

DENALI BOROUGH CODE

Chapter 9.10

SUBDIVISIONS

Sections:

- [9.10.010](#) Purpose.
- [9.10.020](#) Applicability.
- [9.10.030](#) Authority.
- [9.10.040](#) Definitions.
- [9.10.050](#) Surveys.
- [9.10.060](#) Recordation.
- [9.10.070](#) Fees.
- [9.10.080](#) Short plats.
- [9.10.090](#) Subdivision plats.
- [9.10.100](#) Plat standards.
- [9.10.110](#) Access.
- [9.10.120](#) Subdivision road design standards general requirements.
- [9.10.130](#) Exceptions to general road design requirements.
- [9.10.140](#) Utility easements.
- [9.10.150](#) Minimum right-of-way and traffic-way widths.
- [9.10.170](#) Geometrics and profiles.
- [9.10.180](#) Intersection.
- [9.10.190](#) Connections with existing and future development.
- [9.10.200](#) Right-of-way distance from structures.
- [9.10.210](#) Reports or documentation.
- [9.10.220](#) Drainage.
- [9.10.230](#) Signs, subdivisions and road names.
- [9.10.240](#) Variances.
- [9.10.250](#) Plat amendments.
- [9.10.260](#) Vacations of easements and rights-of-way.
- [9.10.270](#) Public notice.
- [9.10.280](#) Appeals.
- [9.10.290](#) Enforcement.
- [9.10.300](#) Example sheets.

9.10.010 Purpose.

The purpose of this chapter is to provide for subdividing, road design standards and platting within the Denali Borough. [Ord. 19-10 § 2; Ord. 17-14 § 2; Ord. 96-22 § 2; Ord. 96-07 § 2.]

9.10.020 Applicability.

Each of the following sections will apply to all subdividing and platting of land within the Denali Borough. [Ord. 19-10 § 2; Ord. 17-14 § 2; Ord. 07-07 § 2; Ord. 96-22 § 3.]

9.10.030 Authority.

- A. AS [29.35.180](#)(b).

- B. Chapter [5.30](#) DBC. [Ord. 19-10 § 2; Ord. 17-14 § 2; Ord. 96-22 § 4; Ord. 96-07 § 3.]

9.10.040 Definitions.

- A. “AASHTO” means American Association of State Highway and Transportation Officials.
- B. “Adjoining land” means record owners of those properties of which one or more boundaries are in common with a boundary of the property being subdivided.
- C. “Alley” means a narrow road or path between properties or buildings.
- D. “Application conference” means a meeting to inform the land planner of the subdivider development plans, and to inform the surveyor/subdivider of the borough’s development plans and procedures.
- E. “Arterial road” means a major through-road serving a high volume of traffic.
- F. “ASLS” stands for Alaska State Land Survey.
- G. “Borough” means the Denali Borough.
- H. “Borough assembly” means the Denali Borough assembly.
- I. “Boundary survey” is a process carried out to determine property lines and define true property corners of a parcel of land described in a deed.
- J. “Cadastral survey” means the surveys that create, mark, define, retrace, or reestablish the boundaries and subdivisions of the public lands of the United States.
- K. “Collector road” means a moderate to low-capacity road which serves to move traffic from arterial roads to local roads.
- L. “Cul-de-sac” means an end of road or right-of-way which terminates in a vehicular turnaround.
- M. “Easement” means any parcel of land reserved by the subdivider for public utilities, drainage or other specified uses, the title to which shall remain in the name of the property owner, subject to the right of use designated on the subdivision plat or other document.
- N. “Frontage road” means a subsidiary road running parallel to a main road or highway and giving access to houses and businesses.
- O. “ITE” means the Institute of Transportation Engineers.
- P. “Legal description” means a written statement recognized by law as to the definite location of a tract of land by reference to a survey, recorded map or adjoining property.
- Q. “Land planner” means the Denali Borough land planner.
- R. “Legal access” means a public or private right-of-way or easement which is designated as a permanent right-of-way for common use as the primary means of access to properties abutting it.
- S. “Local road” means a low volume road providing access to individual properties.
- T. “Lot” means a measured parcel of land having fixed boundaries and designated on a plat or survey.
- U. “Petition” means a formal written request appealing to the borough with respect to a particular cause.

