

**MONTANA CREEK NATIVE ASSOCIATION INC.
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Matanuska-Susitna Borough
Platting Department
Attn; Tyler Young, Matthew Goddard
Palmer, Alaska
6/26/2026

RE: ASLS 2019-69 – MSB Case # 2026-031

The Montana Creek Native Association (MCNA) objects to the vacation of the existing right of way unless certain conditions are met.

MCNA owns thousands of acres of land east of this proposed vacation. Vacating this right of way and replacing it with a dedication over the existing road that barely meets the standard for a Borough Residential Road (minimum 225' radius curves) is unconscionable. Moose Hollow Road at this location is already at the point where a Collector Road is necessary. MCNA (and any of the other landowners east of this proposed vacation) would be shut off from ANY future development of our lands. Associated damages to the value of our lands and additional costs for development of our lands due to this vacation should not to be discounted.

MCNA, and many other land owners affected by this vacation, did not receive notice of this proposal do to the fact that we and others are beyond the limits of Public Noticing. That does not change the effect of this proposal on the thousands of acres owned by MCNA and others.

MCNA and all residents of the Borough need to assured that the Borough will retain and increase options for access. Not limit or remove them. Even when other access is available, removing one access increases the burden on whatever access remains if any. Connectivity is affected as well.

The conditions that would remove our objection are:

- 1) A registered Civil engineer provides a certified design for a minimum Collector Standard Road along the section line easement that abuts the southerly boundary of this parcel.
- 2) Where the construction as designed would extend beyond the limits of the existing section line easement then the applicant/ petitioner shall provide a Public Use Easement to accommodate future road construction that includes proposed slopes and 5 feet beyond the proposed slope limits.
- 3) The Public Use Easement is in place prior to (or simultaneously with) the vacation of the right of way as is being proposed.

Sincerely,



Montana Creek Native Association Inc.
By John Rice, Business Manager

CONCLUSION: The preliminary plat of ASLS 2019-69 is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.016 Preliminary Plats. There were no objections from any federal or state agencies, Borough departments, or utilities. There were no objections to the plat from the public in response to the Notice of Public Hearing. Legal and physical access will exist to the proposed lots, consistent with MSB 43.20.100 Access Required, MSB 43.20.120 Legal Access and MSB 43.20.140 Physical Access. Frontage for the subdivision will exist, pursuant to MSB 43.20.320 Frontage. A soils report was submitted, pursuant to MSB 43.20.218(A)(1).

FINDINGS OF FACT

1. The plat of ASLS 2019-69 is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.016 Preliminary Plats.
2. The Vacation of that portion of E. Hillside Drive Public Use Easement lying within the proposed ASLS 2019-69 is consistent with MSB 43.15.035 Vacations.
3. A continuation was requested and granted by the Platting Board during the May 21, 2026, Platting Board meeting to meet minimum posting requirements. The petitioner has provided information required pursuant to MSB 43.15.035.
4. A continuation was requested and granted by the Platting Board during the June 18, 2026, Platting Board meeting to allow the time required per 43.15.065(D).
5. A soils report was submitted, pursuant to MSB 43.20.281(A)(1)
6. The lot has the required frontage pursuant to MSB 43.20.320.
7. At the time of staff report write-up, there were no responses to the Request for Comments from DNR Division of Mining, Land & Water; ADF&G; US Army Corps of Engineers; Community Council #12 Susitna; Fire Service Area #24 Talkeetna; Road Service Area #29 Greater Talkeetna; MSB Emergency Services, Community Development, Assessments, or Planning; or MEA.
8. There were no objections from any federal or state agencies, Borough departments, or utilities.
9. There were no objections from the public in response to the Notice of Public Hearing.

