



## **CITY & BOROUGH OF WRANGELL PUBLIC HEARING AGENDA**

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**Tuesday, February 24, 2015  
6:30 p.m.**

**Location: Assembly Chambers, City Hall**

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1. Call to Order
2. Roll Call
3. Public Hearing Items:
  - a. ALLEY VACATION REQUEST TO VACATE THE REMAINDER OF AN ALLEYWAY, ADJACENT TO LOT A AND LOT C, BAY COMPANY REPLAT; AND REQUEST TO PURCHASE A PORTION OF LOT 1 AND LOT 2, BLOCK B, SORTYARD SUBDIVISION, ZONED WATERFRONT DEVELOPMENT, REQUESTED BY DAVID POWELL, MANAGER OF THE BAY COMPANY, OWNED BY CHET AND BEJAY POWELL
4. Written Testimony
5. Oral Testimony
6. Adjournment

# **Agenda Item 3a**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY PUBLIC HEARING AGENDA ITEM February 24, 2015**

#### **INFORMATION:**

ALLEY VACATION REQUEST TO VACATE THE REMAINDER OF AN ALLEYWAY, ADJACENT TO LOT A AND LOT C, BAY COMPANY REPLAT; AND REQUEST TO PURCHASE A PORTION OF LOT 1 AND LOT 2, BLOCK B, SORTYARD SUBDIVISION, ZONED WATERFRONT DEVELOPMENT, REQUESTED BY DAVID POWELL, MANAGER OF THE BAY COMPANY, OWNED BY CHET AND BEJAY POWELL

#### **Attachments:**

1. Correspondence & application from David Powell, Manager of The Bay Company
2. Port Commission Memo, dated 2-12-2015
3. Memo from Carol Rushmore to Manager Jabusch, dated 2-9-2015
4. Maps & aerial of proposed area
5. Correspondence from Clay Hammer, and Carl Johnson
6. *draft* minute excerpts of the Planning & Zoning Commission meetings held September 11, 2014, December 11, 2014 and January 8, 2015

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The Bay Company  
PO Box 797  
Wrangell, AK 99929  
(907)874-3340

The City of Wrangell  
PO Box 531  
Wrangell, AK 99929  
Attn: Planning and zoning commission

RECEIVED  
AUG 19 2014  
WRANGELL CITY HALL

August 18, 2014

To whom it may concern:

I request The City of Wrangell vacate the Alley Right Away next to The Bay Company.

I request The City of Wrangell to vacate or allow The Bay Company to buy the part of Lot 1 and Lot 2 of Sortyard Subdivision outside of the fence.

I also request The City of Wrangell to vacate or allow The Bay Company to purchase part of Silvernail Work Road to extended Lot C to the back of the fence.

Your consideration on this matter would be appreciated.