- V. “Petition area” means the parcel owned by the petitioner which contains the plat amendment being considered.
- W. “Petitioner” is the person who presents a petition to the borough with respect to a particular cause.
- X. “Plat” means a map or delineated representation of a tract or parcel of land showing the subdivision of land into lots, blocks, streets, or other divisions.
- Y. Plat Amendments. An amended plat is a plat of record that is corrected and recorded to correct a technical error that does not affect acreage, property lines, or valid existing rights.
- Z. “Platting authority” means the Denali Borough planning commission.
- AA. “Planning commission” means the Denali Borough planning commission.
- BB. “Preliminary plat” means a map or delineated representation of a tract or parcel of land showing the prominent features of a proposed subdivision, submitted to the borough for the purpose of preliminary consideration.
- CC. “Private access easement” means the right by a limited group of people to use a defined area.
- DD. “Private road” means private easements or travel ways not dedicated to the public and located on private property.
- EE. “Public access easement” means the right of the general public to use certain streets, roads, highways, paths, airspace or defined area.
- FF. “Public interest” means the welfare of the general public (in contrast to the narrow interest of a person, group, or firm) in which the whole society has a stake and which warrants recognition, promotion, and protection by the government and its agencies, and includes both monetary and nonmonetary values.
- GG. “Public road” means a right-of-way dedicated to public use.
- HH. “Registered professional” means an engineer or surveyor, registered and licensed in Alaska, who is acting within their area of practice as defined by state law and who is qualified under state law by virtue of education, experience, and registration to perform, sign, approve, or seal the required document, work or service.
- II. “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 [38.05.365](#)(18).
- JJ. “Replat” means to alter the delineation of an existing lot, plot or tract of a previously recorded subdivision involving the change of property lines or, after vacation, the altering of dedicated streets, easements or public areas.
- KK. “Revoke” means to take back or withdraw; annul, cancel, or reverse; rescind or repeal.
- LL. “Right-of-way” means a parcel of land reserved for public or private access.
- MM. “Short plat” means the process by which subdivision or replat approval may be granted by the land planner. A proposed subdivision or replat qualifies for the short plat procedure if it does not require the dedication of a public right-of-way and:

1. It does not result in the creation of more than four lots; or
 2. It does not result in the creation of an additional lot or lots when moving or eliminating lot lines; or
 3. Is the subdivision of a communication site or utility site of less than one acre; or
 4. Is a boundary survey of an existing deeded parcel that does not have a recorded plat; or
 5. Is the creation of a new tract of land by the state of Alaska through a boundary survey; or
 6. Vacates or modifies a platted utility easement.
- NN. “Subdivider” means the owner or agent of the owner of land which is being subdivided pursuant to this chapter. All platting entitlement applications must be made by the owner, or authorized agent of the owner, of the property subject to the entitlement. The authorization must be in writing, executed by the owner, notarized, and include all names, mailing addresses, and telephone numbers for both the owner and authorized agent.
- OO. “Subdivision” means the division of a tract or parcel into two or more lots by the landowner or by creation of public access, excluding common carrier and public utility access. A subdivision does not include cadastral plats or cadastral control plats created by or on behalf of the United States Department of the Interior, Bureau of Land Management, regardless of whether these plats include easements or other public dedications.
- PP. “Survey” means to examine and record the area and features of (an area of land) so as to construct a map, plan, or description.
- QQ. “Switchback” means a road with alternate sharp ascents and descents.
- RR. “Tract” means an area of land which has been defined, but has not been designated by lot and block numbers.
- SS. “Trail” means a travel way that is primarily less than 20 feet in width.
- TT. “Utility easement” means an area in which the rights to construct, install, repair, and maintain utility distribution and service facilities are exercised.
- UU. “USS” stands for United States Survey and was created by the Bureau of Land Management.
- VV. “Vacation” means the act of making legally void any right-of-way, easement, public area, other public interests or any part of a recorded subdivision.
- WW. “Variance” is a deviation from the set requirements of this title. [Ord. 19-10 § 2; Ord. 17-14 § 2; Ord. 14-07 § 2; Ord. 96-22 § 5.]

9.10.050 Surveys.

All surveys shall be accomplished by an Alaska State certified surveyor prior to submittal of subdivision plats. [Ord. 19-10 § 2; Ord. 17-14 § 2; Ord. 96-07 § 4.]

9.10.060 Recordation.

All survey plats shall be recorded by the subdivider with the appropriate land recording office. [Ord. 19-10 § 2; Ord. 17-14 § 2; Ord. 96-07 § 5.]

