



Haines Borough Administration
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March 14, 2013

To: Haines Borough Planning Commission

From: Mark Earnest, Borough Manager

Subj: Revised Preliminary Plat approval -- Tracts A, B1, B2, C, D, G, H, I, J, K and L, ASLS 95-35 (Excursion Inlet municipal land selection)

Date: March 14, 2013

On your agenda tonight is Item 8C (Excursion Inlet municipal land selection, state plat ASLS 95-35). The Borough requests that the Commission approval this revised preliminary plat, in order to permit the long-delayed conveyance of this land selection from the State to the Borough to move ahead.

However, in order to meet the requirements of Haines Borough Code 18.100.090 (which requires the depiction on the plat of existing utilities), the Borough requests that the Commission's approval of the above-referenced Plat be granted tonight, but that this approval be made effective only after a maximum of 180 days following tonight's meeting.

During this 180-day period (or shorter, if possible), the Borough will review the claims and depictions of existing easements by Ocean Beauty Seafoods, in an effort to reach a mutual agreement on which existing utilities claimed by Ocean Beauty need to be reflected on this plat before recording. If no agreement is reached within the requested 180 days, the Commission's plat approval would be made effective on the 180th day, and the Borough would thereafter be authorized by that approval to record the plat with those utilities it believes should be depicted.

The Borough understands that Ocean Beauty has completed surveys for its utility easement claims on these lands. The Borough has not yet been provided these surveys or other related depictions, and consequently is not yet able to evaluate them.

Initially, the parties believed that the State of Alaska would be depicting Ocean Beauty's existing easement claims on the plat before completing survey plat ASLS 95-35 and sending it to the Borough for approval. However, in late January of 2013, the Borough was informed that due to the age of Ocean Beauty's longstanding but incomplete state permit applications (pending but not acted upon for more than 25 years), the State would not make any decisions or depictions on the plat regarding existing utilities claimed by Ocean Beauty. The State, by completing ASLS 95-35 without depicting any existing utility locations and widths, has shifted that responsibility to the Borough. The State has previously required the proposed easements be removed from ASLS 95-35, in part due to the difficulty in depicting those easements along with the road rights of way. If an agreement to grant easements to Ocean Beauty is reached, it would be accomplished by a separate Record of Survey and easement documents.

The Borough proposes to meet that responsibility, and to comply with Borough Code 18.100.090, by obtaining from the Commission tonight its approval of Plat 95-35, but also obtaining a maximum delay of 180 days in the effective date of Commission approval, to permit the Borough to reach a possible mutual agreement with Ocean Beauty Seafoods regarding the location and extent of utility easements that need to be depicted on Plat 95-35 before its recording.

One other matter needs to be addressed regarding ASLS 985-35. The approval requested tonight from the Commission involves the lands depicted on the survey as Tracts A, B1, B2, C, D, G, H, I, J, K and L. Any depiction of easements, utilities, or other matters lying outside of the exterior boundaries of these identified tracts involve lands which are not being approved by the State for conveyance to the Borough under ASLS 95-35.

While the Borough may in the future obtain from the State its pending land selections involving these lands lying outside the identified tracts, such an outcome is not certain. If by implication the Commission's plat approval were to mistakenly extend to any easements and/or utilities that are depicted on the plat but that lie outside the identified Tracts A, B1, B2, C, D, G, H, I, J, K and L, the Borough in the future might be placed in the unacceptable position of being the guarantor as to easement depictions on some lands for which it may never receive title from the State.

Thank you for your considerations of these requests.