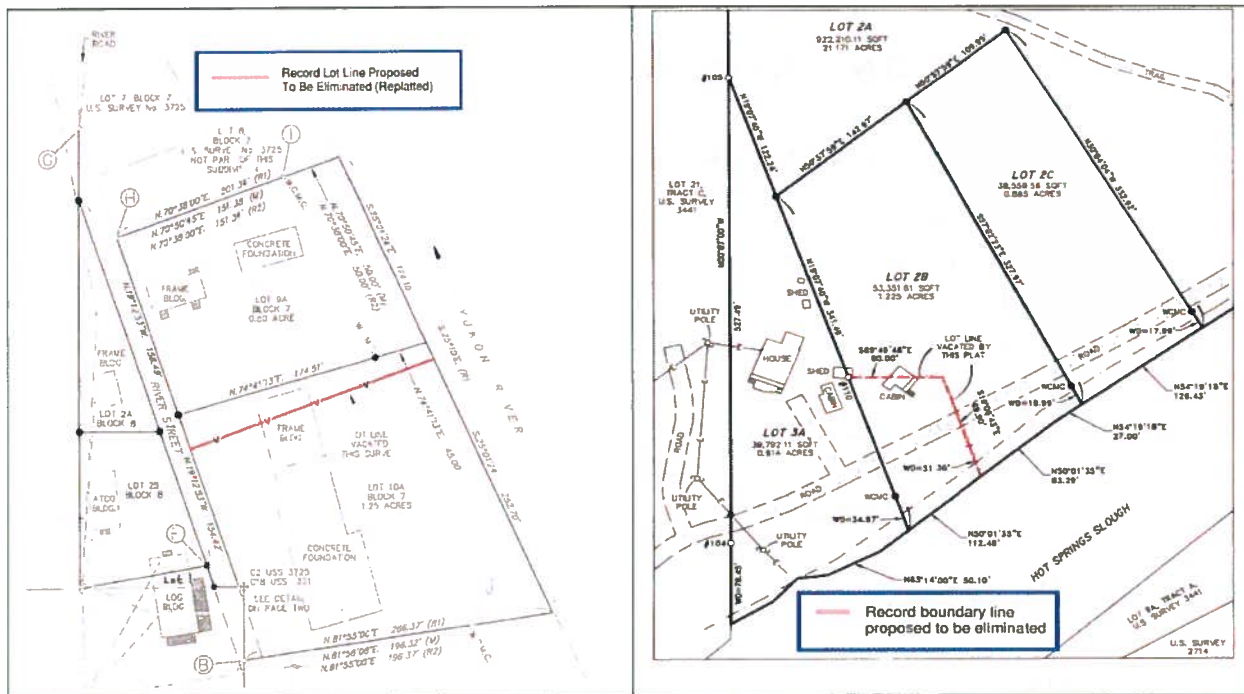




Survey Section
Unorganized Borough Platting & Easement Unit
Replat Procedure Manual



Approved By: [Signature] (Chief of Surveys)
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1.0 REPLAT OVERVIEW:

1.1 Purpose: This manual documents Replat procedures used by the Unorganized Borough (UB) Platting Authority, of the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Survey Section to process Replat application petitions lying within the UB.

1.2 Replat Definition:

- a. **11 AAC 53.900(52) Replat Definition:** *"Replat" means the re-delineation 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.*

- b. **Replats in the Unorganized Borough (UB) change platted boundaries and the legal description of the affected parcels;** therefore replats are treated like a subdivision and will be assigned a PA case type and file number. If applicable, an easement vacation application may be included with the replat application. Each action involved (subdivision, vacation and/or replat) will need fees paid as applicable; the convenience being that one subdivision plat can depict one, two, or all three actions.

- c. **If a boundary replat action also includes an easement vacation,** it is advisable to include both actions on one plat, for the sake of time and cost to the client. In this case, the timeline for an easement vacation in the UB is followed per the EV Manual, and the replat action is included during the easement vacation public notice process. Alternately, the replat process can be completed separately within the 60-day timeline. The EV process takes longer to accomplish due requirements for agency review notice and preliminary and final decisions. However, the replat and easement vacation actions often are dependent on each other. Generally it is best not to separate them into two separate public notice processes.

