Subdivisions In The Unorganized Borough

Common Oversights & Issues

A Paper Presented at the

37th Annual Alaska Surveying and Mapping Conference

By

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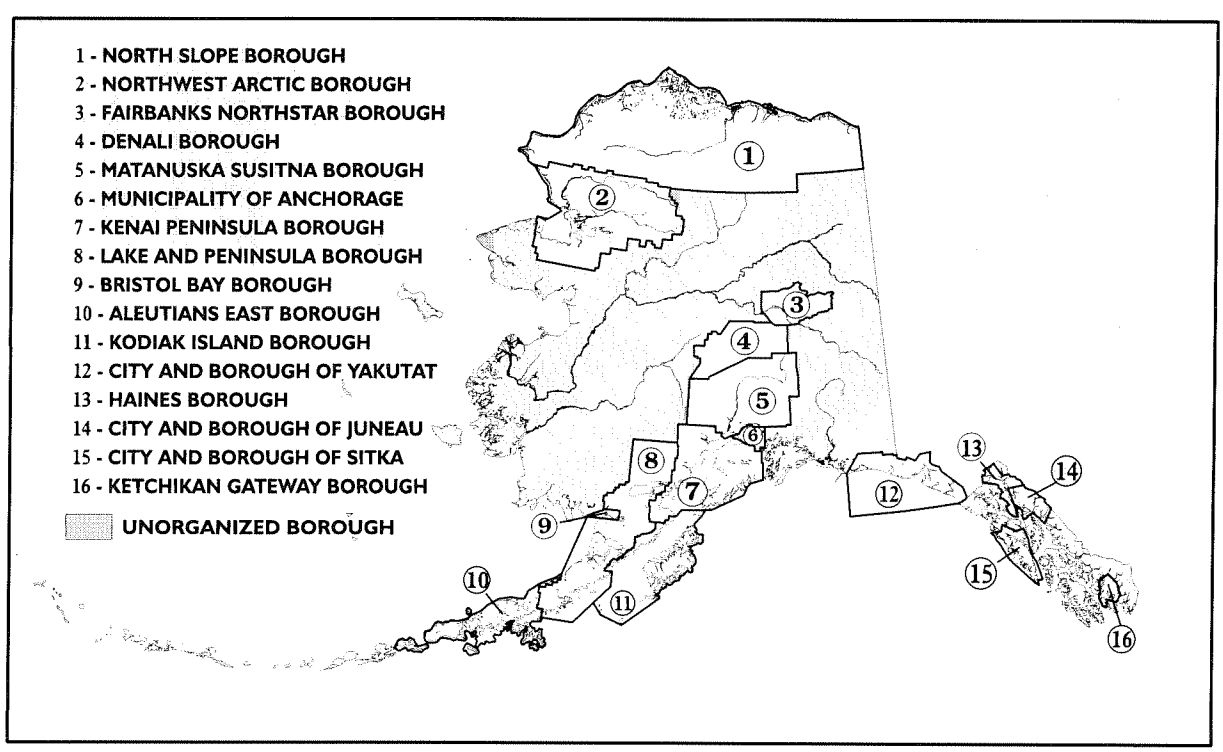
ABSTRACT

The purpose of this paper is to familiarize the reader with common oversights and issues frequently encountered during DNR's platting process. This paper will also address some of the most common questions asked about DNR Platting Authority under AS 40.15. An awareness of some of the typical problems, misunderstandings and questions will save the surveyor and client time and money.

Some of the issues are:

Minimum Monumentation Requirements
Incomplete Plat Submittals
Requirement for a Certificate to Plat
Beneficiary Approval
Legal Access and Dedications
Vacations and Replats
Ownership of Navigable Water
RS 2477 Trails
Native Allotments in Restricted Status

The Unorganized Borough within the State of Alaska



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I. INTRODUCTION

AS 40.15, Article 4, which established the DNR as the platting authority for the Unorganized Borough was implemented on August 18, 1998. In the intervening 3 ½ years that DNR has been exercising platting authority, procedures for reviewing and processing subdivision plats in the Unorganized Borough have been established. In October 2001 DNR'S regulations for subdivisions in the Unorganized Borough became effective. These regulations can be found in 11 AAC 53, Article 5. Platting Authority In the Unorganized Borough.

Having only 3 ½ years experience behind us new issues and questions arise on a frequent basis. The intent of this paper is to inform the survey community of what some of these issues are and to address the most frequently asked questions.

II. FREQUENTLY ASKED QUESTIONS

Below are a number of the most frequently asked questions regarding DNR platting authority, along with the response.

- *Where can I find information on DNR platting authority*?
  - On the web at *http://www.dnr.state.ak.us/mlw/survey/index.htm*
  - Joe Kemmerer, Platting Officer, @ Joe_Kemmerer@dnr.state.ak.us
  - George Horton, Land Surveyor I, @ George_Horton@dnr.state.ak.us

- *Who is the platting authority for ……..and how can I verify it?*
  - Sometimes it is difficult to do as there is no single source database to research and many community officials are not aware of their own ordinances.
  - Appendix B is a list of known Borough and Municipal Platting Authorities that has been compiled by DNR. However, we cannot assure you that it is current or complete.
  - The Department of Community and Economic Development's (DCED) Community Profiles on the web. Caveat; some of the profiles are not up to date and do not contain complete information. Some communities have Planning Commissions but have not adopted any subdivision regulations by ordinance as required by AS 29.40.070. Communities that are exercising platting authority should be able to furnish a copy of their platting regulations codified by a Title Number or Ordinance Number.

- *Where does DNR get the authority to require ……?*
  - Most requirements can be found under AS 29.40.100 Information required on plats, AS 29.40.120 Replat Petition, AS 29.40.180 Prohibited Acts, AS 40.15 Subdivisions and Dedications, AS 40.17 Recording in Public Records, and 11 AAC 53.600-.900 Unorganized Borough Platting Authority. Appendix C is a Table of Authority.

- *What are the requirements for minimum lot size, wastewater disposal and subdivision design?*
    - DNR considers these items to be engineering standards. AS 40.15.340 expressly prohibits DNR from establishing engineering standards.

- *Who manages or issues permits for construction in platted row's?*
    - If there is a local municipality to accept the dedication that municipality would manage the row's. If not, DNR accepts the dedication on behalf of the public but does not manage or issue permits for the construction of improvements (11 AAC 53.640).

- *What does DNR check for when performing a plat review?*
    - Appendix E is a list of items checked during plat review.

III. INCOMPLETE SUBMITTALS

- At DNR'S discretion a first submittal may be reviewed if the submittal is incomplete, however a plat will not be reviewed unless a Certificate to Plat has been received.
- Second submittals will not be reviewed unless the submittal is complete including the supporting documentation.
- An updated Certificate to Plat, current within 90 days, along with the filing fee is required at the time the final mylar is submitted for filing.

IV. UNSUBDIVIDED REMAINDERS

- Subdivision means a subdivision of the entire parent parcel and not just a portion of it. A frequently occurring situation is when a surveyor surveys, monuments and plats a parcel that is proposed for sale but ignores the remainder.
- Unsurveyed remainders are allowed as long as the remainder is larger than 40 acres.
- Remainders smaller than 40 acres are to be surveyed and platted just as any other subdivision lot. This sometimes requires that the surveyor return to the field to establish additional monumentation or document that record monuments exist as required by 11 AAC 53.680.

