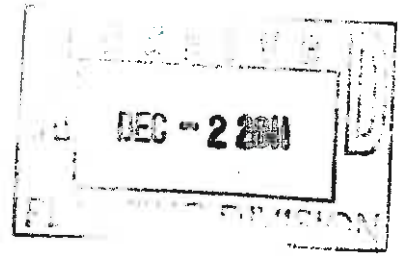
From: Giefer, Joe (DFG) [joe.giefer@alaska.gov]
Sent: Friday, January 06, 2012 11:11 AM
To: Peggy Fowler
Cc: Fink, Mark J (DFG); Bethe, Michael L (DFG); Price, Richard A (DFG)
Subject: MSB #2011-108 : Plat Note Removal - Lazy Acres

Peggy,

The Alaska Department of Fish & Game (ADF&G) has reviewed the proposed Plat Note Removal which requests to remove plat note #11 and the Private Park note #9 on the Lazy Acres Subdivision Addition 1 plat (#75-36), located in Sec. 1, T. 17 N., R. 2 E., S.M., Alaska. There do not appear to be any actions that would block or remove public access to public lands or waters. ADF&G has no objection to the Plat change as proposed. Thank you for the opportunity to review and comment on this proposal. If you have questions or would like to discuss this further, please feel free to call or email me.

Joe Giefer
Habitat Biologist
Alaska Dept. of Fish & Game
Division of Sport Fish
HQ - Statewide Access Defense
333 Raspberry Road, Anchorage AK 99518
907-267-2336

EXHIBIT K



TP

December 2, 2011

Mr. Paul Hulbert
Platting Officer
Matanuska Susitna Borough
350 E. Dahlia Avenue
Palmer, AK 99645

Dear Mr. Hulbert:

Matanuska Telephone Association Inc. has reviewed the proposed platting actions and offers the following comments;

Lazy Acres & Lazy Acres Add 1, Plat Note Removal No objections

Parks Manor RSB B1 L15-18 No objections

Thank you for the opportunity to review and comment.

Sincerely,

Bonnie Bailey
Bonnie Bailey
Real Estate & Properties Supervisor

Matanuska Telephone Association Inc.
PO Box 3350
Palmer Alaska 99645-3350

800.746.9510
907.761.2510
907.761.2040 (fax)

www.mtasolutions.com

Local
Long Distance
Wireless
Business Solutions
Internet
Directory
DTV

EXHIBIT L



ENSTAR Natural Gas Company
A DIVISION OF SEMCO ENERGY
Engineering Department
Right of Way Section
401 E. International Airport Road
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 334-7753
FAX (907) 334-7798

RECEIVED
DEC 12 2011
PLATTING DIVISION

DP

December 5, 2011

Amy Otto, Platting Technician
Matanuska-Susitna Borough, Platting Division
350 East Dahlia Avenue
Palmer, Alaska 99645-6488

Re: Plat Review

Dear Ms. Otto:

ENSTAR Natural Gas Company has reviewed the following preliminary cases and has no comments, recommendations or objections:

- 2011-107, Parks Manor RSB B1 L15-18
- 2011-108, Lazy Acres & Lazy Acres Add 1 Plat Note Removal

Sincerely,

Andrew Fraiser
Right-of-Way Agent
ENSTAR Natural Gas Company

cc: File

EXHIBIT M



MATANUSKA-SUSITNA BOROUGH
PLATTING DIVISION
 350 EAST DAHLIA AVENUE
 PALMER, ALASKA 99645-6488
 PHONE 745-9874 FAX 746-7407

GREATER BUTTE RSA #26
 ARTHUR QUAAS
 21550 E. ARNOLD CIRCLE
 PALMER AK 99645



JAN 05 2012

PERMIT CENTER



NOTIFICATION OF PUBLIC HEARING

The Matanuska-Susitna Borough **Platting Board** will consider the following:

PETITIONER: RICHARD & SHIELA FERN (owners/petitioners)

