

Submitted by: ASSEMBLY MEMBERS GRAY-JACKSON,  
DRUMMOND, AND GUTIERREZ

Prepared by: Cher Easley, Legislative Aide

For reading: April 14, 2008

CLERK'S OFFICE

**AMENDED AND APPROVED**

Date: 4-21-09 ANCHORAGE, ALASKA  
AR NO. 2009-94

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY WAIVING THE PLATTING AND VACATION FEES REQUIRED BY ANCHORAGE MUNICIPAL CODE OF REGULATIONS SECTION (AMCR) 21.20.003 FOR THE PROPERTY LOCATED AT 7305 OLD SEWARD HIGHWAY ALSO KNOWN AS MEXICO IN ALASKA**

**WHEREAS**, Ms. Maria Elena Ball has owned and operated "Mexico in Alaska" restaurant at 7305 Old Seward Highway for the past 26 years; and

**WHEREAS**, in 1982, Lots 1 and 2 of the Parkway Estates subdivision were merged into Lot 1A for the establishment of her business. Based on platting notes referring to "any rights the Alaska Department of Transportation (ADOT) might have under the 1949 Public Land Order (PLO)," the subdivision was re-platted with an easement granting 100 feet from the centerline of the Old Seward Highway; and

**WHEREAS**, in 1983 the Alaska Supreme Court issued a ruling regarding the applicability of the 1949 PLO, resulting in the 100 foot easement having been placed on the plat in error; and

**WHEREAS**, as a result of the erroneously placed easement, the ADOT has issued an order to remove her business sign and discontinue use of a majority of her parking lot, and in order to meet City standards, Ms. Ball is required to re-pave the remaining portion of the parking lot; and

**WHEREAS**, Ms. Ball has already spent thousands of dollars in legal fees, suffered extreme anxiety for almost two years and is requesting the Anchorage Assembly grant a waiver of the required fee to "Vacate the Right of Way;" and

**WHEREAS**, based on the long history and outstanding circumstances surrounding this property, the vacation replat should not be Ms. Ball's responsibility but the Planning Department cannot issue a waiver of fees without Assembly approval.

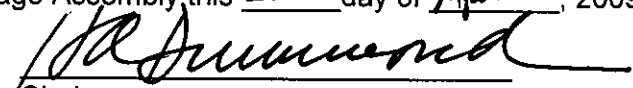
**NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES THAT:**

**Section 1:** That the ~~platting and~~ vacation fees required by AMCR 21.20.003 are hereby waived for the property located at 7305 Old Seward Highway also known as Mexico in Alaska, **Not To Exceed \$1,200.**

**Section 2:** That Ms. Ball will ~~retain a private land surveyor to process the~~ vacation re-plat through the Municipality.

**Section 3:** This resolution shall be effective immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 21<sup>st</sup> day of April, 2009.

  
Chair

ATTEST:

  
Municipal Clerk

**Content ID:** 007593**Type:** AR\_AllOther - All Other Resolutions

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 PLATTING AND VACATION FEES REQUIRED BY ANCHORAGE MUNICIPAL  
**Title:** CODE OF REGULATIONS SECTION (AMCR) 21.20.003 FOR THE PROPERTY  
 LOCATED AT 7305 OLD SEWARD HIGHWAY ALSO KNOWN AS MEXICO IN  
 ALASKA

**Author:** gray-jacksone**Initiating  
Dept:** Assembly**Select  
Routing:** Standard**Date  
Prepared:** 4/5/09 4:31 PM**Director  
Name:** Harriett Drummond**Assembly  
Meeting Date:** 4/14/09

<b>Workflow Name</b>	<b>Action Date</b>	<b>Action</b>	<b>User</b>	<b>Security Group</b>	<b>Content ID</b>
Clerk_Admin_SubWorkflow	4/5/09 4:33 PM	Exit	Elvi Gray- Jackson	Public	007593
AllOtherARWorkflow	4/5/09 4:33 PM	Checkin	Elvi Gray- Jackson	Public	007593