V. MONUMENTATION REQUIREMENTS

- AS 40.15.320 requires that subdivisions of five or fewer lots be monumented with at least a 5/8 inch x 24 inch rebar and cap at controlling exterior corners of the subdivision. 11 AAC 53.680(a) provides more detail to the above, stating "In a subdivision with five or fewer lots, the monuments required to be established at controlling exterior corners include each angle point, each point of curvature, and any point on the subdivision exterior boundary that is more than 1,320 feet from a monument. Each monument at each controlling exterior corner must consist of a minimum 5/8-inch by 24-inch rebar with a minimum two-inch diameter aluminum cap."

- For subdivisions having six or more lots, it is required that each interior corner shall be monumented with at least a 5/8 inch x 24 inch rebar and cap. This includes all angle points and points of curvature.
- The requirement for having a cap attached is frequently overlooked and may require an un-necessary return trip to the field.

VI. LEGAL ACCESS

- 11 AAC 53 53.640 (b) requires that rights of way must be dedicated for access to all lots within the subdivision. Private access easements do not meet this requirement. The dedication to the public must be accepted by the appropriate authority. If there is no local government or municipality to accept the dedication, DNR accepts the dedication on behalf of the public.
- Access by navigable water is legal access.
- The access may be by easement or by platted row's that segregate title, however it must be dedicated to the public.
- Our regulations do not specify any row width other than to say that dedications must be sufficient to carry all traffic generated by the subdivision and projected to travel through it and must be sufficient to provide for the maneuvering of emergency vehicles.
- Subdivisions in areas serviced by utility companies shall make provisions for utility easements [11 AAC 53.630 (3)].
- The DOT/PF has the authority to manage and control activities within the Alaska Highway System, including the right to control and limit access and to issue encroachment permits for driveways. All subdivision plats abutting or adjacent to DOT/PF row's shall be submitted to DOT/PF for review and comment. The subdivider will be required to address DOT/PF'S concerns prior to receiving final plat approval. *Warning, some surveyors have had to redesign and restake their subdivision because they didn't first obtain DOT/PF 'S approval for limited access*.
- Unplatted row's in unsurveyed townsites subject to a future ANCSA 14 (c) survey are considered to be legal access because Section 14 (c) provides that row's be reserved for public access.

VII. OWNERSHIP OF NAVIGABLE WATER

- The Submerged Lands Act of 1953 confirmed that title to the beds of navigable water was vested in the states or held in trust by the federal government for future states. When Alaska entered the union the state automatically became the owner of the beds of navigable water bodies.
- A number of the older U.S. Special surveys did not meander or exclude navigable water bodies from the survey. However, the patent did not include the beds of these water bodies as part of the conveyance because the federal government as trustee had no title to convey.

- Subdivisions which contain navigable water must meander the water and plat it as an exclusion. This is an area where DNR wears two hats, one as the platting authority and the other as protector of state interest.
- For subdivisions which are bounded by the mean high water line or the ordinary high water line of state owned navigable water, the boundary shall be determined as set forth in 11 AAC 53.120 (1) & (2).

VIII. WHY A CERTIFICATE TO PLAT IS REQUIRED

- A Certificate to Plat is required to verify that the subdivider is the owner of record.
- The certificate will also identify Beneficiary Interests such as mortgages, tax liens and child support liens all of which are a property interest.
- The certificate will also show public access and utility easements and other 3rd party interests such as exclusions and reservations, which are not in the patent or deed.
- Restrictive covenants recorded with a prior subdivision will also be noted in the Certificate to plat.
- For Native Allotments in restricted status, a BIA Land Status title report will be accepted in lieu of a Certificate to plat.

IX. RESTRICTED NATIVE ALLOTMENTS

- Although subdivisions of Native Allotments in restrictive status fall under the jurisdiction of the federal government and are not subject to DNR requirements, BIA has chosen to submit them to DNR for approval in order that the plats can be filed in the state recording office.
- Restricted means that the title is held in trust by BIA and the land is protected against taxation and alienation, and cannot be conveyed or encumbered without approval by the Secretary of Interior acting through BIA.
- Subdivisions of restricted allotments are approved by the Regional Director of BIA in Juneau. It can take several months to obtain this approval.
- Since these allotments enjoy protected status they are not subject to beneficiary interests.
- Dedication of rights of way on Native Allotments is a problem because BIA doesn't recognize the signing of the Certificate of Ownership and Dedication as dedicating legal public access under federal law because of the "Inalienable" clause in the Alaska Native Allotment Act of 1906. BIA is working with various platting authorities to find a solution.
- In order to dedicate legal access, under federal law, BIA must first go through a process whereby they advise the allottee of what rights he is conveying away and also what the value of the grant is. The current proposal is for BIA to prepare either a Grant of Right of Way Easement (for easements) or a Quit Claim Deed (for surveyed row's), conveying fee title, to be signed by the allottee and the Regional Director of BIA. The grant or conveyance must also be accepted by

some entity on behalf of the public. This is a new issue and the details are still being worked on.

- After the grant or deed has been accepted and recorded the allottee can subdivide under state law. However, there is no reason that these activities cannot occur simultaneously.

X. VACATIONS AND REPLATS

Definition of Replat and Vacation 11 AAC 53.900(52) – "replat" means the redelineation of one or more existing lots, blocks, tracts, or parcels of a previously recorded subdivision or other survey that involves the change of property lines, or in the case of a vacation, the altering or eliminating of dedicated streets, easements or public areas.

- AS 40.15.305(e) states in part "A recorded plat may not be altered or replatted except on petition of.....The provisions of AS 29.40.130 and 29.40.140(a) apply to an alteration or replat submitted under this section."
- Frequently plats are submitted that create new subdivision lots overtop of existing parcels of record that need to be replatted. If the replat or vacation activity is not addressed prior to the first plat review it can easily delay the project for up to 90 days because of the requirements for public notice, hearing and decision.

XI. RS 2477 TRAILS

- RS 2477 trails are row's reserved to the public under the Mining Law of 1866. Though this act was repealed in 1976 it did not extinguish prior existing rights.
- RS 2477 row's are managed by DNR under the authority of 11 AAC 51.100.
- RS 2477 row's crossing the property being subdivided are to be surveyed and platted as public access easements. Typically this means an as-built of the existing route.
- Information on RS 2477 row's including research sources can be found in Appendix G, a Fact Sheet on RS 2477 row's.
- Vacation of RS 2477 easements is being addressed in another presentation at the conference later today.

XII. VARIANCES

- Any request for a variance of Article 5, 11 AAC53 must be put in writing along with a justification for the request.
    - No waiver of the requirement for legal access will be granted.

XIII. COMMON PITFALLS OR OVERSIGHTS

- DNR is not the platting authority because local government is exercising platting authority.
- Incomplete submittal.
- Surveyor required to return to the field to set required monuments.