1.3 Overall Unorganized Borough Platting and Replat Authority:

a. Legal Authority:

1. **AS 29.03.010 Establishment:** *Areas of the state that are not within the boundaries of an organized borough constitute a single unorganized borough.*

2. **AS 29.03.030 Platting Authority:** *The Department of Natural Resources is the platting authority for the state except within a municipality that has the power of land use regulation and that is exercising platting authority (emphasis added). Also refer to AS 40.15.070(b).*
3. **AS 29.40.120 Alteration or replat petition:** *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. A platted street may not be vacated, except on petition of the state, the borough, a public utility, or owners of a majority of the land fronting the part of the street sought to be vacated. The petition shall be filed with the platting authority and shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.*
4. **AS 40.15.305(e) Current statutory authority for Replats** is cited under and is regulated under Alaska Administrative Code, Article 5 “Platting Authority in the Unorganized Borough” (11 AAC 53.600 -.740). More particularly, under 11 AAC 53.730 **Replats and vacations**. Note that under AAC 53.730 “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.” Survey section considers a petition to “have been filed” once the Advisor considers the petition complete and proper.
5. **Home Rule and 1st Class Cities within the Unorganized Borough (UB)** are required to exercise local planning, platting, and land use regulation per AS 29.35.250(c). Currently, the single exception to this is the Petersburg Borough, which delegates its platting authority, outside the City of Petersburg boundary, to the Unorganized Borough platting authority. The Petersburg Borough presently has not developed platting regulations that apply outside certain areas within the borough and have delegated the DNR to act as platting authority for subdivisions, vacations and replats within those areas (refer to Borough Resolution 2013-4).
6. **Second Class Cities within the UB** are PERMITTED, NOT REQUIRED, to exercise local planning, platting, and land use regulation (authority). If a Second Class City chooses to exercise their own land use planning, and adopts subdivision and platting regulations, they are said to “Exercise Platting Authority”, or “Assume Platting Authority”.

7. **Some Second Class cities within the UB have adopted land use planning, subdivision & platting regulations and are currently exercising platting authority. These cities exercise their own platting authority and are not subject to the UB replat regulations. Refer to the “Municipal Platting Authorities” section in the Platting UB Handbook.** Some Second Class cities within the UB were exercising platting authority and for various reasons later delegated platting authority back to DNR to act on their behalf.

b. History:

1. **In 1971 the DNR, Division of Lands was given the power to act as platting Authority “...only for the purposes of hearing and acting on petitions for the change or vacation of plats...” statewide. At that time the Cadastral Survey Section was within the DNR, Division of Lands, Technical Data Management Section. (§ 1 ch 112 SLA 1971)**
2. **In August 1998 the Department of Natural Resources was delegated as Platting Authority over the Unorganized Borough (UB) of Alaska and given specified standards and constraints to follow in reviewing proposed subdivisions of land for compliance with applicable law (AS 40.15.300-.730), the DML&W Cadastral Survey Section was delegated this duty to act on DNRs behalf.**

2.0 REPLAT, BASIC PROCESS:

2.1 DNR Initial Point of Contact:

- a. **The DNR Survey Section is the initial point of contact for public application to re-delineate or eliminate platted boundaries and replat record parcels in a previously recorded subdivision of land that is subject to the Unorganized Borough Platting Authority. The Survey Section Replat Team, is comprised of the NRT II Technician (NRT), UB Platting Officer (PO), EV Specialist (Specialist), Survey Section Easement Supervisor (Supervisor), and Survey Section Easement PLS Advisor (Advisor). Petitioners are usually private citizens though occasionally a government agency is the petitioner.**
- b. **Applicants are urged to meet with an EV/Replat team member prior to petition submittal for advice on EV/replat process. Petitions for replat require a plat submittal and may also require an EV application.**

2.2 Basic Replat Process

- a. Petition Intake (See Section 3.1)
- b. Initial Petition Review for completeness & understandability by PLS Advisor.
- c. Public Notice Process
- d. Replat Team interaction with review of associated Subdivision Plat
- e. UB staff: Interaction with review of associated Replat application.
- f. Public Comments, Public Hearings and subsequent Discussions
- g. Review of associated plat: subdivision or EV plat.
- h. State Platting Resolution creation, if and when EV application is approved.
- i. Final approval & Recording of plat with State Platting Resolution attachment.