RECOMMENDATIONS OF CONDITIONS OF APPROVAL

Suggested motion: I move to approve the preliminary plat of ASLS 2019-69, Section 04, Township 24 North, Range 04 West, Seward Meridian, Alaska, contingent on staff recommendations

1. Taxes and special assessments must be paid in full for the year of recording, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs), by CERTIFIED FUNDS OR CASH.
2. Obtain assembly approval of the Vacation within 30 days of Platting Board Approval.
3. Provide updated Certificate to Plat executed within seven (7) days of recording of plat and submit Beneficiary Affidavit for any holders of a beneficial interest.
4. Add a plat note stating "Tract B is a utility lot. No onsite sewer systems shall be allowed on Tract B." This note is not required if Tract B is dedicated as right of way.
5. Pay postage and advertising fees.
6. Show all easements of record on final plat.
7. Submit recording fees, payable to Department of Natural Resources (DNR).
8. Submit plat in full compliance with Title 43.

FINDINGS OF FACT FOR THE VACATION OF PUBLIC USE EASEMENTS

1. The vacation of the following public use easements are consistent with MSB 43.15.035 Vacations:
That portion of the 60' wide road corridor located in the SE1/4 SE1/4 of Section 4 of T24N R4W, Seward Meridian, Alaska as shown on the Benka Lake Alaska Subdivision, recorded as plat #85-14 in the Talkeetna Recording District.
The 60 foot wide Public Use Easement as described in Book 103, Page 997, recorded on November 8, 1984, located in the SE1/4 SE1/4 of Section 4 of T24N R4W, Seward Meridian, Alaska.
2. A continuation was requested and granted by the Platting Board during the May 21, 2026, Platting Board meeting to meet minimum posting requirements. The petitioner has provided information required pursuant to MSB 43.15.035.
3. A continuation was requested and granted by the Platting Board during the June 18, 2026, Platting Board meeting to allow the time required per 43.15.065(D).
4. Pursuant to MSB 43.15.035(E) and MSB 43.10.065(G), petitioner has provided an Affidavit of Posting of the Public Notice of Vacation of the Public Use Easement.
5. Approval from the Assembly will be required prior to recording, pursuant to MSB 43.15.035(D).
6. At the time of staff report write-up, there were no responses to the Request for Comments from USACE, US Postmaster, Community Council Greater Palmer; Fire Service Area #132 Greater Palmer Consolidated; Road Service Area #16 South Colony; MSB Emergency Services, Community Development, Capital Projects, Assessments, Planning or MEA.
7. There were no objections from any federal or state agencies, or Borough departments.
8. At the time of staff report write-up, there was one objection from the public in response to the Notice of Public Hearing.
9. Vacation of the Public Use Easements are contingent upon recordation of the proposed ASLS 2019-69 subdivision plat.

RECOMMENDATION FOR APPROVAL OF THE VACATION OF THE PUBLIC USE EASEMENT

Suggested motion: I move to approve the vacation of the Public Use Easements described as: That portion of the 60' wide road corridor located in the SE1/4 SE1/4 of Section 4 of T24N R4W, Seward Meridian, Alaska as shown on the Benka Lake Alaska Subdivision, recorded as plat #85-14 in the Talkeetna Recording District.

The 60 foot wide Public Use Easement as described in Book 103, Page 997, recorded on November 8, 1984, located in the SE1/4 SE1/4 of Section 4 of T24N R4W, Seward Meridian, Alaska contingent on staff recommendations:

1. Obtain assembly approval of the vacation within 30 days of Platting Board approval.
2. Show the easement vacations on the final mylar of ASLS 2019-69 in full compliance with Title 43.
3. Submit a plan and profile drafted by a civil engineer certifying the constructability of a MSB Collector Standard Street within the existing and/or proposed rights of way connecting E. Hillside Drive on the southern and eastern boundaries of the parent parcel. If the proposed/existing rights of way are not sufficient to construct a collector standard street, grant additional public use easement as needed to construct a collector standard road.

Alternatively, dedicate Proposed Tract B as dedicated right of way.