- Plat doesn't show how the parent parcel was established in the field.
- Plat doesn't acknowledge 3rd party interests identified in Certificate to Plat.
- Plat doesn't address vacation/replat activity.
- Ownership Certificate:
    - Name shown in Ownership Certificate is not the owner of record.
    - BLM decision to convey is not ownership because the decision is subject to public notice, appeal and reversal. An interim conveyance (I.C.) is treated as ownership.
    - Original allottee is deceased and the estate hasn't gone through probate to identify the legal heirs.
    - Person signing on behalf of a corporation is not authorized to sign.
    - Ownership has changed during the course of the project. For example the record owners convey the parent parcel to a trust before the subdivision is completed.
- Owner's signature not properly notarized on final mylar.
- Text/graphics doesn't meet legibility requirements of Recorder's Office.
- Surveyor hasn't contacted DOT/PF for comments prior to designing and monumenting the subdivision.
- Not enough data in the title block for District Recorder to index by location
- Survey not shown correctly in the vicinity map.
- Plat not given a thorough in-house review prior to submittal to DNR.
- Second submittal doesn't thoroughly address comments in the first review letter.

XIV. SUMMARY

Being aware of some of the typical problem areas and issues will save both the subdivider and surveyor time and money. Making complete submittals and thoroughly reviewing the plat in-house will reduce the amount of time DNR spends performing plat reviews and accelerate the review process.

The most common items that delay the review and approval process are:

- Incomplete submittal
- Minimum monumentation requirements not met
- Legal access issues not resolved prior to plat submittal
- DOT/PF not contacted for comments prior to submittal
- Replat or vacation activity not addressed until it is brought to the surveyor's attention in the review letter. This can delay the project by ninety days because of the requirements for public notice and hearing.
- Final mylar returned to surveyor because the owner's signature wasn't notarized properly.

When, subdividing land in the Unorganized Borough a lot of the problem areas can be avoided or minimized by addressing the requirements up front. DNR platting staff is willing to work with the surveyor early on in order to make the process function more smoothly for everyone involved.

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BOROUGH AND MUNICIPAL PLATTING AUTHORITIES

As of April 25, 2001

1.	**ALEUTIANS EAST BOROUGH**		2nd Class Borough
	(municipal areas exercising platting authority only)		
2.	**ANCHORAGE, MINICIPALITY OF**	Title 21	Unified Home Rule
3.	ANGOON, City of	Title 17	2nd Class
4.	ANIAK, City of	Ordinance 93-03-18	2nd Class
5.	BARROW, City of		1ST Class
6.	BETHEL, City of	Title 135	2nd Class
7.	**BRISTOL BAY BOROUGH**	Title 18	2nd Class Borough
8.	COFFMAN COVE, City of	Title 14	2nd Class
9.	CORDOVA, City of	Title 17	Home Rule
10.	CRAIG, City of	Title 18	1st Class
11.	**DENALI BOROUGH**	Ordinance 96-22	Home Rule Borough
12	DILLINGHAM, City of	Title 17	1st Class
13.	**FAIRBANKS NORTH STAR BOROUGH**	Title 17	2nd Class Borough
14.	GALINA, City of	Title 19	1st Class
15.	**HAINES BOROUGH (land use areas only)**		3rd Class Borough
	Mud Bay Land Use Service Use Area No. 1	Title 8	
	Lutak Inlet Land Use Service Use Area No. 2	Title 8	
16	HAINES, City of	Title 18	1st Class
17.	HOMER, City of	Title 8	1st Class
18.	HOONAH, City of	Title 17	1st Class
19.	**JUNEAU, CITY AND BOROUGH OF**	Title 4	Unified Home Rule
20.	KENAI, City of	Title 14	Home Rule
21.	**KENAI PENINSULA BOROUGH**	Title 20	2nd Class Borough
22.	**KETCHIKAN GATEWAY BOROUGH**	Title 55	2nd Class Borough
23.	KING COVE, City of	Title 13	1st Class
24.	KLAWOK, City of	Title 8	1st Class
25.	KWETHLUK, City of	Ordinance 99-11-23	2nd Class
26.	**KODIAK ISLAND BOROUGH**	Title 16	2nd Class Borough
27.	**LAKE AND PENINSULA BOROUGH**	Title 9	Home Rule Borough
28.	**MATANUSKA-SUSITNA BOROUGH**	Title 16	2nd Class Borough
29.	McGRATH, City of	Title 16	2nd Class
30.	NENANA, City of	Title 7	Home Rule
31.	NOME, City of	Title 70	1st Class
32.	**NORTH SLOPE BOROUGH**	Title 18	Home Rule Borough
33.	**NORTHWEST ARCTIC BOROUGH**	Title 8	Home Rule
34.	PALMER, City of	Title 16	Home Rule
35.	PELICAN, City of	Title 16	1st Class
36.	PETERSBURG, City of	Title 18	Home Rule
37.	SAINT GEORGE, City of	Title 42	2nd Class
38.	SAINT PAUL, City of	Title 15	2nd Class
39.	SAND POINT, City of	Title 13	1st Class

BOROUGH AND MUNICIPAL PLATTING AUTHORITIES

As of April 25, 2001

40.	SEWARD, City of	Title 16	Home Rule
41.	**SITKA, CITY AND BOROUGH OF**	Title 21	Unified Home Rule
42.	SKAGWAY, City of	Title 20	1st Class
43.	TENAKEE SPRINGS, City of	Title 7	2nd Class
44.	THORNE BAY, City of	Title 16	2nd Class
45.	UNALASKA, City of	Title 8	1st Class
46.	**UNORGANIZED BOROUGH**	AS 40.15	
47.	VALDEZ, City of	Title 16	Home Rule
48.	WHITTIER, City of	Title 16	2nd Class
49.	WRANGELL, City of	Title 18	Home Rule
50.	**YAKUTAT, CITY AND BOROUGH OF**	Title 8	Home Rule

Table of Authority

ALASKA STATUTES

AS 08.48.211	*SEALS*
AS 19.10.010	*CREATION OF SECTION LINE EASEMENTS*
AS 19.30.410	*VACATION OF RS 2477 ROW'S*
AS 29.35.090(b)	*MUNICIPALITIES MAY NOT VACATE A RS 2477 ROW*
AS 29.40.100	*INFORMATION REQUIRED ON PLATS*
AS 29.40.120	*REPLAT PETITION*
AS 29.40.130	*NOTICE OF HEARING*
AS 29.40.140	*HEARING AND DETERMINATION*
AS 29.40.150	*FILING OF REPLATS*
AS 29.40.180	*PROHIBITED ACTS*
AS 34.65.020	*ENTRY ON LAND FOR SURVEY PURPOSES*
AS 34.65.030	*RECORDS OF SURVEY*
AS 38.05.127	*ACCESS TO NAVIGABLE OR PUBLIC WATER*
AS 40.15	*SUBDIVISIONS AND DEDICATIONS*
AS 40.17	*RECORDING IN PUBLIC RECORDS*

ALASKA ADMINISTRATIVE CODES

11 AAC 02.030	*APPEAL PROCEDURES*
11 AAC 05.010	*FEES*
11 AAC 06.050	*PREREQUISITES FOR FILING DOCUMENTS*
11 AAC 06.080	*RECORD OF SURVEY*
11 AAC 51.010 - .990	*PUBLIC EASEMENTS*
11 AAC 53.600 - .900	*UNORGANIZED BOROUGH PLATTING AUTHORITY*

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING, LAND AND WATER

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June 18, 2001

File: **535**
Subj: Replat and Vacation Policy

The vacation of a platted lot line of record, or the vacation of a Section Line Easement, RS 2477 Rights of Way or Other Easement of Record can only be accomplished in accordance with the following statutory requirements:

- AS 29.40.120 - Vacation or Replat Petition
- AS 29.40.130 - Notice of Public Hearing
- AS 29.40.140 - Hearing and Determination (a Recordable Platting Resolution)
- AS 29.40.150 - Filing of Replats

Section Line Easements and RS 2477 Rights of Way can not be vacated without the approval of the Department of Natural Resources and the Department of Transportation and Public Facilities, and then only in accordance with the provisions of AS 19.30.410.