3.0 REPLAT PETITION INTAKE AND PUBLIC NOTICE PROCESS

3.1 Petition/Application Intake Procedure:

- a. NRT II or Platting Officer:
 1. Accepts the petitioner's application.
 2. Assigns EV file number.
 3. Makes hard copy file.
 4. Initiates case in LAS. Note that both Replat actions and Easement Vacation actions are assigned "EV" case file numbers in LAS, though the two actions are not one in the same.
 5. Delivers file to PLS Advisor.
- b. Advisor:
 1. Ensures that correct fees have been submitted per 11 AAC 05.240(d)(1)(F)(iv) subject to director's fee order dated 6/12/2018 and the petition is complete and understandable (refer to 3.1(b) below). Current replat fee is \$400, which is a reduction of 20% of the full fee by Directors Fee Order #3 dated 12 June 2018. If petition includes an Easement Vacation, the \$2,000 easement vacation fee also covers the cost of replat.

2. **Original signatures are required of all petitioners, i.e., all owners of the properties directly affected by the replat.** (Note that these are not the same people as the “owners within 500’ of the action”).
3. **Ensures that in addition to above requirements, Supporting Documentation is complete to include:**
 - a) All Sections of petition are completed in a clearly understandable manner.
 - b) Preliminary plats and other maps or documents clearly depicting the petitioned action and impacted area.
 - c) Map is provided with legal descriptions identifying all properties within 500 feet of the subject properties, to include current names and addresses of the owners of said properties. It is the petitioner’s burden, not the Survey Section’s, to provide a complete list.
 - d) Names and addresses of all affected utility companies and other interested parties and agencies.
 - e) Other supporting documentation which is not noted above.
 - f) Questions should be directed to the petitioner or surveyor. **The 60-day timeline, in which to hold a public hearing as per 11 AAC 53.730(d), starts when there are no more questions, all supporting documentation has been received, and the replat petition is complete and clearly understandable.**
 - g) Verifies that the case has been logged into LAS, an electronic file in the “EV” folder on the Tech drive has been created, and the action has been logged into the EV folder database. This login begins the 60-day timeline. LAS entry should include name of surveyor, UB Transaction, and Legal Description.

3.2 Preparation for Public Notice, (PN) and Public Hearing, (PH)

- a. **Scheduling: The Advisor and/or Specialist Schedules Public Hearing** which must be held within 60 days of receiving a complete petition as per 11 AAC 53.0730(d). The Advisor and/or Specialist has approximately two weeks from receipt of the application to arrange for and accomplish the following preparatory steps for the Public Notice & Hearing in order to meet the 60-day window.
 1. **Uses Outlook Calendar function** on computer to reserve the Surveys Conference room for an in-person hearing for a minimum of 1 hour on the desired day. Optional; Utilize MS Teams in addition to and/or phone in option.
 2. **Schedule for and account for the two-week advanced notice** required by the Director’s Office for publishing the required Public Notice newspaper ad.

3. Schedule for and account for the minimum 30-day Public Notice posting.

b. Preparing Public Notice Packets for Distribution (Advisor):

1. Packet Distribution List:

- a) U.S. Postal Service Posting
- b) Petitioner and Surveyor
- c) Newspaper of local or statewide circulation
- d) Surrounding landowners, utilities, and other interested parties. Mail out list of these people using the applicant-supplied information.
- e) State on-line public notice web site