REQUEST: The request is to remove plat note #11 and remove the Private Park note on Lot 18, Block 1, **LAZY ACRES SUBDIVISION** (Plat #75-36) and also remove plat note #9 on Lazy Acres Subdivision Addition 1 (Plat 75-37). The plat notes state that Lot 18, Block 1 Lazy Acres is dedicated for the private use of all individual lot owners within the two subdivisions listed above. The current owners bought the lot at a foreclosure sale and they want to use it as a home site. Alaska Statue 29.40.120 requires that the owners of a majority of the land affected can petition the platting authority to alter a recorded plat. There are 60 lots in the 2 subdivisions and the petitioners gathered 38 signatures from the lot owners.

LOCATION: Located within NE 1/2 Sec 01, T17N, R01E, S.M. AK., lying south of E. Smith Road.

Community Council Area: N/a

Assembly District: #1 Warren Keogh

Area: N/A

The Matanuska-Susitna Borough **Platting Board** will hold a public hearing in the Assembly Chambers, Palmer, Alaska on the **Plat Note Removal** on January 19, 2012. The meeting begins at 8:30 a.m. We are sending you this notice as required by State Law and Borough Ordinances because your property is within the subdivision or within 1200' of the petition area. This may be the only public hearing of this item before the **PLATTING BOARD** and you are invited to attend.

If you would like to send comments regarding the proposed action, this form may be used for your convenience by filling in the information above and mailing this notice to the Matanuska-Susitna Borough, Platting Division, 350 E. Dahlia, Palmer, Alaska 99645 or Fax (907) 746-7407. Comments received prior to January 9, 2012 will be included in the Platting Board packet for the Platting Board's review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Platting Board, but will be provided as "Hand-Outs" to the Platting Board. If there is not enough room above, please attach this sheet to another piece of paper. To request additional information please contact the Platting Technician, Peggy Fowler at (907) 745-9881 or the Platting Secretary at (907) 745-9573. **In order to be eligible to file an appeal from a decision of the Platting Board, a person must be designated an interested party. See MSB 15.39.010 for definition of "interested Party". The procedures governing appeals to the Board of Adjustment & Appeals are contained in MSB 15.39.010-250, which is available on the Borough internet home page, (<http://ww1.matsugov.us>), in the Borough Clerk's office, or at various libraries within the borough**

Please do not send comments or questions directly to the Platting Board members. Board members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

Name: _____ Address: _____

Location/Legal Description of your property: _____

Comments: The Greater Butte Road Service Area #26 has
No objections to this platting action.
a m JAMES SUPERVISOR

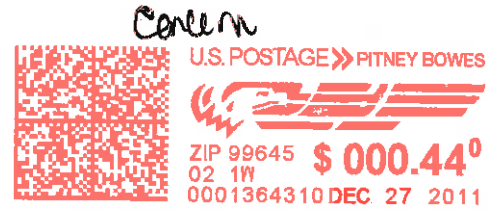
Note: Vicinity Map Located on Reverse Side



MATANUSKA-SUSITNA BOROUGH
 PLATTING DIVISION
 350 EAST DAHLIA AVENUE
 PALMER, ALASKA 99645-6488
 PHONE 745-9874 FAX 746-7407

52038B04L012
 STRAHAN JACKSON RAY & P A
 17920 E IDLE DR
 PALMER, AK 99645

54



FIRST CLASS
RECEIVED
 JAN 05 2012

NOTIFICATION OF PUBLIC HEARING

The Matanuska-Susitna Borough **Platting Board** will consider the following:

PETITIONER: RICHARD & SHIELA FERN (owners/petitioners)

PLATTING DIVISION

REQUEST: The request is to remove plat note #11 and remove the Private Park note on Lot 18, Block 1, **LAZY ACRES SUBDIVISION** (Plat #75-36) and also remove plat note #9 on Lazy Acres Subdivision Addition 1 (Plat 75-37). The plat notes state that Lot 18, Block 1 Lazy Acres is dedicated for the private use of all individual lot owners within the two subdivisions listed above. The current owners bought the lot at a foreclosure sale and they want to use it as a home site. Alaska Statue 29.40.120 requires that the owners of a majority of the land affected can petition the platting authority to alter a recorded plat. There are 60 lots in the 2 subdivisions and the petitioners gathered 38 signatures from the lot owners.