9.10.070 Fees.

The borough mayor or designee shall propose a schedule of fees for applications, plats, variances, and other fees under this title. The borough assembly shall approve the fee schedule. [Ord. 19-10 § 2; Ord. 17-14 § 2.]

9.10.080 Short plats.

A. Preliminary Plat Requirements.

1. Application Conference. It is recommended that the subdivider or surveyor hold an application conference with the land planner. The conference may be conducted by telephone or meeting in person.
2. Application Packet Submittal. An applicant shall submit a completed application as prescribed by the borough with any additional documentation, such as nonobjection letters.
3. Fee(s). In addition to the completed application, an applicant must submit the application fee in accordance with the Denali Borough fee schedule per DBC [9.10.070](#).
4. Preliminary Plat Submittal. The subdivider or surveyor shall submit the following to the borough office:
 - a. Two paper copies or an electronic PDF copy of the preliminary plat following the plat standards per DBC [9.10.100\(A\)](#).
 - b. A certificate to plat from a title company, showing the legal and equitable owners of the land to be subdivided and all grants, reservations, covenants, deed restrictions, and easements of record. Copies of all documents identified shall accompany the report.
5. Preliminary Plat Review. The land planner shall review and adjudicate the preliminary plat within 30 calendar days after the acceptance of the preliminary plat submittal. If the land planner fails to take action within 30 calendar days, the preliminary plat becomes final and approved.
6. No proceeding under this section binds the land planner or staff in their review of any plat, or relieves the subdivider and surveyor of the responsibility of independently becoming familiar with the procedures and standards for approval of an application under this chapter.

B. Final Plat Requirements.

1. Final Plat Submittal. The subdivider shall submit two copies of the final plat following the plat standards per DBC [9.10.100\(B\)](#).
2. Final Plat Review. The land planner shall adjudicate the final plat within 30 calendar days after acceptance of the final plat submittal. If the land planner fails to take action on the final plat within 30 calendar days, the plat becomes final and approved. [Ord. 19-10 § 2; Ord. 17-14 § 2.]

9.10.090 Subdivision plats.

A. Preliminary Plat Requirements.

1. **Application Conference.** It is recommended that the subdivider or surveyor hold an application conference with the land planner. The conference may be conducted by telephone or meeting in person.
2. **Preliminary Plat Submittal.** The subdivider or surveyor shall submit the following to the borough office:
 - a. Fourteen paper copies or an electronic PDF copy of the preliminary plat following the plat standards per DBC [9.10.100\(A\)](#).
 - b. A certificate to plat from a title company, showing the legal and equitable owners of the land to be subdivided and all grants, reservations, covenants, deed restrictions, and easements of record. Copies of all documents identified shall accompany the report.
3. **Preliminary Plat Review.** Preliminary plats shall be submitted to the land planner 11 business days prior to the regularly scheduled planning commission meeting. Commission meeting date changes shall not affect this timetable.
 - a. The planning commission shall adjudicate the preliminary plat within 90 calendar days after acceptance of the preliminary plat submittal.
 - b. If the planning commission fails to take action on the preliminary plat within 90 calendar days, it becomes final and approved.
4. No proceeding under this section binds the land planner or staff in their review of any plat, or relieves the subdivider and surveyor of the responsibility of independently becoming familiar with the procedures and standards for approval of an application under this chapter.

B. Final Plat Requirements.

1. **Final Plat Submittals.** The subdivider shall submit two copies of the final plat following the plat standards per DBC [9.10.100\(B\)](#).
2. **Final Plat Review.** The land planner shall adjudicate the final plat within 45 calendar days after acceptance of the final plat submittal. If the land planner fails to take action on the final plat within 90 calendar days, it becomes final and approved. [Ord. 19-10 § 2; Ord. 17-14 § 2.]

9.10.100 Plat standards.

Preliminary approval will be valid for two years from the preliminary approval date. In that time period the applicant must complete the final plat and record the subdivision.