AS 29.35.090 prohibits local government from vacating a RS 2477 ROW without the approval of DNR and DOT/PF. If the vacation of a RS 2477 ROW were approved by DNR and DOT/PF, the petitioner would be responsible to follow up with the local platting authority in order to meet the requirements of AS 29.40.120 - .150.

General guidelines for situations requiring a replat or vacation petition are:

1. If new subdivision lotting overlaps or in any way alters platted lot lines, public easements, or rights of way of record; it is a replat subject to the requirements of AS 29.40.120 - .150 and AS 40.15.300(e).

2. Protracted lot lines, depicted as dashed lines, on GLO or BLM rectangular plats approved by the federal government are lot lines of record and subject to the requirements of AS 29.40.120 - .150 and AS 40.15.300(e) if they are vacated or replatted.

3. Attached are several examples of when a vacation or replat petition is required and when a petition is not required.

Sincerely,

Gerald Jennings
Statewide Platting Supervisor

Enclosure: Examples of when a Vacation or Replat is required

Copy: Survey Staff

AS 40.15.300 Plat Review Check List

1. **Submittal Complete** PA _____
   - Review Fees Paid - $ _____
   - Certificate to Plat
   - Supporting Documents
2. **Filing Fees Paid**
3. **Verify DNR is the Platting Authority**
4. **DOT/PF Comments (if applicable)**
5. **Title Block:**
   - Plat Title Unique to Recording District (Bold Text & Separated w/Solid bold line)
   - Section, Township, Range, Meridian agrees with Certificate to Plat
   - PA File Number and EV Number (if applicable) shown
   - Scale
   - Recording District shown in or adjacent to the Title Block
     - Verify Recording District
6. **DNR's Certificates:**
   - Certificate of Ownership and Dedication or Certificate of Ownership
     - Plat Title Noted
     - Mechanically Lettered Name of Each Owner Named in the Certificate to Plat along with their Mailing Address
     - ANSCA 14(c) wording added to Certificate of Ownership and Dedication (if applicable)
   - Notary's Acknowledgement
   - Surveyors Certificate
   - Plat Approval Certificate
     - Approval Note or Acceptance of Dedication Certificate added (if applicable)
   - Tax Certificate
   - Certificate of Beneficiary or Recordable Affidavit of Beneficiary (if applicable)
     - Notary's Acknowledgement depicted below Certificate of Beneficiary (if applicable)
7. **BIA Approval Certificate (if applicable)**
8. **DOT/PF Approval Certificate (if applicable)**
9. **Vicinity Map and Plat Graphics Conform to Plat Standards**
10. **DNR's Standard Notes (as applicable)**
11. **DNR's Standard Legend (only applicable symbols shown)**
12. **Monumentation per AS 40.15.320 Including Descriptions of Found and Set Primary Monuments**
13. **Legal Access to All Lots Shown and Legal Access to Subdivision Documented**
14. **Record Easements Shown**
    - **Utility**
    - **Public Access**
    - **Section Line**
15. **RS 2477 ROW's Shown**
16. **Adjacent Plats of Record, Deeds or Land Status (i.e. I.C.'d, etc.)**
17. **Bar Scale**
15. **Standard North Arrow**
    - Source and Date of Magnetic Declination Noted
18. **Basis of Bearing Clearly Shown With Source Noted**
19. **Vacation or Replat Activity Involved**

Article 5 Platting Authority in the Unorganized Borough

Section

600. Purpose.
610. Applicability.
620. Submittal.
630. Legal access.
640. Dedication to public.
650. Acquisition plats.
660. Amended plats.
670. Field standards.
680. Monumentation requirements.
690. Plat standards under AS 40.15.300 - 40.15.380.
700. Certificates.
710. Notes.
720. Final plat submittal under AS 40.15.300 .
730. Replats and vacations.
740. Variances.

11 AAC 53.600. PURPOSE

The purpose of 11 AAC 53.600 - 11 AAC 53.740 is to implement AS 40.15.300 - 40.15.380, when the department is the platting authority under AS 40.15.070 .

History

History: Eff. 7/5/2001, Register 159

Annotations

Authority: AS 40.15.370

11 AAC 53.610. APPLICABILITY

(a) The provisions of AS 40.15.300 - AS 40.15.380 do not apply to the following:

(1) a subdivision that creates parcels for the purpose of transferring a leasehold interest is exempt, if

(A) each individual parcel is identified with the words "lease parcel" and the parcel number; and

(B) the following note is shown on the plat:

This subdivision plat is not subject to the Department of Natural Resources' platting authority approval because of AS 40.15.360 (1), which exempts leasehold parcels. Title to the leasehold parcels depicted on this plat may not be conveyed until the plat has been approved by the appropriate platting authority in accordance with AS 40.15.010 .

(2) disposing of land by aliquot-part descriptions in accordance with AS 40.15.360 (2), for the purposes of AS 40.15.360 (2), a surveyed section is a section of which each section and quarter-section corner on the exterior boundary of the section or fractional section has been monumented and documented by a plat of record;

(3) plats that are exempt under AS 40.15.900 (5)(B), if they are approved or accepted by the plat approval authority of the United States Department of Interior, Bureau of Land Management;

(4) surveys approved by the United States Department of Interior, Bureau of Land Management of parcels to be conveyed under 43 U.S.C. 1613(c) (sec. 14(c) of the Alaska Native Claims Settlement Act) if, when they are sent to the appropriate district recorder's office, they are accompanied by a Bureau of Land Management approval document, such as a "Notice of Compliance" that is signed by the plat approval authority of the Bureau of Land Management.

(b) If title to an Alaska Native allotment parcel made under former 43 U.S.C. 270 - 270-3 (Native Allotment Act of May 17, 1906, 34 Stat. 197, as amended) is held in restricted status when the subdivision of the allotment is approved, a title status report approved under 25 C.F.R. 150 by the United States Department of Interior, Bureau of Indian Affairs will be accepted in lieu of a certificate to plat required by 11 AAC 53.620(a)(3). The department will be the last signatory on the plat and will record the plat at the subdivider's expense.