LOCATION: Located within NE 1/2 Sec 01, T17N, R01E, S.M. AK., lying south of E. Smith Road.

Community Council Area: N/a

Assembly District: #1 Warren Keogh

Area: N/A

The Matanuska-Susitna Borough **Platting Board** will hold a public hearing in the Assembly Chambers, Palmer, Alaska on the **Plat Note Removal** on **January 19, 2012**. The meeting begins at 8:30 a.m. We are sending you this notice as required by State Law and Borough Ordinances because your property is within the subdivision or within 1200' of the petition area. This may be the only public hearing of this item before the **PLATTING BOARD** and you are invited to attend.

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Name: IAM STRAHAN Address: 17920 E IDLE DR, PALMER, AK

Location/Legal Description of your property: LOT 12, BLK 4, LAZY ACRES SUB

Comments: _____

Thank you for the opportunity to comment. Please see attached

Note: Vicinity Map Located on Reverse Side

Comments

Pat & Bill

From: "Jack" <akjack@live.com>
Date: Tuesday, January 03, 2012 5:21 PM
To: <weith@mtaonline.net>
Subject: This problem has been created totally by the borough and remains one of the greatest examples of GOVERNMENT AT IT'S WORSE.

This problem has been created totally by the borough and remains one of the greatest examples of GOVERNMENT AT IT'S WORSE.

This 2.10 acre lot was dedicated as a park for the subdivision owners and their families. For assessment purposes the tax value of this park was spread amongst the subdivision lots and ownership was vested in the Lazy Acres Homeowners Association, c/o Lazy Acres Land Co, General Delivery, Palmer, AK.

The problem began when the borough started allowing property owners to create local improvement districts (known as LID's) for gas, roads and other projects. The borough's policy was; ALL LOTS BENEFIT FROM LID'S regardless of size, shape, condition or title. Money for these projects were secured based upon property values of all lots within any proposed boundary. Because borough policy considered gas an improvement the tax exempt park was assessed as an individual lot. Bills were sent to the inactive homeowners association at the general delivery address, the LID became delinquent, and the borough foreclosed. Once in foreclosure the borough's policy was; unless needed for a public purpose the property must be sold in a tax sale.

Prior to the sale all potential buyers were informed that this property was a park, nevertheless bids were received. The successful bidders were told again prior to signing the Promissory Note, and lastly before signing the Tax Deed that they were purchasing a park. The excess proceeds of more than \$35,000 was kept by the borough because the homeowners association wasn't active and could not claim the money.

This park is one of a handful of plat dedications that reserved a beautiful usable lot as a park and not an unusable, inaccessible wetlands. Most of the lot owners have lived here for twenty plus years, but because the borough levied our tax exempt park with an LID and sold it at a tax sale, generations of families will lose their park. The mess the borough created has cost these petitioners and MSB staff endless hours of time and money for something that should have never happened in the first place. Way to go borough!!!!

In closing, this park serves as one of the accesses to a 15 foot public walkway and pedestrian easement that passes through the subdivision. Removing the plat note will eliminate one of those access points.

Maybe the borough needs to correct their screwup by reimbursing the buyers their money and leave the lot a park like the original subdivider intended.