A. Preliminary plats shall contain the following:

1. Name of proposed subdivision if applicable;
2. Name and address of owner(s);
3. Name of surveyor, state of Alaska certified number;
4. Date;
5. Scale, not to exceed 500 feet to an inch;
6. North arrow with declination;
7. Approximate dimensions and size of lots created;

8. Legal description of property: general location (quarter, quarter, section, ASLS number or USS number if possible);
 9. General configuration of lakes and streams;
 10. Survey data of exterior boundaries (if sufficient recorded survey data exists to delineate the exterior boundaries, no additional exterior boundary survey is required for preliminary plat of subdivision scheme);
 11. Projected estimate of interior lot lines including projected bearings and distances;
 12. Lot number including area in square feet and/or acres, one acre minimum. Variances shall be considered on a case-by-case basis;
 13. Identify U.S. Public Land System lines (section, 40, etc.);
 14. Identification of all adjoining lands;
 15. Identification of adjacent streets and right-angle widths;
 16. All existing public or private rights-of-way and easements of record including location, width, type and purpose;
 17. Vicinity map with a scale of one inch equals one mile showing location of the proposed subdivision, access routes, and section lines;
 18. All preliminary plats shall be clear and legible, drawn of a scale suitable to the lot size and information, and have a minimum size of 11 inches by 17 inches.
- B. Final plats shall contain all items required for preliminary plat approval plus the following:
1. After approval of the preliminary plat, the surveyor shall submit the final plat. The base sheets must be of good quality linen or mylar at least three (3) mil thick. The plat shall be of one of four standard sizes:
 - a. Eighteen inches by 24 inches;
 - b. Twenty-four inches by 36 inches;
 - c. Thirty-two inches by 36 inches;
 - d. Thirty-one and one-half inches by 34 inches;
 2. A basis of bearing statement;
 3. Ties to any two primary monuments of record by bearing and distance;
 4. Show "recorded as" bearings and distances if different;
 5. Survey of ordinary high water line, length and bearing;
 6. Length and bearing of interior lot lines;
 7. Legend: identify irons and weights;
 8. Identify all found or placed monuments;
 9. Curve information:
 - a. Radius;
 - b. Central angle;
 - c. Arc length;
 - d. Curve identifier;
 10. Surveyor's certificate, always; owner's and mortgagee's, if applicable;
 11. Stamp of land surveyor responsible for survey and map;
 12. A notary seal should be affixed to the original plat and each original plat copy;

13. The final mylar and one black line print shall be submitted, unsigned, to the Denali Borough land planner for final approval;
14. The final plat shall include the following certification with date and signature lines:
 - a. Denali Borough plat approval;*
 - b. Certificate of ownership and dedication;*
 - c. Notary's acknowledgement;*
 - d. Surveyor's certificate;*
 - e. Tax certification.* [Ord. 19-10 § 2; Ord. 17-14 § 2.]

* Note: see the example sheets at the end of this chapter.

9.10.110 Access.

Legal access shall be a consideration for plat approval. [Ord. 19-10 § 2; Ord. 17-14 § 2; Ord. 96-22 § 7; Ord. 96-07 § 6. Formerly 9.10.080.]

9.10.120 Subdivision road design standards general requirements.

- A. These design criteria, specifications, and standard details are minimum standards for the design of subdivisions for roadways, alleys, and drainage which lie within public rights-of-way or easements.
- B. Chapter [9.11](#) DBC, Road Construction Standards¹, applies to any improvements constructed under the provisions of this chapter.
- C. An applicant subdividing five or more lots shall be required to construct the roads within the subdivision.
- D. A subdivision creating four or fewer lots shall not be required to have constructed road access to the boundary of the subdivision, subject to the following requirements and restrictions:
 1. A lot created under this subsection may not be further subdivided beyond four lots without meeting the requirements of subsection C of this section without prior approval from the planning commission.
 2. The exemption from minimum road materials and construction must be disclosed in writing to any buyer of an exempted lot and any subdivision approved pursuant to this subsection shall contain a plat note with the disclosure containing essentially the following language:

Roads in and to this subdivision were not required to and may not meet the borough's minimum standards for material and construction. To the extent these standards have not been met, fire protection, ambulance and other public services may not be available year-around or their availability may be severely limited.
 3. The applicant shall provide the land planner sufficient information to demonstrate that the subdivision roads have been designed so as to allow future practical and economical construction that meets the standards of this title in effect at the time of the preliminary approval.
 4. Where roads in an exempted subdivision intersect with existing traveled ways, landings shall be constructed with a minimum of a 30-foot length meeting the

minimum standards for road materials and construction of this title, and if required, the State of Alaska Department of Transportation and Public Facilities driveway permit.

- E. Communication sites and utility sites require no constructed road access.
- F. The planning commission or land planner may require higher minimum standards, provided the higher standard is commensurate with that of the majority of roads constructed within the area where the subdivision is being developed.
- G. Any certified documents of public improvements submitted by the applicant shall be certified by a registered professional.
- H. No private access easement shall be granted access across public land. [Ord. 19-10 § 2.]