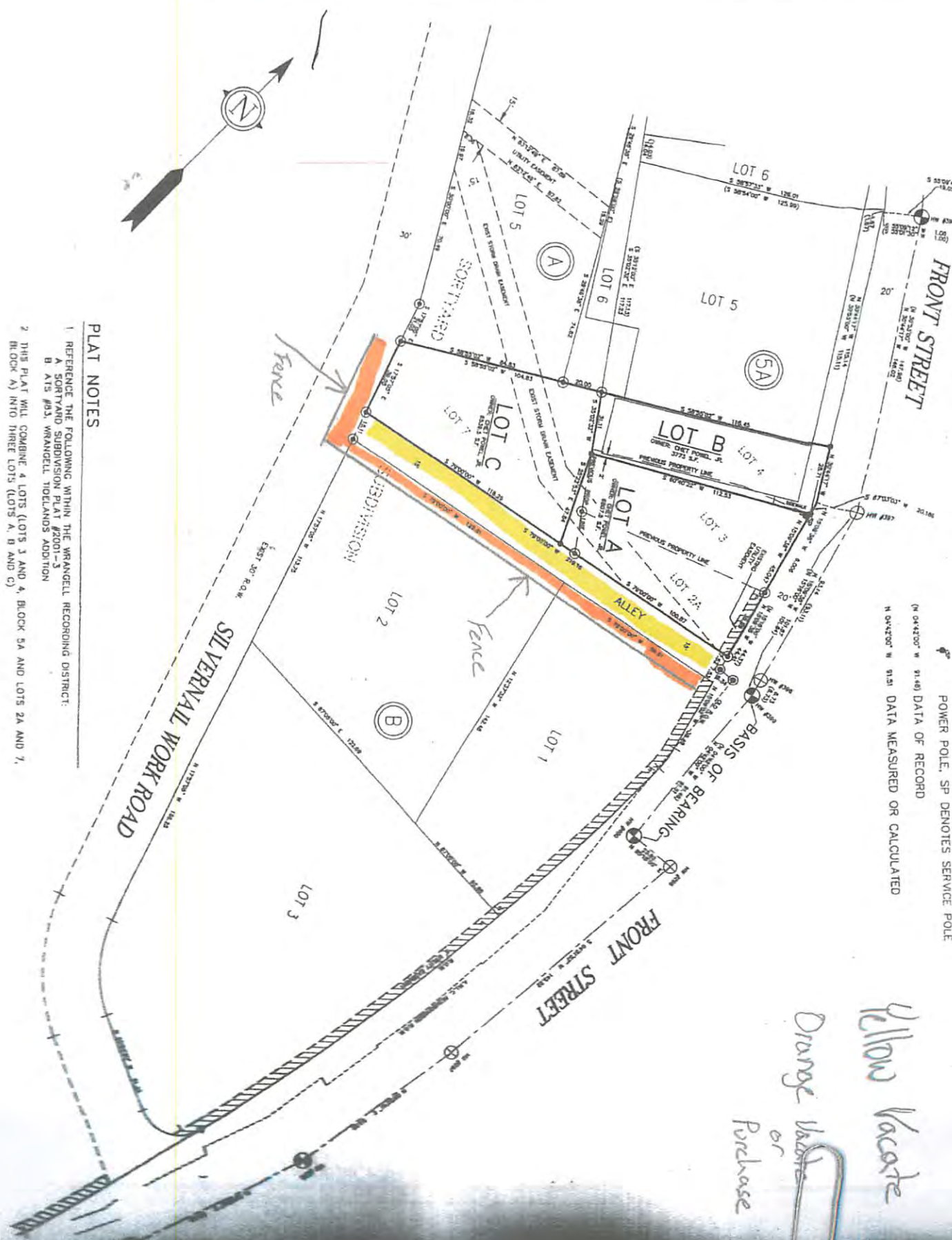


David Powell, Manager  
The Bay Company



## 5. COMMISSION

COUNCIL.



SCHEFF REBAR AND ALUMINUM CAP RECOVERED

SCHEFF REBAR AND ALUMINUM CAP SET

CENTERLINE

POWER POLE, SP DENOTES SERVICE POLE

(7 044200" W 91.48) DATA OF RECORD

(8 044200" W 91.25) DATA MEASURED OR CALCULATED

Yellow vacate  
Orange vacate  
or  
Purchase

PLAT NOTES

1 REFERENCE THE FOLLOWING WITHIN THE WRANGELL RECORDING DISTRICT:  
A SORTAVAL SUBDIVISION PLAT #2001-3  
B A15 #53, WRANGELL TIDELANDS ADDITION

## Wrangell Port Commission

# Memo

To: Planning and Zoning / *Borough Assembly*

From: Sherri Cowan, Recording Secretary

Date: 2/12/2015

Re: Port Commissions makes a Motion to Vacate Remainder of Alleyway, Adjacent to Lot A and Lot C, Bay Company Replat

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The Port Commission made a motion on 2-11-15 to approve to Vacate the Remainder of an Alleyway, Adjacent to Lot A and Lot C, Bay Company Replat; And Request to Purchase a Portion of Lot 1 and Lot 2, Block B, Sortyard Subdivision, Zoned Waterfront Development, Request By David Powell, Manager Of The Bay Company, Owned By Chet and Bejay Powell.

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## *City and Borough of Wrangell*

Date: February 9, 2015

To: Jeff Jabusch, Borough Manager  
Borough Assembly

From: Carol Rushmore, Economic Development Director

Cc: Port Commission  
Wrangell Planning and Zoning Commission

Re: Request to vacate remainder of alleyway adjacent to Lot A and Lot C, Bay Company Replat; and request to purchase portion of Lot 1 and Lot 2, Block B, Sortyard Subdivision, zoned Waterfront Development, requested by David Powell, Manager of The Bay Company, owned by Chet and Bejay Powell.

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### **Background:**

Several public hearings have been held before the Planning and Zoning Commission to discuss this request. Initially the request also included vacation of half of Silvernail Work Road behind Lot C owned by the Bay Company, but that is now being dealt with as a separate issue by the Planning and Zoning Commission.