History

History: Eff. 7/5/2001, Register 159

Annotations

Authority: AS 40.15.360 AS 40.15.370 AS 40.15.900

11 AAC 53.620. SUBMITTAL

(a) Plats submitted to the department under AS 40.15.305 must include the following:

(1) two full-size paper copies of the plat;

(2) plat review fees required by 11 AAC 05.010;

(3) a certificate to plat that

(A) is prepared by a title company;

(B) shows the names of the owners of record, and all encumbrances affecting the parent parcel; and

(C) is executed no more than 90 days before submittal;

(4) supporting documents, including

(A) deeds or plats that created the parent parcel; and

(B) documentation of access to and easements within the parent parcel as required by 11 AAC 53.630 or other applicable law;

(5) a lot summary for each parcel in the subdivision.

(b) The 45-day review period required by AS 40.15.305 (d) for plat approval begins when the department receives all items required by (a) of this section.

History

History: Eff. 7/5/2001, Register 159

Annotations

Authority: AS 40.15.305 AS 40.15.370

11 AAC 53.630. LEGAL ACCESS

A plat will not be approved under AS 40.15.305 unless the

(1) plat clearly shows how access is provided to the subdivision and to each lot within the subdivision;

(2) subdivider provides to the department documentation verifying the existence of public access rights from the subdivision to a road system, public airport, or navigable water body; documentation must be in the form of a plat of record, recorded easement, or reservation; if documentation does not exist, the subdivider may provide documentation that demonstrates that a provision of state or federal law otherwise provides public access rights to the subdivision; and

(3) subdivider obtains written comments regarding utility easements within the subdivision from utility companies that serve the subdivision.

History

History: Eff. 7/5/2001, Register 159

Annotations

Authority: AS 40.15.300 AS 40.15.330 AS 40.15.370

11 AAC 53.640. DEDICATION TO PUBLIC

(a) Each right-of-way, easement, or other public area shown on the plat is dedicated to public use under AS 40.15.030 . By a note or certificate on the plat, the department will accept a dedication under AS 40.15.030 . Acceptance for public use does not obligate the department, any governing body, or the public to construct, operate, maintain, or manage improvements.

(b) Rights-of-way must be dedicated for access to all lots within the subdivision. Dedications must be sufficient to carry all traffic generated by the subdivision and projected to travel through it and must be sufficient to provide for the maneuvering of emergency vehicles.

(c) This subsection applies to a public right-of-way or easement the department acquires by dedication and acceptance under this section. An owner of land within a platted subdivision is not required to obtain a permit from the department under 11 AAC 96 in order to

(1) design, build, sign, and maintain a public road on the public right-of-way or easement;

(2) allow the installation of public utilities on, over, or under the public right-of-way or easement, if they do not impair public access; or

(3) install customary private appurtenances, including a driveway, culvert, mailbox, and address signpost, if they do not impair public access on the public right-of-way or easement.

(d) The provisions of (c) of this section do not

(1) apply to a public right-of-way or easement that the department

(A) reserves when the department subdivides state land; or

(B) acquires by any means other than by the exercise of the department's platting authority; or

(2) waive either the permit requirements of another agency or any requirement of the department other than the permit requirements of 11 AAC 96.

History

History: Eff. 7/5/2001, Register 159

Annotations

Authority: AS 40.15.030 AS 40.15.300 AS 40.15.370

11 AAC 53.650. ACQUISITION PLATS

The acquisition of a right-of-way or easement that does not divide a tract or parcel of land into two or more lots is exempt from 11 AAC 53.600 – 11 AAC 53.730.

History

History: Eff. 7/5/2001, Register 159

Annotations

Authority: AS 40.15.370 AS 40.15.380

11 AAC 53.660. AMENDED PLATS

Amending of plats must be done in conformance with 11 AAC 53.260 and requires approval of the department under that section.

History

History: Eff. 7/5/2001, Register 159

Annotations

Authority: AS 40.15.330 AS 40.15.370

11 AAC 53.670. FIELD STANDARDS

(a) The surveyor shall use closed traverse or other generally accepted field survey procedures to verify that the survey achieves the required degree of accuracy.

(b) The error of closure of field survey traverses may not exceed 1:5000.

(c) For subdivisions that are bounded by the mean high water line or the ordinary high water line of navigable or public waters, the boundary must be determined as set out in 11 AAC 53.120.

(d) After subdivision of the parent parcel, an unsurveyed remainder will be allowed if the remaining parcel is 40 acres or larger.

History

History: Eff. 7/5/2001, Register 159

Annotations

Authority: AS 40.15.370

11 AAC 53.680. MONUMENTATION REQUIREMENTS

(a) In a subdivision with five or fewer lots, the monuments required to be established at controlling exterior corners include each angle point, each point of curvature, and any point on the subdivision exterior boundary that is more than 1,320 feet from a monument. Each monument at each controlling exterior corner must consist of a minimum 5/8-inch by 24-inch rebar with a minimum two-inch diameter aluminum cap. For monuments that are

(1) set by a survey under this subsection,

(A) the surveyor shall stamp the cap with the corner identification, year set, and surveyor's registration number, and shall orient this information so that it may be read when the reader is facing north; and

(B) if both the cap and the pipe are nonferrous metal, the surveyor shall permanently attach additives with magnetic qualities at both the top and bottom of the monument; or

(2) recovered, the surveyor shall

(A) certify that the existence of controlling exterior corners of the subdivision has been established in the field; and

(B) show the current condition, description, and markings of all recovered monuments.

(b) In a subdivision of more than five lots, each corner to be monumented must include each angle point and each point of curvature in the boundary of each lot in the subdivision. The surveyor shall monument each interior corner with a minimum 5/8-inch by 24-inch rebar with a plastic or aluminum cap bearing the surveyor's registration number.

(c) A surveyor who finds monuments and accessories in a disturbed condition shall make sufficient ties to existing monuments of record to properly control the field location of the parent parcel boundaries. The surveyor shall return disturbed monuments and accessories to the original position and condition as nearly as possible or replace them so as to perpetuate the position.

History

History: Eff. 7/5/2001, Register 159

Annotations

Authority: AS 40.15.320 AS 40.15.370 AS 40.15.380

11 AAC 53.690. PLAT STANDARDS UNDER AS 40.15.300 - 40.15.380

(a) The final subdivision plat must be clearly and legibly drawn to scale upon good-quality polyester film of Dupont Mylar or equivalent quality. Lines, letters, figures, certifications, acknowledgments, and signatures must be clear and legible. When filed, the plat must be in a condition that permits legible prints and negatives to be made from it for purposes of microfilming survey plats. Lines must be dense black, of consistent widths, and of recognizable width variations. A minimum size 00 pen or size leroy 80 or equivalent mechanical lettering and numbering template may be used for easement lines, details, and notes. Size 80 lettering must be uppercase. Sheets must be 18 inches by 24 inches, or 24 inches by 36 inches in size. Margin lines must be placed so as to leave a one-half inch margin on each of the three sides and a one and one-half-inch margin on the binding side.