9.10.130 Exceptions to general road design requirements.

- A. If the standards as contained herein are impractical because of terrain, soil characteristics, or drainage, the planning commission may recommend alternate designs when substantiated by a design analysis prepared, signed and sealed by the applicant's registered professional. Any alternate geometric design shall be in accordance with sound engineering principles and meet AASHTO/ITE guidelines or applicable federal, state or local standards.
- B. The planning commission may accept alternate means of access to a remote subdivision in lieu of road access upon a showing by the applicant that no practical means of providing usable road access to a proposed subdivision exists and upon showing that permanent public access by air, water or railroad is both practical and feasible.
 - 1. If the subdivision has little probability of connecting to a roadway network, the board may grant a variance from the requirement for dedication and construction of interior roadways except that public roadway easements must be provided.
 - 2. The primary mode of access shall be noted on the plat.
 - 3. Specific findings of fact shall be established by the planning commission before any variance may be granted. [Ord. 19-10 § 2.]

9.10.140 Utility easements.

- A. The planning commission shall require reservation of utility easements along lot lines or rights-of-way within a subdivision when a utility company demonstrates a specific need for them.
- B. Utility improvements are an acceptable accessory use of a public roadway.
 - 1. Utility improvements may cross over and/or under a dedicated public roadway.
 - 2. Utility improvements may be placed within a public roadway right-of-way when it is determined by the planning commission that sufficient width exists to accommodate required road construction as well as installation of the utility improvements. [Ord. 19-10 § 2.]

9.10.150 Minimum right-of-way and traffic-way widths.

- A. Minimum right-of-way and trafficway widths shall be as follows:

Road Classification	Minimum Right-of-Way	Minimum Trafficway	Shoulder Width
Local road	60 feet	20 feet	2 feet
Collector road	80 feet	24 feet	4 feet
Arterial road	100 feet	24 feet	8 feet
Alley	20 feet	16 feet	0 feet
Cul-de-sac	60 feet	20 feet	2 feet
Frontage road	60 feet	20 feet	2 feet
Access easement	40 feet	16 feet	0 feet

- B. Minimum right-of-way standards in this section may need to be increased to account for installation of required utilities.
- C. Cul-de-sacs shall have a minimum radius of 50 feet at the bulb.
- D. Minimum easement width for private roads shall be 50 feet. [Ord. 19-10 § 2.]

9.10.170 Geometrics and profiles.

- A. Horizontal Curves. Changes in horizontal alignment of the roads shall be made through the use of horizontal circular curves as listed in the following chart.
- B. Compound curves and broken-back curves should not be used. Reverse curves should have an intermediate tangent of 100 feet or more, unless the curve radii are 300 feet or more.
- C. Gradients. Road grades should not exceed eight percent. Cul-de-sac areas and temporary turnarounds should not exceed four percent. The planning commission may approve road grades to 15 percent if a plan and profile of the road is submitted by a registered professional, and the registered professional certifies that safety standards are met.
- D. Switchbacks shall be connected with at least a 50-foot radius curve, and the curve shall have a maximum grade of two percent. Switchbacks will be allowed on local roads and access easement roads only.
- E. Cross Slopes. The minimum road cross slope shall not be less than two percent.
- F. Sight Distances and Design Speeds. The following minimum sight distances, including horizontal and vertical conditions, shall apply both to intersections and along road centerlines and comply with the design speeds as listed below:

Minimum Road Design Standards			
Road Geometrics and Profiles			
Road Classification	Minimum Curve Radius	Minimum Sight Distance	Design Speed
Local Road	205	205	25 mph
Collector Road	300/*	*	45 mph
Arterial Road	425/*	*	55 mph
Frontage Road	300	300	30 mph
Alley	125	125	20 mph
Access Easement Road	125	125	25 mph

* Determined by AASHTO/ITE standards.
[Ord. 19-10 § 2.]