In 2010, five feet of the 15 foot wide unnamed alley extending between Lot A/Lot C and Lot 1/Lot2 was approved for vacation. The actual plat to reflect this ROW vacation was put on hold until the utility work as part of Front Street was completed. Bay Company has now expanded their request to vacate the entire ROW (unnamed alley) and purchase part of the adjacent port land up to the Marine Service Center fenceline through Lots 1 and Lot 2.

The Bay Company is seeking to add on a small side structure attached to their existing building on Lot A. They would also like to utilize the land proposed for purchase adjacent to Lot C for storage of their equipment and inventory and complete additional rock fill in order to level the land in the back corner of the alley along Silvernail Work road.

The Wrangell Port Commission and the Planning and Zoning Commission met on-site in November to look at property lines, utility needs and access.

### **Findings:**

The electrical lines extending from Front Street to Silvernail Work Road are located in the port property of Lots 1 and 2 and are NOT parallel to the fence line, but more or less parallel with the existing alley ROW. According to Clay Hammer Electrical superintendent, there are (2) utility poles between Front Street and Silvernail Work Road that they must be able to retain access to. One has an arterial sectionalizing switch located on it, the other a 3 phase power bank that feeds the port owned lots. The electrical pole closest to Front Street is the critical pole with the switch. Bay Company has indicated they would like to fence and gate off the driving area from



Front Street, but would place the gate past the pole to allow the Electrical Department access to the pole. If they need access to the other pole, Bay Company indicated they will move whatever equipment would be stored in order to provide immediate access. Mr. Hammer also indicated to provide the necessary easement for the utility, they would need 15 feet from the center of the electrical pole on both sides of the pole.

Also, according to former Public Works Director Carl Johnson, water and sewer utilities are stubbed under the fence from the port lease areas on Lots 1 and 2 all the way to the existing alley. These utility stubs will eventually need to be extended down the alley to existing mains on Front Street. Access down the alley to connect these lots needs to be preserved.

I am trying to determine with Amber Al-Haddad and Carl Johnson just where the stubouts are located, as if they are all the way to the existing alley, the utility easement may need to be widened to protect the future connection or existing connection to Front Street of sewer and water. I do not yet have those plans but should prior to the Port Commission's meeting.

### **Recommendations:**

Carol Rushmore, Zoning Administrator has recommend to vacate all or a portion of the existing alleyway, but then rather than sell the Port property to Bay Company, shift the alley ROW over in order to maintain a future potential for mid Front Street access to the property. From a long term planning perspective, eliminating access to such a critical piece of waterfront property could prove disabling in the future should uses or access needs of the property change. Lease arrangements could be made with Bay Company, much like lease lots are being provided within the yard itself, to allow them use of the alley that does not need to be used now, except for utility access.

The Planning and Zoning Commission at their January meeting recommended to the Borough Assembly to vacate the remainder of the alleyway adjacent to Lot A and Lot C, Bay Company Replat, and recommended to sell the requested portions of Lot 1 and Lot 2, Block B, Sortyard Subdivision to the Service Center fence line, and create a utility easement from the fenceline to extend 15 feet north of the center lines of the electrical poles.