(b) If more than two sheets are required, an index map must be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. If more than one sheet is submitted, each sheet must be the same size. If more than one sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet and the total number of sheets included, and must show clearly labeled match lines to show where other sheets adjoin. All certificates must appear on the first or last sheet.

(c) A scale of one inch equals multiples of 10 feet or of 100 feet must be used. The scale used must be both clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the land subdivided.

(d) A title block in the lower right corner of each sheet must show

(1) the name by which the subdivision may be legally known;

(2) a property description of the parent parcel showing the protracted or surveyed section, township and range, meridian, and total area in acres of the proposed subdivision;

(3) the name and address of the registered land surveyor preparing the plat;

(4) the plat scale;

(5) the date of survey and date of plat preparation;

(6) the recording district; and

(7) the platting authority (PA) number assigned by the department.

(e) The name of the subdivision must be shown in bold letters. The subdivision name must be unique and must not be so similar to any name appearing on any recorded plat in the same recording district as to reasonably lead to confusion as to the legal identity of the subdivision. If the department determines that a subdivision name submitted does not comply with this subsection, the department will notify the applicant that the name must be changed in order for the plat to be approved.

(f) The plat must have a vicinity map, a minimum of four inches by four inches, in the upper right-hand corner. The source and year of the base map used must be indicated. The vicinity map must show

(1) sections;

(2) townships and ranges;

(3) any boundaries, including national forest and municipal boundaries; and

(4) prominent physical or natural features, including roads, lakes, or rivers.

(g) The plat must include the standard department legend, available on a form provided by the department, with the applicable symbols showing monuments recovered and set for the survey, as well as other monuments used. For purposes of this subsection, the standard department legend form, revised as of June 6, 2000, is adopted by reference.

(h) Each sheet of the plat must depict a standard north arrow showing magnetic declination with source and date.

(i) The basis of bearing must be clearly labeled within the graphics on the plat.

(j) Sufficient survey data must be shown to positively describe the bounds of each lot, block, street, easement, and other area shown on the plat, as well as the outer boundaries of the lands subdivided. Record and measured data must be shown between all found and set monuments, with a listing of the sources of the record data. A complete description of monuments recovered and set must be shown on the plat.

(k) Each linear measurement must be shown at least to the nearest 1/100th foot, and each angular measurement must be shown at least to the nearest 30 seconds. Each lot area must be shown to the nearest 10 square feet or to the nearest 1/100th of total acres.

(l) For each line affected, curve data must be stated in terms of radius, central angle, and length of curve. However, curve data for streets of uniform width may be shown only with reference to the centerline, and lots fronting on those curves need show only the length of curve or of that portion of the curve that is included in their boundary. Lines intersecting curves must be labeled as "radial" or "non-radial."

(m) If any lot or portion of the subdivision is bounded by a water body, and if a major discrepancy is clearly discernible between the current and record meander lines, both the current and record meander lines must be shown and delineated.

(n) The boundary of the subdivision must be designated by a solid line that is wider than other lines appearing on the plat, and may not interfere with the legibility of figures or other data. The legal parcel identifier of adjacent lands must be shown.

(o) Each parcel within the survey's exterior boundaries that is excepted from the survey must be clearly indicated and labeled, "Not a part of this plat."

(p) Municipal or corporation boundaries within the parcel must be shown on the plat. Each road inside or adjacent to the parcel must be shown.

(q) The plat must clearly show the location, width, and use of each easement. Each easement must be clearly labeled and identified. The source document creating easements of record must be cited.

(r) Each lot and block must be numbered or lettered in consecutive order. All lots within each block must be numbered in consecutive order.

(s) Each dedication must be clearly identified, indicated, or stated on the plat.

(t) A street name shown on a plat filed for record must be unique within the locality except if the street is an extension of an existing street. An extension of an existing street must be named identically to the existing street.

History

History: Eff. 7/5/2001, Register 159

Annotations

Authority: AS 40.15.330 AS 40.15.370

Editor's note: The address for requesting forms described or adopted by reference in 11 AAC 53.690 is: Statewide Platting Supervisor, Department of Natural Resources, 550 W. 7th Ave., Suite 650, Anchorage, AK 99501-3576. Forms may also be obtained from the department's website at www.dnr.state.ak.us/land/platting.htm

11 AAC 53.700. CERTIFICATES

(a) The plat approval certificate set out in AS 40.15.305 (b) must be shown on all plats that are subject to the department's platting authority under AS 40.15.070 .

(b) The following note must be shown below the plat approval certificate, unless the acceptance of dedication certificate must be used under (c) of this section:

By approval of this plat, the Commissioner of the Department of Natural Resources hereby accepts for public use and public purposes the real property dedicated to the public hereon, including easements, rights-of-way, alleys, and roadways. The acceptance of such dedicated areas for public use and public purposes does not obligate the department, any governing body, or the public to construct, operate, maintain, or manage improvements.

(c) Plats for subdivisions of land in municipalities that do not exercise platting authority must contain an acceptance of dedication certificate from the mayor or other elected municipal official authorized to accept dedications. Nothing in this section impairs the right of the mayor or other authorized municipal official to refuse a dedication for reasonable public cause, consistent with applicable municipal ordinances. The acceptance of dedication certificate, available on a form provided by the department, must be shown substantially as follows, with the headings capitalized and underlined:

ACCEPTANCE OF DEDICATION

:QL The Mayor hereby accepts for public uses and for public purposes the real property dedicated to the public by this plat including easements, rights-of-way, alleys, and roadways shown on this plat. The acceptance of lands for public use or public purpose does not obligate the public or any governing body to construct, operate, or maintain improvements.

Date ..... Mayor.....

(d) Each plat must show a surveyor's certificate, shown substantially as set out in 11 AAC 53.210, and available on a form provided by the department.

(e) One or more of the following certificates must be shown on the plat as appropriate to the land action to be recorded, and must use the language set out in and available on forms provided by the department, as revised as of June 6, 2000 and adopted by reference:

(1) a certificate of ownership and dedication with notary acknowledgement;

(2) a certification of ownership with notary acknowledgement;

(3) a certificate of beneficiary with notary acknowledgement; in lieu of a signed certificate of beneficiary on the plat, an affidavit of beneficiary, in the form provided by the department as revised as of June 6, 2000 and adopted by reference, may be submitted.

(f) Each plat must show the tax certificate that is appropriate under 11 AAC 53.720(b)(3).

History

History: Eff. 7/5/2001, Register 159

Annotations

Authority: AS 40.15.020 AS 40.15.330 AS 40.15.370

Editor's note: The address for requesting forms described or adopted by reference in 11 AAC 53.700 is: Statewide Platting Supervisor, Department of Natural Resources, 550 W. 7th Ave., Suite 650, Anchorage, AK 99501-3576. Forms may also be obtained from the department's website at www.dnr.state.ak.us/land/platting.htm

11 AAC 53.710. NOTES

(a) Except as provided in (b) of this section, the following notes must be shown on the plat as applicable:

(1) "The error of closure of this survey does not exceed 1:5000."

(2) "All bearings shown are true bearings as oriented to the basis of bearing and the distances shown are reduced to horizontal field distances."