9.10.180 Intersection.

- A. Streets shall intersect at an angle as close to 90 degrees as feasible and, in no event, at an angle less than 60 degrees.
- B. In classifications other than access easement roads, corner roundings with a minimum 20-foot radius shall be required at intersections, except the creation of corner roundings shall not be required by platting action that otherwise would require no other right-of-way dedication if the planning commission and, if existing, a managing public agency of the roadway(s) find the following:
 - 1. The existing rights-of-way provide sufficient area for the existing road improvements; and
 - 2. The existing rights-of-way provide sufficient area for planned future road improvements.
- C. No more than two roads shall intersect at one point.
- D. The distance between intersection centerlines shall not be less than 200 feet.
- E. For intersections with collectors and frontage roads, intersecting roads shall have no horizontal curves within 100 feet of an intersection.
- F. For intersections of all other roads, no horizontal curves shall be within 50 feet of an intersection.
- G. Within 100 feet of the shoulder of the through road at an intersection, the intersecting road shall have a grade not exceeding four percent. The through road shall have a grade not exceeding six percent 75-foot each side of the intersection.
- H. The subdivider shall obtain approval from the Alaska Department of Transportation and Public Facilities before intersecting with any roads maintained by the state of Alaska. [Ord. 19-10 § 2.]

9.10.190 Connections with existing and future development.

Rights-of-way for stub roads, including temporary dead-end streets intended to provide access for future subdivisions or to connect to existing adjacent subdivision roads, shall be provided to the boundary of the proposed subdivision. [Ord. 19-10 § 2.]

9.10.200 Right-of-way distance from structures.

When subdividing a parcel, no road or right-of-way shall be created or modified within 15 feet of a permanent building or structure existing on or adjoining the property to be subdivided or dedicated; unless the applicant proves that the replat will not impede safe public access or otherwise result in a hazard to persons or property, granted by a variance permit by the planning commission. [Ord. 19-10 § 2.]

9.10.210 Reports or documentation.

Any soils reports or certification documents of public improvements submitted by the subdivider shall be certified by a registered professional engineer licensed to practice engineering in the state of Alaska.

This certification shall signify that the documents were prepared by the engineer or under his direct supervision and in accordance with the laws of the state of Alaska governing such practices. [Ord. 19-10 § 2.]

9.10.220 Drainage.

All structures for erosion/runoff control shall be designed by the subdivider in compliance with the applicable state and federal statutes and regulations. [Ord. 19-10 § 2.]

9.10.230 Signs, subdivisions and road names.

Road and subdivision names shall be approved by the planning commission, using the standards set forth in Chapter [9.12](#) DBC. [Ord. 19-10 § 2.]

9.10.240 Variances.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or conditions that the strict application of the provisions of this chapter shall result in substantial hardships, the planning commission may vary or modify such requirements to the end that the subdivision may be developed consistent with public welfare and safety. The planning commission may impose reasonable conditions when a variance is granted and shall state in writing its reasons for granting any variance. The application shall describe the requested variance and specify the portion of the chapter from which relief is sought. [Ord. 19-10 § 2; Ord. 17-14 § 2; Ord. 96-22 § 8. Formerly 9.10.120.]

9.10.250 Plat amendments.

- A. If a technical error is detected on an officially filed plat, and if the land planner determines that the error's correction will not adversely affect any valid existing right, the following correction procedure may be used in place of the replat procedure:
 1. Immediately above the title block on the original filed plat, the statement "Amended Plat" must be placed in bold letters;
 2. The following separate surveyor's affidavit must be prepared and presented with the original amended plat to the appropriate district recorder's office for filing (see the example sheets at the end of this chapter for affidavit);
 3. A true and certified blue-line copy of the filed amended plat and a copy of the recorded affidavit must be submitted to the land office within 21 calendar days after filing and recording. The copy of the affidavit must be made by a mechanical reproduction process that produces a permanent copy.
- B. Land Planner.
 1. A recorded plat may be amended or replatted by the land planner on petition of the state, the borough, a public utility company, the property owner, or the owners of the majority of the land affected by the amendment or replat if it does not require the dedication of a public right-of-way and:
 - a. Vacates or modifies a platted utility easement; or
 - b. Does not result in the creation of additional lot(s) when moving or eliminating lot line(s).
 2. Petitions shall contain:
 - a. A completed borough application.