2. General Packet Contents:

- a) Cover letter tailored to each specific party on the distribution list; US Post Office, Petitioner and Surveyor, Newspaper editor, surrounding landowners, interested parties, and public notice web site.
- b) Notice of Public Hearing (NoPH) per AS 38.05.945 and 11 AAC 53.730(d)
 - 1) Informs the reader of the dates of the 30-day written public input period and the Public Hearing held in the Survey Section conference room for in-person or telephonic comments, held at the end of the 30-day period.
 - 2) Is accurate and specific in terminology describing the proposed action to include an Attachment A, the MTRS location, deadline dates, access to the telephonic public hearing, and clarification that written comments or public hearing testimony are required if one wishes to appeal a decision later.
 - 3) Draft a long version which includes the cover letter for mail-outs and a shorter abbreviated version with the same information, using abbreviations and/or shorter words for the newspaper posting, to lessen associated costs.
- c) Exhibit A's to include a micro-view of the proposed replat and a macro-view, if beneficial, of the overall area and proposed change and impact of the change of boundary. This can be created with maps submitted by the applicant and with the use of Bluebeam or other graphic editing program.

3. Note that all letters are mailed via Certified/return receipt to provide a minimum of a 30-day notice prior to the Public Hearing.

- c. **Specific Recipient Distribution List Requirements:** Copies of all forms of public notice should be included in the case file and saved to the digital file. Update LAS file with NOPH details and Public Notice Sent.
1. **U.S. Postal Service packet contents:**
 - a) Cover Letter, requesting the NoPH and Exhibits be posted on their community bulletin board for the minimum of 30 days and that an “Affidavit of Posting” (See Example) be filled out, notarized, and sent back after the NoPH and Exhibits are posted.
 - b) Affidavit of Posting
 - c) NoPH with all exhibits
 - d) Self addressed stamped envelope (addressed to Survey Section PLS Advisor)
 2. **Petitioner and Surveyor**
 - a) Cover Letter, which includes information for reimbursement to Survey Section for payment of cost of all postage and newspaper publishing.
 - b) Invoices for cost of all postage & newspaper publishing. Include future cost of postage associated with 11 AAC 53.730(e) & state platting resolution. Make copies for the case file. Verify current postage rates at USPS.com. Check should be made payable to “Alaska Department of Natural Resources” and note EV# on memo line. When reimbursement is received, check is sent to Director’s Office with Cover Letter & Invoice copies.
 - c) NoPH with all exhibits.
 3. **Local Newspaper.** If no local newspaper is available, publish in a newspaper of statewide circulation, generally read by the local community.
 - a) As per AS 29.40.130 and 11 AAC 53.730(d) and as applicable, AS 38.05.945 posted a Minimum of 30 day prior to the public hearing.
 - b) To be published at least once a week for two consecutive weeks.
 - c) A minimum of two weeks prior to the needed publishing date of the NoPH in the newspaper, deliver an “Advertising Order Request form” to the Director’s Office staff representative to review proofs, make corrections, meet deadlines, and process the newspaper advertising order request for the Survey Section.
 - d) Note as referred to above, the need for an abbreviated, shorter, version of the NoPH for notice in the newspaper to save costs.
 4. **Surrounding Landowners and Interested Parties.** This would include the landowners and addresses, within 500’ of the action, identified and submitted by the Applicant, local utility companies, and other “interested” parties

identified by the PLS Advisor and/or PO. Other parties may include impacted corporations, organizations, and/or local government organizations.

- a) Cover Letter
- b) NoPH with all Exhibits.

5. State On-Line PN Website. 30-day minimum notice.

<https://aws.state.ak.us/OnlinePublicNotices/Login.aspx?ReturnUrl=%2fOnlinePublicNotices%2fNotices%2fView.aspx%3fid%3d180920>

- a) Fill out the on-line form.
- b) Provide beginning and archive dates. Note that notices are archived at midnight (12:00 AM) on the day requested so use the day after the public comment period deadline ends for the specified end date.
- c) Category: "Public Notices"
- d) Location: "Statewide"
- e) Insert NoPH long version. Note that the online program sometimes blows out the MS Word ".doc" and ".docx" formatting
- e) Insert .pdf exhibits as "attachments".