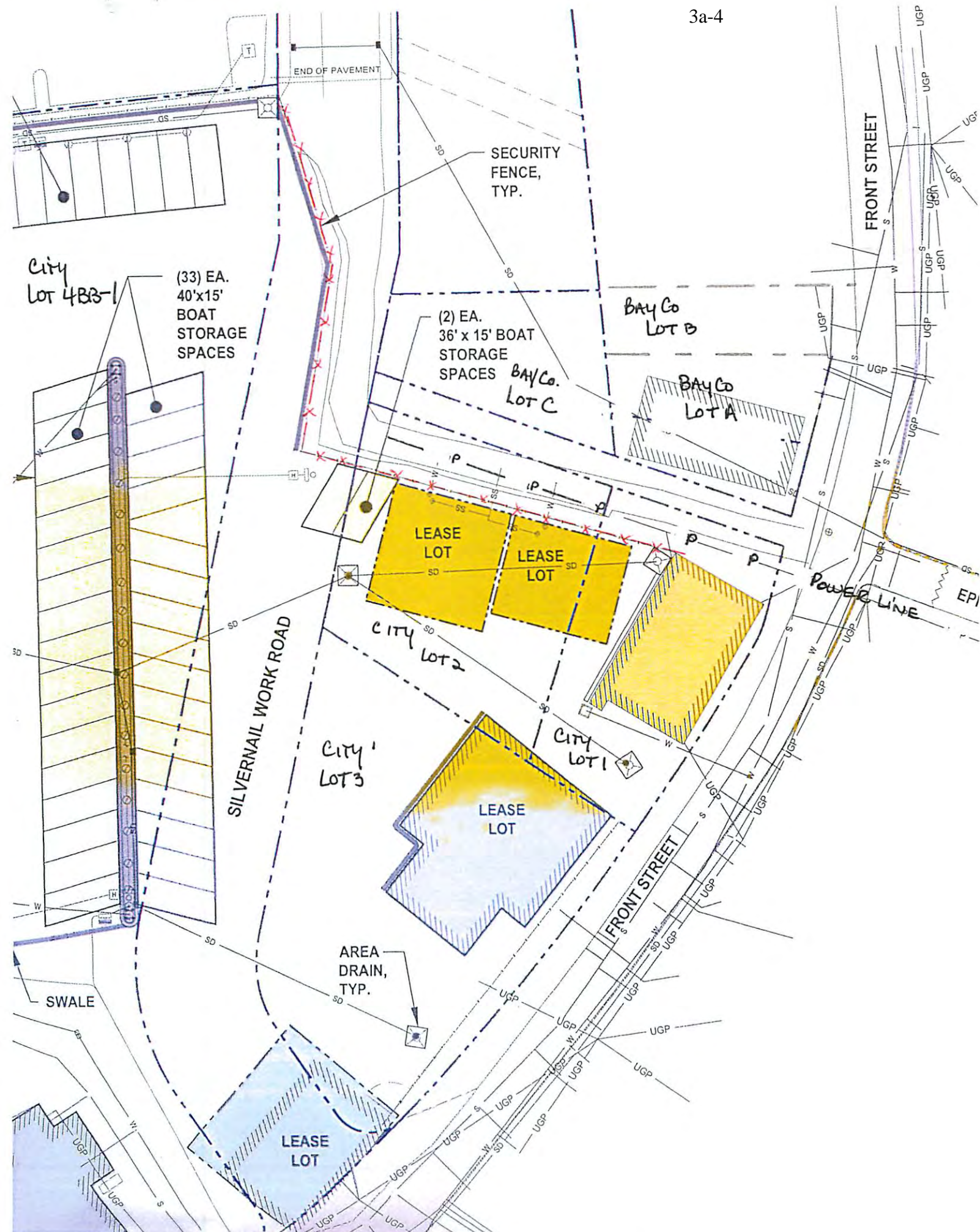
The attached survey does NOT reflect the decision of the Planning and Zoning Commission. The utility easement would need to be widened approximately approximately 3-4 feet to the North near Front Street to only a few inches near Silvernail Work Road. The easement would also need to be located on Lot 1 and Lot 2 retained by the City in order to meet the 15 foot requirements.

Carol Rushmore Zoning Administrator would request, if the Assembly accept the recommendation of the Planning and Zoning Commission, to change the utility only easement to and access and utility easement for potential future needs.