(3) "The natural meanders of ordinary high water [or mean high water line, as applicable] form the true bounds of [parcel name]. The approximate line of ordinary high water [or mean high water], as shown, is for area computations only, the true corners being on the extension of the sidelines and their intersection with the natural meanders."

(4) "Restrictive covenants were recorded on [date] in book [number], page [number], [name] Recording District."

(b) For plats based on a Global Positioning System (GPS) survey, the department's standard GPS note, available on a form provided by the department, must be shown instead of the note set out in (a)(2) of this section. That form, revised as of June 6, 2000, is adopted by reference.

History

History: Eff. 7/5/2001, Register 159

Annotations

Authority: AS 40.15.330 AS 40.15.370

Editor's note: The address for requesting the form adopted by reference in 11 AAC 53.710 is: Statewide Platting Supervisor, Department of Natural Resources, 550 W. 7th Ave., Suite 650, Anchorage, AK 99501-3576. Forms may also be obtained from the department's website at www.dnr.state.ak.us/land/platting.htm

11 AAC 53.720. FINAL PLAT SUBMITTAL UNDER AS 40.15.300

(a) A final plat must conform to 11 AAC 53.600 - 11 AAC 53.740 and be free of tape, repairs, paste-on materials, or other appliques. If those materials were used in plat production, a blackline copy, on polyester film of Dupont Mylar or equivalent quality, may be used as a new original, if the copy maintains the density of line, clarity of background, accuracy, and other qualities of a normal original. Reproducible copies duplicated by ammonia or photostatic process will not be accepted.

(b) Submittal of a final plat must include the following:

(1) the reproducible final plat and one blackline print must be submitted for approval to the department; the print must be made before any certificates or acknowledgments on the reproducible final plat are signed and before any official seals are applied; both the reproducible final plat and the print must be signed and sealed separately in black ink;

(2) an update to the certificate to plat, required under 11 AAC 53.620(a)(3), or the title status report described in 11 AAC 53.610(b) as applicable, executed no more than 90 days before final plat approval, must be submitted with the plat;

(3) each plat at the time of filing for record must have a signed certificate from the tax-collecting official of the municipality in which the land is located stating that all taxes levied against the property as of the date of the certificate are paid or, if the parcel is inside the boundaries of a municipality that does not exercise taxing authority or is outside of a municipality, a certificate on the plat that the parcel is not subject to taxation at the date of this survey;

(4) recording fees must be paid in accordance with 11 AAC 05.010.

History

History: Eff. 7/5/2001, Register 159

Annotations

Authority: AS 40.15.330 AS 40.15.370

11 AAC 53.730. REPLATS AND VACATIONS

(a) A plat of land that is subject to the department's platting authority under AS 40.15.070 may not be replatted, vacated, or otherwise changed without the approval of the commissioner. Approval for a change to or vacation of a plat is initiated by filing the original and one copy of a petition with the department in Anchorage. However, if the area to be replatted is also partially within the jurisdiction of a municipal platting authority, and if the municipal platting authority

agrees, the commissioner may delegate to that entity the authority to receive, review, and approve the petition for the entire area to be
replatted in accordance with the municipality's own procedures.

(b) A petition for a replat or vacation filed with the department must contain

(1) a copy of the original survey plat showing the area for change or vacation;

(2) the name, address, and land ownership of each petitioner and all other landowners within the petition area and within 500 feet beyond the petition area;

(3) the action sought by the petitioner and a statement of reasons for the requested change or vacation; and

(4) the name and address of the petitioner or the agent authorized by the petitioner to receive service by mail.

(c) The plat review and filing fees required by 11 AAC 05.010 must accompany the petition.

(d) No more than 60 days after a petition is filed and the fees required by 11 AAC 05.010 have been received, a public hearing will be held on the petition at a place designated by the commissioner. At least once a week for two consecutive weeks, a notice of hearing that meets the requirements of AS 29.40.130 will be published in a newspaper of general circulation published within each judicial district in which the land is located. If no such newspaper exists, the notice will be posted in the local post office or other place of general visitation. A copy of the notice will be mailed by registered mail to each

(1) petitioner;

(2) known person not joining the petition who is the owner of record of land located within the petition area or within 500 feet of the petition area; and

(3) affected public agency and utility.

(e) If the petition is approved, the commissioner will prepare a state platting resolution and notify the petitioner by certified mail. A copy of the resolution will be sent with the notice. In the notice, the commissioner will require the petitioner to present to the commissioner a final plat of the replat that complies with 11 AAC 53.210 and 11 AAC 53.230. The replat must be prepared at the petitioner's expense. If the replat is not completed within 18 months after the date of the state platting resolution, the platting resolution expires, unless the commissioner extends the time limit for good cause. The commissioner may require a preliminary plat that complies with 11 AAC 53.220 before the plat is approved. Each agency and utility notified of the petition must be notified of the approval. The commissioner will record the plat and the state platting resolution in each recording district where a portion of the changed or vacated area is located, and the change or vacation is not valid until the recording has taken place. The department will send to the petitioner a copy of the recorded plat and a copy of the platting resolution showing the recording data. The original copies of the replat and the platting resolution will be maintained by the department.

(f) A replat showing a change and presented to the department must contain the following standard certificates, as set out in 11 AAC 53.210 and available on a form provided by the department:

(1) the surveyor's certificate;

(2) the approval certificate;

(3) the certificate of ownership;

(4) a section-line easement vacation certificate, if necessary under AS 19.30.410 and AS 29.35.090 .

History

History: Eff. 7/5/2001, Register 159

Annotations

Authority: AS 38.04.045 AS 38.04.900 AS 38.05.020 AS 40.15.305

Editor's note: The address for requesting forms described in 11 AAC 53.730 is: Statewide Platting Supervisor, Department of Natural Resources, 550 W. 7th Ave., Suite 650, Anchorage, AK 99501-3576. Forms may also be obtained from the department's website at www.dnr.state.ak.us/land/platting.htm

11 AAC 53.740. VARIANCES

The department will grant a variance from a provision of 11 AAC 53.600 - 11 AAC 53.730 if the person seeking a variance demonstrates, to the satisfaction of the department, that

(1) granting the variance will not be detrimental to the public health, safety, or welfare, injurious to adjacent property, or contrary to the public interest;

(2) the variance sought does not violate a statute; and

(3) the conditions on which the variance application is based do not apply generally to properties similar to the one for which the variance is sought.