Sent from my iPad=



MATANUSKA-SUSITNA BOROUGH
 PLATTING DIVISION
 350 EAST DAHLIA AVENUE
 PALMER, ALASKA 99645-6488
 PHONE 745-9874 FAX 746-7407



52038B01L019
 GUSZREGAN SYLVESTER E & A
 PO BOX 1412
 PALMER, AK 99645-1412

RECEIVED
 JAN 06 2012
 MATANUSKA SUSITNA BOROUGH
 PLATTING DIVISION



NOTIFICATION OF PUBLIC HEARING

The Matanuska-Susitna Borough **Platting Board** will consider the following:

PETITIONER: RICHARD & SHIELA FERN (owners/petitioners)

REQUEST: The request is to remove plat note #11 and remove the Private Park note on Lot 18, Block 1, **LAZY ACRES SUBDIVISION**. (Plat #75-36) and also remove plat note #9 on Lazy Acres Subdivision Addition 1 (Plat 75-37). The plat notes state that Lot 18, Block 1 Lazy Acres is dedicated for the private use of all individual lot owners within the two subdivisions listed above. The current owners bought the lot at a foreclosure sale and they want to use it as a home site. Alaska Statue 29.40.120 requires that the owners of a majority of the land affected can petition the platting authority to alter a recorded plat. There are 60 lots in the 2 subdivisions and the petitioners gathered 38 signatures from the lot owners.

LOCATION: Located within NE 1/2 Sec 01, T17N, R01E, S.M. AK., lying south of E. Smith Road.

Community Council Area: N/a

Assembly District: #1 Warren Keogh

Area: N/A

The Matanuska-Susitna Borough **Platting Board** will hold a public hearing in the Assembly Chambers, Palmer, Alaska on the **Plat Note Removal** on **January 19, 2012**. The meeting begins at 8:30 a.m. We are sending you this notice as required by State Law and Borough Ordinances because your property is within the subdivision or within 1200' of the petition area. This may be the only public hearing of this item before the **PLATTING BOARD** and you are invited to attend.

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Name: Sylvester Guszregan Address: 17905 E. Idle Dr.

Location/Legal Description of your property: Lot 19, Block 1 Lazy Acres Subdivision

Comments: I object to this changing of the Plat Note # 11.
See my letter

Note: Vicinity Map Located on Reverse Side

Matanuska-Susitna Borough

Jan. 5th 2012

Sylvester E. Guszregan

Platting Division

17905 E. Idle Dr.

Palmer, Alaska

RECEIVED

JAN 06 2012

MATANUSKA-SUSITNA BOROUGH
PLATTING DIVISION

This is to advise you that my wife & I have resided at Lot 9, Block 1 Lazy Acres Subdivision since Jan of 1995 when we purchased said property. We have raised our children here and have enjoyed the land and its assets of a park next to our property, which our children and their friends built a fort on the park property and enjoyed their youthful adventures. I must also state that it has long been a proposal amongst several of my neighbors to do some clearing and landscaping of the property. The Borough's false accusations to holding this park ransom for taxes due to our gas line LID was the biggest case of Borough mismanagement I have ever seen. The Borough would not listen to our statements that a designated park set aside for said use, could not be taxed, fell on deaf ears. This has become an issue of contention among myself, and neighbors that support the continuance of this designated park, which was sold by the Borough to Richard & Shiela Fern, who purchased the land as an investment for development. The Ferns verbally indicated when asked a direct question, whether they were going to live on the property, stated that they had bought the property as an investment only. So in other words, they have no intention of living on this property for the next coming years, but choose to develop it and probably sell it. So as my fellow neighbors have written their feelings and concerns regarding this issue, I believe that the Borough lost sight of the proper designation of this land in question. So in conclusion, the Borough should see its error and just reimburse the buyers their money and let our designated Park remain. I am sure these letters may find their way to some who still believe in Truth & Justice and happy children playing in a Park.