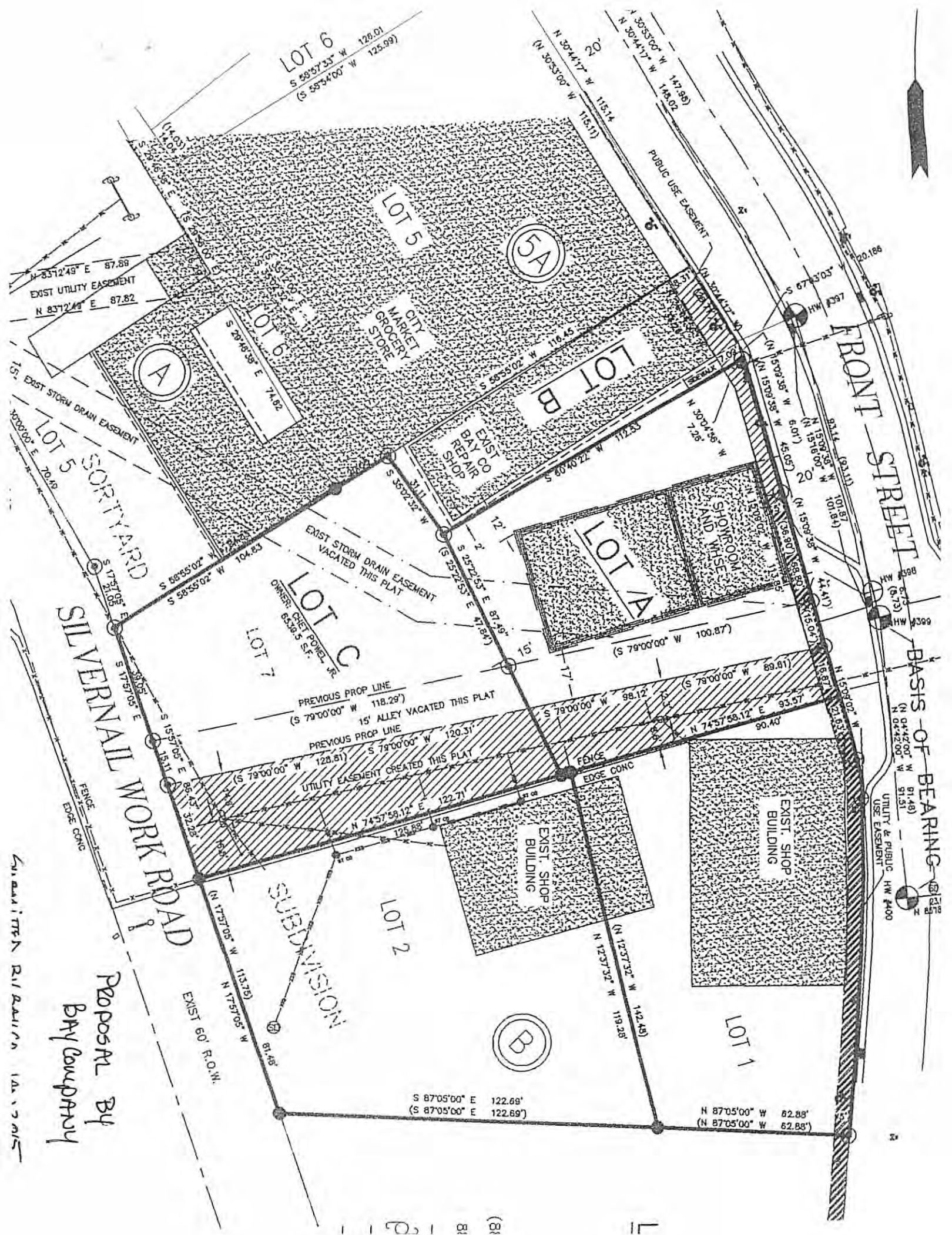
The Port Commission will be reviewing the request and making a recommendation at their meeting on Feb. 11, 2015.

### **Attachments:**

1. A schematic drawing by PND of the service center adjacent to the alleyway under discussion. Drawing shows the ROW, electrical lines, fence line, sewer/water stub out
2. A survey conducted by the Bay Company representing their request. The drawing does not however reflect the recommendation of the Planning and Zoning Commission.







# Memo

To: Carol Rushmore

From Clay Hammer

Date: September 8, 2014

Re: Bay Co ROW vacation request

Carol,

This memo is regarding the alley vacation requested by Bay Company including a portion of the Silvernail ROW.

My only concern with the vacation of the alley and or portion of Silvernail Street is for the power line that currently runs adjacent to that property. There are (2) utility poles that we must be able to retain access to. One has an arterial sectionalizing switch located on it, the other a 3 phase power bank that feeds the port owned lots. It is imperative that we be able to access these locations at a moment's notice in the event of a power failure or for service related concerns. I have no problems with any potential changes as long as those concerns are addressed.

Clay Hammer

Electrical Superintendent

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**City & Borough of  
Wrangell  
Public Works Dept.**

# Memo

**To:** Carol Rushmore  
**From:** Carl Johnson  
**CC:**  
**Date:** November 10, 2014  
**Re:** Bay Company ROW vacation request

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Carol,

This memo is regarding the recent request from the Bay Company to vacate the alley between their property lots 1 & 2, Block B of the Sortyard Subdivision and also a portion of the Silvernail right-of-way.