- b. The signatures from the majority of land owners affected by the amendment or replat, if applicable.
 - c. A letter of nonobjection from the utility companies when amending or vacating a utility easement. If a letter of nonobjection is not received within 30 calendar days of submission, it is considered a letter of nonobjection.
 - d. A plat, draft, or a copy of the existing plat showing the proposed amendment or replat.
3. The petition shall be filed with the land planner, requesting that the plat, addition or subdivision be amended or replatted.
 4. Plat amendments and replats reviewed by the land planner shall follow the short plat procedure per DBC [9.10.080](#).
- C. Platting Authority.
1. A recorded plat may be amended or replatted by the platting authority on petition of the state, the borough, a public utility company, or the property owner(s) if it:
 - a. Requires the dedication of a public right-of-way; or
 - b. Vacates a public right-of-way or access easement; or
 - c. Does result in the creation of additional lot(s) when moving or eliminating lot line(s).
 2. Petitions shall contain:
 - a. A completed borough application.
 - b. The signatures from the majority of land owners affected by the amendment or replat, if applicable.
 - c. A plat, draft, or a copy of the existing plat showing the proposed amendment or replat.
 3. The petition shall be filed with the land planner, requesting that the plat, addition or subdivision be amended or replatted at least 50 calendar days prior to the regularly scheduled platting authority meeting. Commission meeting date changes shall not affect this timetable.
 4. The land planner shall publish a public notice per DBC [9.10.270](#).
 5. The borough platting authority shall hold a public hearing on an alteration or replat petition not more than 90 calendar days after the petition is filed with the land planner.
 6. The borough platting authority shall consider the alteration or replat petition at the public hearing and make its decision on the merits of the proposal.
 7. If the alteration or replat is approved, the revised plat shall be acknowledged, filed and recorded in accordance with this chapter.
- D. Amendment by Resolution. An easement vacation not associated with the vacation of a right-of-way or not requiring transfer of title may be done by resolution. A vacation resolution shall be adopted by the planning commission and recorded by the land office or petitioner within the time frame set out in the resolution to finalize the vacation. A sketch of the proposed vacation shall be attached to the resolution. The petitioner is responsible for the recording fees. [Ord. 19-10 § 2; Ord. 17-14 § 2; Ord. 96-22 § 9. Formerly 9.10.130.]

* Note: see replat example at the end of this chapter.

9.10.260 Vacations of easements and rights-of-way.

A dedication to public use of land or interests in land may be vacated if the dedication is no longer necessary for present or future public use. The platting authority shall review applications for vacations as follows:

- A. The platting authority shall ordinarily approve vacations if:
 1. The vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation;
 2. The right-of-way is not being used, a road is impossible or impractical to construct, and an alternative access has been provided.
- B. The platting authority shall not ordinarily approve vacations of public interest in land if:
 1. Equal or better access is not provided;
 2. The vacation is of a public right-of-way providing access to a lake, river or other area with public interest or value, unless the owner provides equal or better access.
- C. In other cases, the platting authority shall review requested vacations on a case-by-case basis to determine whether the property is necessary or desirable for present or future use.
- D. The platting authority shall not routinely approve any vacation of a public interest in land where objections to the vacation are made by persons with an interest in land adjacent to or affected by the vacation, or by any government agency or department which has a responsibility to the public which may be affected by the vacation. If the platting authority finds an objection to be valid, the vacation will be denied unless the objection is first satisfactorily resolved.
- E. Vacation of a section line easement shall be done in conjunction with the Alaska Department of Natural Resources (DNR) subject to the requirements of Alaska Administration Code [11 AAC 51.065](#).
- F. Vacation petitions shall follow the procedures under DBC [9.10.250](#) and include the following:
 1. The name, address and land ownership of each petitioner and the adjoining landowners of the petition area. Adjoining landowners include those separated by a dedicated right-of-way;
 2. Plat copies, as needed, drawn to the specifications of this chapter;
 3. Legal description of the area to be vacated;
 4. Reason for the vacation request;
 5. Written recommendations from affected agencies and municipality or satisfactory evidence that they have received the preliminary plat or sketch 10 business days prior to the application being submitted to the Denali Borough land planner. Reviewing agencies shall have a maximum of 10 business days for their review and response. [Ord. 19-10 § 2; Ord. 17-14 § 2; Ord. 14-07 § 2; Ord. 96-22 § 10. Formerly 9.10.140.]

9.10.270 Public notice.

- A. The land planner shall publish notification per Denali Borough Charter, Article I, Section 1.05.
- B. The land planner shall take reasonable steps to notify adjoining landowners in writing of the proposed request allowing for a minimum 30-calendar-day response time.
- C. All notifications shall contain a sketch of the petition area.
- D. No official action will be taken by the planning commission on the proposed request until the 30-calendar-day notice and response times have elapsed. [Ord. 19-10 § 2; Ord. 17-14 § 2. Formerly 9.10.150.]