Most sincerely submitted;

Sylvester E. Guszregan



EXHIBIT O-4



MATANUSKA-SUSITNA BOROUGH
 PLATTING DIVISION
 350 EAST DAHLIA AVENUE
 PALMER, ALASKA 99645-6488
 PHONE 745-9874 FAX 746-7407

52038B04L013
 WEITH WM FRED & PATRICIA
 1425 N LAZY LN
 PALMER, AK 99645

57



Objection
 U.S. POSTAGE PITNEY BOWES
 ZIP 99645 \$ 000.44⁰
 02 1W
 0001364310 DEC 27 2011

FIRST CLASS

RECEIVED
 JAN 05 2012
 PLATTING DIVISION

NOTIFICATION OF PUBLIC HEARING

The Matanuska-Susitna Borough **Platting Board** will consider the following:

PETITIONER: RICHARD & SHIELA FERN (owners/petitioners)

REQUEST: The request is to remove plat note #11 and remove the Private Park note on Lot 18, Block 1, **LAZY ACRES SUBDIVISION** (Plat #75-36) and also remove plat note #9 on Lazy Acres Subdivision Addition 1 (Plat 75-37). The plat notes state that Lot 18, Block 1 Lazy Acres is dedicated for the private use of all individual lot owners within the two subdivisions listed above. The current owners bought the lot at a foreclosure sale and they want to use it as a home site. Alaska Statue 29.40.120 requires that the owners of a majority of the land affected can petition the platting authority to alter a recorded plat. There are 60 lots in the 2 subdivisions and the petitioners gathered 38 signatures from the lot owners.

LOCATION: Located within NE 1/2 Sec 01, T17N, R01E, S.M. AK., lying south of E. Smith Road.

Community Council Area: N/a

Assembly District: #1 Warren Keogh

Area: N/A

Peggy Fowler
 Mtsugov.us

The Matanuska-Susitna Borough **Platting Board** will hold a public hearing in the Assembly Chambers, Palmer, Alaska on the **Plat Note Removal** on **January 19, 2012**. The meeting begins at 8:30 a.m. We are sending you this notice as required by State Law and Borough Ordinances because your property is within the subdivision or within 1200' of the petition area. This may be the only public hearing of this item before the **PLATTING BOARD** and you are invited to attend.

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Name: WILLIAM FRED WEITH Address: 1425 N. LAZY LN. PALMER AK 99645

Location/Legal Description of your property: LOT 13, BLOCK 4 LAZY ACRES SUBDIVISION

Comments: I strongly object to any change to (PLAT # 75-36) & (PLAT # 75-37) and note #11 & note #9 should not be removed

signed Jan 5th 2012 William Fred Weith

Note: Vicinity Map Located on Reverse Side see attached
EXHIBIT O - 5 SEE ATTACHED

Matanuska-Susitna Borough
Platting Division
Palmer, Alaska

Jan. 5th 2012

William F. Weith
1425 N. Lazy Lane
Palmer, Alaska

This is to advise you that I have resided at Lot 13, Block 4 Lazy Acres Subdivision, since purchasing the land from the developers March 6th, 1976. One of the assets of my land is the dedicated park area set aside by the developers for the benefit of all the residents in the subdivision. I strongly object to any change in the status of (Plat 75-36) and (Plat 75-37). The notice that I received indicated that 38 people signed a petition . As a retired Alaska State Trooper, I seriously question how those signatures were obtained; we these people given all the facts? I just can't imagine anyone willingly and intentionally giving up a park that could be used by their children & grandchildren. The developers, who I knew personally , could have sold Lot 18, Block 1 for a sizeable profit. However, they were more concerned about providing a safe place for youth and family recreation. That was the intent and that should be honored. *It appears to me that the Borough really screwed up on this one. How can any governing body justify stealing a children's park. I'm sure that the "News Media" would have a "Hay Day" with that one. To save redundancy, I will defer to the attached response drafted by Pam Strahan, a retired Borough employee who was personally involved in this "WRONGFUL" sale. Mrs. Strahan and her husband Jack are my neighbor and have resided here as long as I have. I agree with their conclusion, that the Borough needs to reimburse the buyers their money, and fix the problem they created.*

Most Sincerely submitted;

William F. Weith



From: "Jack" <akjack@live.com>
Date: Tuesday, January 03, 2012 5:21 PM
To: <weith@mtaonline.net>
Subject: This problem has been created totally by the borough and remains one of the greatest examples of GOVERNMENT AT IT'S WORSE.