4.0 REPLAT WRITTEN PUBLIC COMMENTS

4.1 Written Comment Period is a 30 day period.

4.2. Written Comment Period Process:

- a. **Written comments may be submitted as per the Public Notice via:**
 1. Email to the Survey Section Advisor
 2. Picked up by the Survey Section NRT through the US Mail.
 3. Hand delivered to the NRT at Survey Section.
- b. **All written comments then delivered to Survey Section Advisor**
- c. **Advisor compiles written comments:**
 1. Advisor notes comments which are not germane or legitimate to the application, for use later in the public input synopsis.
 2. Advisor notes and compiles comments which are very similar, if any.
 3. Advisor synthesizes comments where possible to add to the state platting resolution as needed, considering all comments.
- c. **Oral comments during this period by phone or in-person are not accepted.**

5.0 PUBLIC HEARING

5.1 Public Hearing Scheduling:

- a. **Advisor schedules the public hearing** in Survey Section conference room, which must be held within 60 days of the acceptance of a completed application packet as per 11 AAC 53.730.
- b. **The Advisor has two weeks** from the above referenced acceptance of the application in which to:
 1. **Use Outlook Calendar function** on the computer to reserve the Survey Conference Room for a minimum of one hour of time on the desired day to hold the public hearing.
 2. **Schedule for submittal of the newspaper ad** and account for the two-week advanced notice required by the Director's Office for publishing the Notice of Public Hearing in a newspaper of choice which needs to run "once a week for two consecutive weeks". The first day of publishing must be 30 days or more prior to the Public Hearing (PH).
 3. **Schedule for and account for the minimum 30-day Public Notice** posting in the Post Office.
- c. **Generally hold the public hearing** on or after the last day of the written comment period.

5.2 Public Hearing Preparation:

- a. **Conference room reserved** up to 60 days prior to hearing.
- b. **Prepare and follow the "Public Hearing Format"**. See the sample. Prepare a script.
- c. **Acquire a voice recorder**. Test it prior the hearing. Use it to record the hearing.
- d. **Prepare an Attendance Record**. See sample.
- e. **Note that Public Hearing Format" & "Attendance Record"** documents are found on the "tech" drive at "New/EV/1 EV-CASE FILES/UNORGANIZED BOROUGH"

5.3 Hold Public Hearing:

- a. **Once prepared, simply do what the public hearing format document says** and follow the script, reading to the attendees.
- b. **All attendees physically present (if any) sign the "Attendance Record"**.

- c. **Names of all attendees attending** via teleconference must be listed. Attendees must provide a mailing address in order to receive subsequent documents and decisions.
- d. **Record the entire hearing.** The recording shall be saved in the electronic file. If there are no attendees so note.
- e. **If no one shows up or calls in on time**, as a courtesy, our office allows one half hour to provide time for late arrivals before officially ending the hearing. A majority of time there are no attendees in person or by phone. If an attendee is on time, the hearing should start on time as well. This will be a judgement call by the hearing officer.
- f. **At end of the hearing, the hearing officer (you) signs & dates attendance record.**
- g. **Assemble, compile, all comments received** in a manner similar to the written comment period comments.

6.0 STATE PLATTING RESOLUTION : IAW 11 AAC 53.730(e): 8 ½" x 11" format

6.1 Draft the Resolution:

- a. **Assign it the next available & consecutive resolution number** from the 8½" x 11" SPR logbook, located in PLS Advisor office. Note: there is also an 11' x 17" log book containing older resolutions.
- b. **Draft the resolution** following an example of a similar case.
- c. **Make reference to all comments received.**
- d. **All logical objections and/or concerns must be noted** with a DNR response clearly explaining why the comment was or was not considered.
- e. **Draft SPR created & reviewed** by the Supervisor prior to acquiring final approval.

6.2 Complete the Resolution:

- a. **On approved by Supervisor draft to Chief Survey Section (Chief), for final approval.**
- b. **Once approved and signed by Chief or by DMLW Director:**
 - 1. **Have signature notarized** by in-house staff.
 - 2. **Scan the document in color format** and save in the electronic EV file.
 - 3. **Make copies for the log book, the PA hard copy file, and the EV vacation and/or replat hard copy file.** A special 2 hole punch in the Advisor office is needed and will be used for the log book copy.