9.10.280 Appeals.

- A. Should the application for preliminary plat be rejected by the Denali Borough for deficiency, the applicant may resubmit a corrected preliminary plat within 30 calendar days of the rejection to the borough land planner for review and/or submittal to the borough planning commission. Once the deficiencies are corrected, the application shall be immediately accepted.
- B. An applicant for subdivision aggrieved by the decision of the land planner may appeal the decision to the Denali Borough planning commission acting as the borough platting authority within 30 calendar days.
- C. An applicant for subdivision aggrieved by the decision of the Denali Borough planning commission acting as the borough platting authority may appeal the decision to the Denali Borough assembly within 45 calendar days.
- D. An applicant aggrieved by the action of the Denali Borough assembly may appeal to the superior court in the manner provided in the Alaska Rules of Appellate Procedure for appeals from administrative agencies. [Ord. 19-10 § 2; Ord. 17-14 § 2; Ord. 96-22 § 11. Formerly 9.10.160.]

9.10.290 Enforcement.

In the event of a default of the observance of the conditions set forth in the subdivision and platting regulations, a written notice will be issued by the Denali Borough land planner. Thirty calendar days after the written notice of default, the Denali Borough planning commission, or the borough land planner, may rescind its preliminary approval if the original conditions of approval are not complete. [Ord. 19-10 § 2; Ord. 17-14 § 2; Ord. 96-22 § 12. Formerly 9.10.170.]

9.10.300 Example sheets.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we), the undersigned, certify that I am (we are) the owner(s) of (name of parcel), as shown on this plat. I (we) approve this survey and plat and dedicate or reserve for public or private use, as noted, all easements, public utility areas, and rights-of-way as shown and described on this plat.

Owner: _____ Date: _____

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this _____ day of _____, 20____,

For _____
(name of person signing certificate), (person's title, if applicable).

Notary Public for (STATE) (signature in black ink)

My commission expires: _____

(Space for Notary's seal)

SURVEYOR'S CERTIFICATE

I certify that I am properly registered and licensed to practice land surveying in the state of Alaska, that this plat represents a survey made by me or under my direct supervision, that the monuments shown exist as described, and that all dimensions and other details are correct.

Date (Surveyor's Seal with original signature)

CERTIFICATE OF SUBDIVISION APPROVAL

THIS SUBDIVISION HAS BEEN REVIEWED AND FOUND TO BE IN COMPLIANCE WITH DENALI BOROUGH CODE 9.10 TITLED SUBDIVISIONS AND THE APPLICABLE PROVISIONS OF THE LAW AND IS HEREBY APPROVED.

DENALI BOROUGH
APPROVING OFFICIAL

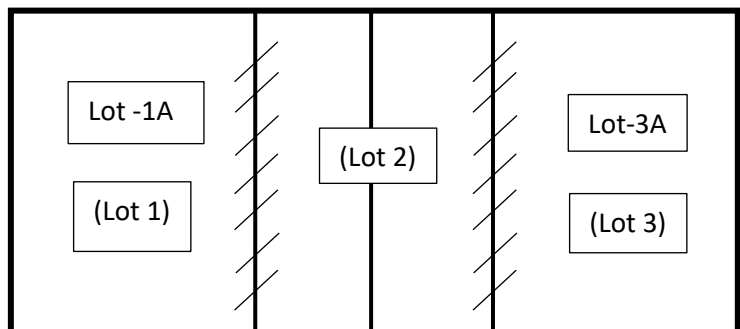
DATE

TAX CERTIFICATE

This subdivision lies within the Denali Borough and is not subject to taxation at this time.

Replat Example

Note: If a platted lot is to be subdivided, it is a subdivision, not a replat. A replat vacates an existing recorded lot line as shown.



Plat Amendment Affidavit Example

(Company Name)
(Company Address)
SURVEYOR'S AFFIDAVIT

Name of plat, subdivision: _____.

The above-referenced subdivision plat as filed in the _____ recording office under plat
file number _____ has been revised as follows:

_____.

(revision)

The above revision constitutes the sole change made to the plat aside from the notation above the title
block on the plat. The above revision does not affect any valid existing rights. I am therefore submitting
this plat for refiling as corrected.

Date _____ Registration Number _____

(surveyor's seal)

Registered Land Surveyor (signature in black ink)

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this _____ day of _____, 20____,

Notary Public for (STATE) (signature in black ink)

My commission expires: _____ (Notary's seal)