This problem has been created totally by the borough and remains one of the greatest examples of GOVERNMENT AT IT'S WORSE.

This 2.10 acre lot was dedicated as a park for the subdivision owners and their families. For assessment purposes the tax value of this park was spread amongst the subdivision lots and ownership was vested in the Lazy Acres Homeowners Association, c/o Lazy Acres Land Co, General Delivery, Palmer, AK.

The problem began when the borough started allowing property owners to create local improvement districts (known as LID's) for gas, roads and other projects. The borough's policy was; ALL LOTS BENEFIT FROM LID'S regardless of size, shape, condition or title. Money for these projects were secured based upon property values of all lots within any proposed boundary. Because borough policy considered gas an improvement the tax exempt park was assessed as an individual lot. Bills were sent to the inactive homeowners association at the general delivery address, the LID became delinquent, and the borough foreclosed. Once in foreclosure the borough's policy was; unless needed for a public purpose the property must be sold in a tax sale.

Prior to the sale all potential buyers were informed that this property was a park, nevertheless bids were received. The successful bidders were told again prior to signing the Promissory Note, and lastly before signing the Tax Deed that they were purchasing a park. The excess proceeds of more than \$35,000 was kept by the borough because the homeowners association wasn't active and could not claim the money.

This park is one of a handful of plat dedications that reserved a beautiful usable lot as a park and not an unusable, inaccessible wetlands. Most of the lot owners have lived here for twenty plus years, but because the borough levied our tax exempt park with an LID and sold it at a tax sale, generations of families will lose their park. The mess the borough created has cost these petitioners and MSB staff endless hours of time and money for something that should have never happened in the first place. Way to go borough!!!!

In closing, this park serves as one of the accesses to a 15 foot public walkway and pedestrian easement that passes through the subdivision. Removing the plat note will eliminate one of those access points.

Maybe the borough needs to correct their screwup by reimbursing the buyers their money and leave the lot a park like the original subdivider intended.

Sent from my iPad=

EXHIBIT O -7

1/3/2012



Rich & Shiela Fern
1166 S. Katie Circle - Palmer, AK 99645
(907) 746-7392 Home - (907) 746-0888 Fax
akfern@gci.net

January 6, 2012

This is a response to comments received by the Borough regarding our application to remove notes from Plats 75-36 and 73-37 designating our property, Block 1 Lot 18, Lazy Acres Subdivision as a common interest property of all of the lot owners within Lazy Acres and Lazy Acres Addition No.1. . The plat note states "Lot 18, Block 1, shall be dedicated for the private use of all individual lot owners within this subdivision and Lazy Acres Subdivision Add.No.1."

At the time we purchased the property in the tax foreclosure sale we were aware of the notes but did so with the belief that the Borough had followed all applicable Borough and State of Alaska Laws, Statutes, and Codes. That belief included the assumption that the Borough had, either through internal personnel or contract services, received legal review and counsel regarding the status and sale of the property.

We were unaware of the specifics of the Borough taking possession of the property and from what we've learned do understand the frustration felt by some of the residents as specified in Mrs. Strahan's comments. We were also aware of Alaska Statute 29.45.450 (Attached) regarding deed of the property. Specifically section (b) states "Conveyance gives the municipality clear title, except prior recorded tax liens of the United States and the state". Further, section (d) states in part "Two years after the date of the deed, its validity is conclusively presumed and any claim of the former owner or other person having an interest in the property is forever barred." We are well beyond two years.

Mrs. Strahan also raised the issue of the 15 foot public walkway/trail easement. We are not asking that the easement be vacated and has nothing to do with our petition.