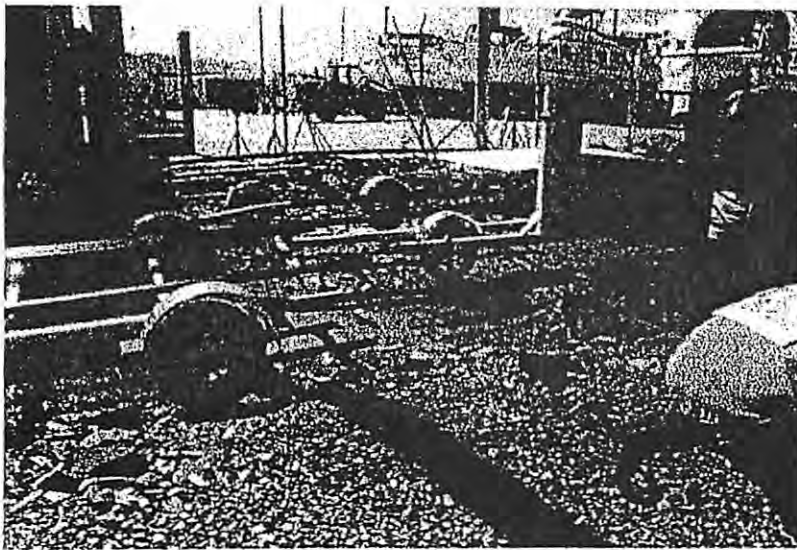
Two issues arise from this proposed action that would affect Public Works activities. One is that water and sewer utilities are stubbed under the fence into the existing alley from the port lease areas on lots 1 & 2. These utility stubs will eventually need to be extended down the alley to existing mains on Front Street. Access down the alley to connect these lots needs to be preserved. The other issue involves winter snow storage from clearing snow on Front Street and Silvernail Road. Over the years commercial development has greatly reduced the number of places to deposit snow from downtown streets and increased travel distance. Currently Public Works stores snow in the alley where it intersects Front Street and off the end of the asphalt on Silvernail Road. If we lose these two areas all of that snow will have to be carried to the disposal area on Campbell Drive across from City Hall. This will add at least an hour to downtown cleanup and prevent Church Street from being cleared before the start of school. I need to preserve both of these snow storage areas in the winter use.

Thank You,

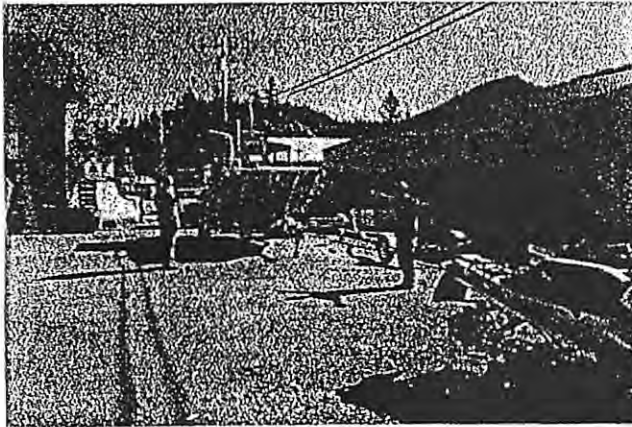
Carl Johnson  
Public Works Director

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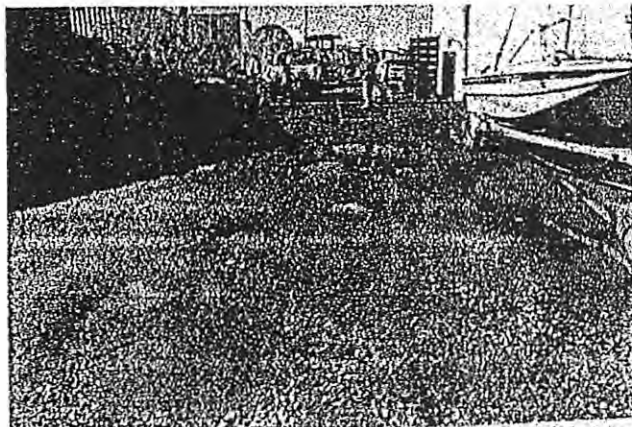




Back corner of Alley and Silvernail Work Road — shows depression, fence line, proposed edge of alley (next to trailer)



From back corner to Front Street: GM approximate edge of proposed alley, CJ on Front street on proposed edge.



Front Street toward Silvernail Work road: Proposed edge of alley on Front Street. Proposed dge of Alley between CH and GM.

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# *City and Borough of Wrangell, Alaska*

## **WRANGELL PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA September 11, 2014 7:00pm**

Minute excerpt.....

### **G. NEW BUSINESS**

1. Request to vacate remainder of alleyway adjacent to Lot A and Lot C, Bay Company Replat; Request to vacate and purchase portion of Silvernail Work Road adjacent to Lot C, Bay Company Replat; and request to purchase portion of Lot 1 and Lot 2, Block B, Sort yard Subdivision, zoned Waterfront Development, requested by David Powell, Manager of The Bay Company, owned by Chet and Bejay Powell.

### **Open public hearing**

David Powell, 314 Berger Street, after reading report today, has a couple of concerns, the Silvernail Work road is not in existence and it's cut off from the rest of road. Why does the Economic Development Director, Carol Rushmore not wish to give up that portion of Lot C to the fence line. Why have the alley? Can't build on utility easements. Mr. Powell is wanting the property to level off and utilities this property. Wanting to fence off from their area, and create a secure lot on this area of property. Possibly create an agreement for usage? If the Powell's don't own it, they don't want to pay for the land.