History

History: Eff. 7/5/2001, Register 159

Annotations

Authority: AS 40.15.330 AS 40.15.370

Article 6 General Provisions

Section

900. Definitions.

11 AAC 53.900. DEFINITIONS

Unless the context clearly indicates otherwise, in this chapter

(1) "adjacent" means near but not necessarily touching;

(2) "aliquot parts" means land description within a rectangular survey system, as established by the United States Department of the Interior, Bureau of Land Management, or the division, using the section method of describing parcels of land by half sections, quarter sections, or any further division into equal halves or quarters with no remainder;

(3) "arterial road" means a road that is used primarily for through traffic, as opposed to access to adjacent land;

(4) "bearing object" means any object, other than trees and monuments, that may be used by the state as a primary monument accessory;

(5) "cadastral rectangular survey" means a survey that defines the rectangular system of surveys as accomplished by the United States Department of the Interior, Bureau of Land Management, or the division; the survey may or may not be identical with the protracted system of rectangular surveys, as administratively approved on official protraction diagrams;

(6) "coastline" means the line of mean low water along that portion of the coast that is in direct contact with the sea, and the line marking the seaward limits of inland water;

(7) "coastal water" means water along the coast of Alaska influenced by the tides;

(8) "course" means bearing and distances of a boundary or survey line, expressed to the accuracy used in the class of survey being conducted;

(9) "geodetic coordinates" means the quantities of latitude and longitude that define the position of a point on the surface of the earth, with respect to the reference spheroid; they are also called "geographic coordinates" (based on Clark's spheroid of 1866, as corrected for Alaska in 1927);

(10) "geodetic survey" means a survey in which account is taken of the shape and size of the earth; geodetic surveys are usually prescribed where the area or distances involved are so great that results of desired accuracy and precision can be obtained only by the process of geodetic surveying;

(11) "horizontal control" means control with horizontal positions only; the positions may be referenced to the geographic meridians or to other lines of reference, such as plane coordinate axes;

(12) "land survey" or "survey" means the process of determining boundaries and areas of land parcels on the ground;

(13) "limits of error" means the maximum permissible error, as expressed in a linear ratio establishing the mathematical precision of distances and angles assigned to control the accuracy standards of a survey;

(14) "mean high water" means the tidal datum plane of the average of all the high tides, as would be established by the National Geodetic Survey, at any place subject to tidal influence;

(15) "mean high water line" means the intersection of the datum plane of mean high water with the shore;

(16) "mean low water" means the tidal datum plane of the average of the low tides, as would be established by the National Geodetic Survey, at any place subject to tidal influence;

(17) "mean lower low water" means the tidal datum plane of the average of the lower of the two low waters of each day, as would be established by the National Geodetic Survey, at any place subject to tidal influence;

(18) "to meander" a water body means to establish courses along the ordinary, or mean, high water mark between land and water boundaries for segregation of upland and shoreland underlying state navigable or public water;

(19) "metes and bounds survey" means a survey that is accomplished from computed courses, such as shown on a preliminary or final plat;

(20) "monument" means the permanent, physical item placed or existing in the ground at a corner position to define and mark the boundaries of a parcel of land;

(21) "navigable water" has the same meaning as in AS 38.05.365 (22);

(22) "offshore" means submerged land lying seaward from the line of mean low tide;

(23) "ordinary high water mark" means the mark along the bank or shore up to which the presence and action of the nontidal water are so common and usual, and so long continued in all ordinary years, as to leave a natural line impressed on the bank or shore and indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics;

(24) "paper plat" means essentially the same as an actual survey plat, except that the pertinent data and courses are derived from a compilation of official survey data and no actual field survey was accomplished;

(25) "public access easement" means an easement that is identified to allow access by the public, including access to private property by the owners of that private property and their invitees, and that may be used for any mode of transportation commonly employed for access purposes, subject to any restrictions noted on the plat, deed or other legally applicable document;

(26) "public water" has the same meaning as in AS 38.05.365 (23);

(27) "quarter-quarter section" means one-sixteenth of a normal section, formed by dividing a quarter section into four parts by lines connecting the midpoints of opposite sides, and containing 40 acres, more or less;

(28) "rectangular survey system" means a system of surveys in which an area is divided by a base line intersected at right angles by a principal meridian, with the intersection termed the initial point from which the partitions are subdivided into equal size townships, each containing 36 sections of land;

(29) "replat" means the redelineation of two or more existing lots, blocks, tracts, or parcels of a previously recorded subdivision or other survey, involving the change of property lines, or in the case of a vacation, the altering of dedicated streets, easements or public areas;

(30) "residential road" means a road that is primarily for traffic within a residential subdivision;

(31) "state plane coordinates" means the plane rectangular coordinate system established by the United States Coast and Geodetic Survey (now National Geodetic Survey) for use in defining positions of geodetic stations in terms of plane rectangular (X and Y) coordinates;

(32) "shoreland" means land belonging to the state that is covered by tidal or nontidal water that is navigable or nonnavigable under the laws of the United States, or the state, up to the mean or ordinary high water mark, and as may be modified by accretion, erosion, or reliction;

(33) "subdivision" has the same meaning as in AS 40.15.190 (2);

(34) "submerged lands" has the same meaning as in AS 38.05.365 (17);

(35) "supplemental cadastral survey" means the establishment of additional cadastral survey boundaries within an existing cadastral survey;

(36) "survey plat" means a diagram drawn to scale, showing all essential data and courses pertaining to the boundaries and subdivision of a tract of land, as determined by survey or protraction;

(37) "surveyor," "registered surveyor," or "professional land surveyor" means a person who has been registered by the State of Alaska Board of Registration for Architects, Engineers and Land Surveyors to currently practice land surveying in Alaska in conformance with AS 08.48;

(38) "tideland" means the same thing as "tidelands" as defined in AS 38.05.365 (18);

(39) "tract" means a lot or parcel of land, and especially an odd-sized parcel within a section, such as on the west side of the west tier of sections in a township;

(40) "true bearing" means the direction of one point or object, with respect to another, where the direction of the line is expressed by the acute horizontal angle with respect to the celestial meridian; the reference direction may be north or south with reference to the true geodetic meridian; typical bearings are N. 6° 10'15" W. & S. 17° 10'30" E.;

(41) "vertical control" means the measurements taken by surveying methods for the determination of elevation only with respect to an imaginary level surface, usually mean sea level;

(42) "amended plat" means a plat of record that is corrected and re-recorded to correct a technical error that does not affect acreage, property lines, or valid existing rights;

(43) "block" means a group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or by physical barriers, and having an assigned number or letter;

(44) "commissioner" means the commissioner of natural resources;

(45) "controlling exterior corner" means a corner on the exterior boundary of a subdivision that is an angle point or a point of curvature;

(46) "dedicate" means to grant or convey into public ownership for public use; "dedicate" includes the designation of a public area on a plat;

(47) "department" means the Department of Natural Resources;

(48) "lot" means the smallest portion of a subdivision, constituting a single parcel, division, or piece of land intended for sale or dedication as a single unit;

(49) "lot summary" means a document showing bearings and distances used to compute parcel area and showing closure;

(50) "meander line" means the traverse run at the line of mean high water or ordinary high water of a permanent natural body of water, surveyed not as a boundary, but to define generally the sinuosities of the bank or shoreline and to determine the approximate quantity of land remaining after segregation of the water area;

(51) "parent parcel" means the original tract from which a parcel is being created by subdivision;

(52) "replat" means the redelineation of one or more existing lots, blocks, tracts, or parcels of a previously recorded subdivision or other survey that involves the change of property lines or, in the case of a vacation, the altering or eliminating of dedicated streets, easements, or public areas.

History

History: Eff. 3/27/80, Register 73; am 7/5/2001, Register 159

Annotations

Authority: AS 38.04.045 AS 38.05.020 AS 38.05.035 AS 40.15.330 AS 40.15.370