4. **The approved SPR with original signatures** is to be placed in a protective folder and placed in the PA file if available. If not available the original SPR will be placed in the subdivision file (EV, ASLS, etc.). A year or more can pass before the plat is finalized and recorded so the protective folder is important to prevent damage to the original document prior to recordation.
 5. **The original resolution will be recorded** as an attachment to the plat.
 6. **If the SPR is associated** with an ASLS, ATS, ASCS, or EV plat, the Advisor will place a note on the outside of the case file for the Survey Section to be aware that the SPR must be recorded with the applicable plat when the time comes. The Advisor will also advise the appropriate Surveyor of that fact.
- c. **SPR Approval or Denial Notices IAW 11AAC 53.730(e)**
1. **Draft the SPR approval/denial notice cover letters.** Refer to the “SPR Approval Notices” in the electronic file. Denials are more common for easement vacations than for replats.
 2. **Include the standard “Appeal” language,** whether approving or denying. Standard Appeal language is issued by the Commissioner’s Office.
 3. **To be sent certified/return receipt only to the Petitioner(s)** and/or to the person designated to receive service by mail.
 4. **To be sent by regular mail to the Surveyor,** to all the agencies listed on the NoPH mailing list (e.g. utility companies, DNR Region, Municipalities, etc.) and to any and all other parties that provided public comment or public hearing testimony.
 5. **Parties from the mailing list** who did not provide comment do not receive this notice.
 6. **Update LAS** with SPR details.
 7. **Include a copy of the approved SPR** in all notice letters. Add a “copy” watermark to the SPR being sent.
 8. **Insert a copy of the preliminary plat “EV Exhibit”** that was provided during the Public Notice period on page 2 of the cover letter (the back side of PG. 1). This helps to clarify where the case resides.

7.0 FINAL PLAT REVIEW: IAW AS 40.15.300-.380 and 11 AAC 53.600-.740.

- 7.1 **Final plat reviews are generally done by the UB Platting Officer** as a part of a subdivision “PA” plat review.
- 7.2 **To reiterate: a Replat of a platted boundary line** will always create new legal descriptions for the parent parcels involved;

- 7.3 Replats actions are considered subdivisions since they create parcels with new legal descriptions, and as such, undergo PA plat review by the UB Platting Officer.
- 7.4 Several reviews of the plat may be required before a final plat on Mylar is requested.
- 7.5 Original signed SPR will be recorded with the final mylar. Recorder's Office keeps the original SPR with the final mylar.
- 7.6 **Final Plat Replat Requirements** - Final Plat should clearly depict the lot lines being eliminated, old lot numbers, new lot numbers, and include the standard replat note. PA number and EV number are both included in the bottom right corner of the title block.
- a. For Replats that include Easement Vacations, see EV Manual for final plat requirements with regards to easement vacation.

CONTRIBUTORS:

2022/2023

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GLOSSARY

IAW : In accordance with

PN – Public Notice

PH – Public Hearing

NoPH - Notice of Public Hearing

LEGAL REFERENCES

AS 29.03.010

AS 29.03.030

AS 29.40.120-150

AS 38.05.945

AS 40.15.070(b)

AS 40.15.300-730

11 AAC 05.240

11 AAC 53.600-.730

11 AAC 53.900(52)

1 CH 112 SLA 1971

REFERENCE DOCUMENT INDEX

Path: G:\- New\EV\EV Manual\EV Manual 2023 Update\Replat Manual 2023\Replat Manual Document References

Reference Documents

Appeal Provision

Petersburg Resolution 2013-4

UB Platting Manual

Petition

Boilerplate Petition Example

“As Submitted” Petition Example

Replat Policy

Samples of Types of Petitions

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Cover Letters

Exhibits

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NOPH – Long & Short Versions

OPN Website

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CID Creation

Replat Checklist