Carl Johnson, Public Works Director, puts snow on an this easement, has worked with public work about moving equipment,

Mr. Powell is concerned about making a decision about not seeing the property in question.

Carl Johnson 304 St. Michaels St., the properties for this area, are a lot less able to develop. But would like this land for future possible expansion, this could be an area to be developed in 10 or 20 years. But if this were to be given away, loose future possibilities. Snow removal in this area is good as it's a quick way to dump the snow, and keep snow removal moving. Carol Rushmore is thinking long term possibilities in the future.

Florschutz asks Carl Johnson what are the future possibilities for this area.

Possibility to realign the Silvernail road to make future uses, but plans for this area are long term vision with no set items.

Keegan states at the time Silvernail was being considered, the idea was to get the trucking vans off of Front Street, and this could be an access. Keegan states that this is an idea, but may or may not happen any time soon.

Johnson says that truck traffic does use this area access as well as the sort yard to gain access to lower road.

Keegan, states that it's difficult to see what the future possibilities are for this area.

David Powell, comments about where Silvernail and where the fence goes through there is a building going through this or on top of Silvernail Road, and there is a light pole in the middle of Silvernail.

Greg Meissner, Harbormaster, comments that in talking with Carol Rushmore, the property needs to go back to the Port Commission, for further subdivision, Harbor had previously requested that this area be vacated, back in the past it was to divert truck traffic and keep off main street. Greg now feels that this may never happen, and feels that moving the sort area to out to the mill site, would be a bad idea. Would it be cheaper to relocate the barge lines? The fence does go down Silvernail because Benn Curtis and Chet Powell, Sr. requested this area to be able to move the vans towards the back of the store for future access.

Greg is going to send this request to the Port Commission. Snow removal may not be an issue. Greg is going to the port commission, but as long as harbor has access to the fence line they will be ok.

McConachie states that he asked owners of property near the old mill site, to come to a meeting, and sat with them with a map, their understanding that they would have first option to purchase lands up to the fill line. Business' brought back drawings about the properties of these businesses, McConachie describes the process of how Silvernail Road came to be. Nothing in this process stated that these would be set in stone, but was to get an idea of where the boat yard would be. The process moved forward, the road was platted. This was mainly a definition of the business' and the mill yard area.

Questions to Harbormaster Meissner- is the road is being utilized? Is the traffic going through the sort yard causing a problem? Greg said that most of the traffic going into the sort yard is using this as their destination.

McConachie states that this road would have gone through the sort yard through the lower road and up by the Baptist Church to Zimovia, but this never came about.

Harbormaster Meissner is only concerned about the 5' alley way near the fence and the edge of the road.

### **Public hearing closed**

McConachie moves to approve the Request to vacate remainder of alleyway adjacent to Lot A and Lot C, Bay Company Replat; Request to vacate and purchase portion of Silvernail Work Road adjacent to Lot C, Bay Company Replat; and request to purchase portion of Lot 1 and Lot 2, Block B, Sort yard Subdivision, zoned Waterfront Development, requested by David Powell, Manager of The Bay Company, owned by Chet and Bejay Powell. Valvoda 2nds.

Henson does not think its ok to vacate a chunk of Silvernail Work road, the Commission needs to look at this and possible future possibilities. May be a lease option possibility.

Henson sees the 5' easement that Greg wants; on the paper it's very confusing. If the Commission is considering this issue, then the Commission needs to have a meeting at the site to see the issues regarding this item. This way the commission has the visual knowledge to make an informed decision.

Keegan agrees with Henson.

Florschutz would like to have some input from the Port Commission about their views of this area.

Henson is not comfortable about giving up any utility easement.

Valvoda states that they were going to maintain an easement, and has no problem, and Silvernail is not really a road.

Carl Johnson states there are some verbal agreements, power lines were put into place due to verbal agreements with no easements, power lines going to the rear of City Market and these are not within the easement, storm drain that's going under the New Bay Company and these should have been vacated.

Housekeeping needs to be done with these outstanding items before making a decision.

David Powel is bringing this up per Carol Rushmore's suggestion that he should bring it up to start the ball rolling to do something. He is favorable for a trip to go and see the area and make an informed decision.

Greg Meissner comments should be cautious, by not selling, but letting them use this area is this setting up a can of worm? Tax ramifications? Lease options?