Comments received by the Borough from Mr. William Weith contain the following: "As a retired Alaska State Trooper, I seriously question how those signatures were obtained; were these people given all the facts?" The board can rest assured that there was no deception or subterfuge applied when speaking with the residents of the subdivisions. As we greeted each property owner we identified ourselves and clearly identified the property in question, our intent, and presented them with a full size copy of the plat showing the plat notes and the location of the property and a letter with a written description of our intent with our contact information. A few claim they didn't need to see a thing from us as they knew exactly what we were talking about. The letter we presented them has also been attached for your review. In fact, we find it offensive that Mr. Weith uses his office as "a retired State Trooper" to question our integrity.

We acted in good faith when we purchased the property and paid property taxes without requesting a reduction of the assessment due to the plat notes with the belief that when the time came we would be able to have the notes removed through the platting process. Anyone who opposed the foreclosure

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sale of the property had the opportunity to present an administrative opposition to the sale and if they did so one would have to conclude that the opposition was considered by the Borough and its legal counsel, the same counsel advising the Platting Board. We purchased in 2004. Any person or entity, in this case any members of the inactive homeowner's association; have had the opportunity to challenge the sale of the property and our ownership since 2004. A period of approximately ten years+ has elapsed since the property was legally assumed by the Borough and we believe that any prior claims to the property are extinct per Alaska Statutes.

We spent many weekend afternoons and weekday evenings knocking on doors to get signatures and explaining why we've come to their door step and from a few received a tongue lashing because of their bitterness of how the Borough took possession of the property. Even though sometimes it was hard to determine if they were really mad at the Borough or us for purchasing we were polite and tried to understand their reasoning. However, in the last 10+ years these individuals apposing didn't get together as property owners in the subdivisions and purchase the property or, put in a fair market value bid at the tax sale, nor did they reestablish their homeowner's association and step up to try and get what they claim is now their park.

With no vehicular access to the property, clearing or dead fall removed the property has basically been ignored and an object for them to complain about how they've been wronged. There is nothing bad or under handed about us wanting to make the property useable after all it has utilities, buildable ground and per Alaska Statute 29.45.490 we had no reason to think the plat note couldn't be removed. If the Borough intended it to stay a park why was it put in the tax foreclosure sale? Is it because the Borough didn't want financial responsibility for it and apparently neither did the individuals opposing. We put in a fair market value bid on the property with the intent of keeping the property value ratio up for the subdivision. We've followed the procedures and have respected the homeowners that would open their door to speak with us when we knocked and there are some that were never home or won't open the door so we didn't get the pleasure of meeting them Mr. Weith was one, but we talked to another gentleman once that was at his home and left him our letter. We tried calling those that we could get a phone number for before just showing up at their door. This has certainly been a learning experience going door to door, but we also met a lot of really nice folks that signed our petition that had no issue with our request and some that had issue with the Borough's handling of it, but also understood our situation and that the property wasn't doing anything for them anyway and were fairly indifferent to removing the plat note and signed. They just wished it would have been handled differently by the Borough and felt they got ran over. Maybe if we were them we might feel the same way, but we also feel we won't deny someone else the property if we didn't want to have any financial responsibility for it nor want to have our homeowner's association reestablished.

This is a beautiful property, we were very excited to bid on it and get it, but it's been six + years for us to get this far and have a public hearing. We put out a lot money to get this property in the sale and it's important to us to get this resolved and the plat note removed. We sincerely hope that the homeowners that didn't want to sign our petition understand that we purchased the property for the same reason they purchased theirs because it's a great place to live. We appreciate your time and consideration in this matter. Sincerely, Richard & Shiela Fern

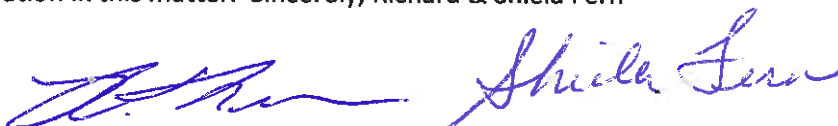


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