McConachie comments that the big issue is cutting out a part of Silvernail Work road. If the Commission authorizes the yellow portion along A&C and the easement would be set in this and then continue on with the easements behind City Market. Leave Silvernail Work road alone. McConachie suggests taking the Commission to the area to see what is there.

Hutchinson asks if there was a final plat done. No the plats that are in the packet have not been updated.

Creating a new plat was not done due to ongoing issues.

McConachie rescinds to his original motion.

McConachie motions to have the Commission meet and view the affected area in order to make a more educated decision. Florschutz seconds.

Greg is going to ask the Port Commission to vacate this area, not sure if the Port Commission will be in favor. Possibly a joint meeting with the Port Commission to see what options may be available.

Tentatively September 23<sup>rd</sup> at 4:00pm for Port and Planning and Zoning Commissioners to take a field trip to view the site and proposed discussion items.

Motion passes by unanimous vote.

# *City and Borough of Wrangell, Alaska*

## **WRANGELL PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES December 11, 2014 7:00pm**

Minute excerpt.....

**OLD BUSINESS** New H9. Request to vacate remainder of alleyway adjacent to Lot A and Lot C, Bay Company Replat; Request to vacate and purchase portion of Silvernail Work Road adjacent to Lot C, Bay Company Replat; and request to purchase portion of Lot 1 and Lot 2, Block B, Sortyard Subdivision, zoned Waterfront Development, requested by David Powell, Manager of The Bay Company, owned by Chet and Bejay Powell.

This has been altered from original request, just focusing on the alley way at this time. Vacations of Silvernail Workroad will be considered separately.

Open public hearing

David Powell asks if he needs to speak, feels that they know what he is requesting, staff asks if he will be available for questions.

McConachie moves to approve the Request to vacate remainder of alleyway adjacent to Lot A and Lot C, Bay Company Replat; and request to purchase portion of Lot 1 and Lot 2, Block B, Sortyard Subdivision, zoned Waterfront Development, requested by David Powell, Manager of The Bay Company, owned by Chet and Bejay Powell. Briskar 2<sup>nd</sup> the motion.

- Staff has concerns about access easement and utility easements
- Motion is not clear, is motion is to vacate the alley and purchase some land? How much?
- Staff states that there is a 5' easement.

Powell wants road access because he would like to haul through this area. This access is for utilities and public access easement.

McConachie moves to amend the original motion to include a 15' public utility and access easement. No second on the amended motion.

Greg Scheff suggests making a scale drawing to give to the Commission for their review. David Powell indicates they will provide survey of the area since they need to

Commission unanimously agrees to postpone the discussion till a scale drawing is received to make a more informed decision.

10. Discussion regarding Silvernail Work Road's need and future access to port property.

Only discussion, Port Commission voted to vacate Silvernail Work Road. There are issues that the Planning and Zoning would have to look at if vacate is approved.

To vacate you have to show the area (Silvernail Work road) would be not used in the future. There are two back lots that use Silvernail Work road. Cannot have lot without access to these areas. City purchased the land and then created a right of way.

Keegan asks if Silvernail Work road is vacated, what would be the entrance into the complex? Keegan states that there is stuff everywhere. The actual entrance off of Front Street is not platted, this has shifted over some.

Henson is not comfortable with vacating this road.

Staff is recommending that Planning and Zoning not to vacate Silvernail Work road. Reason is that long term possibilities into the future.

Greg is thinking about a building, Mr. Powell states that you can't build into an existing roadway.

Henson brings up that maybe shifting the road may be an alternative?

Staff states another option create an access easement, then you have the ability to reduce width of an access easement.

This road needs to be considered for future benefit and use.

Terri mentions that the long term possibilities need to be looked at. Henson feels Harbor Department should help with costs to do a study to find more accurate data. Staff will go back to PND then if more money needs to be spent, talk with the Harbor Department and possibly have them cost share for survey data.

Betty has concerns about getting emergency vehicles into the boat yard area. Without Silvernail Work road how do they access this area?



# *City and Borough of Wrangell, Alaska*

## **WRANGELL PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES**

**January 8, 2015**

**7:00pm**

Minute excerpt.....

### **G. OLD BUSINESS**

1. Continuation of a request to vacate remainder of alleyway adjacent to Lot A and Lot C, Bay Company Replat; and request to purchase portion of Lot 1 and Lot 2, Block B, Sortyard Subdivision, zoned Waterfront Development, requested by David Powell, Manager of The Bay Company, owned by Chet and Bejay Powell.

Open public hearing

Mr. Powell addresses Commission to see if they have any questions are looking at the same map that he has.

Close public hearing

Briskar moves to approve, McConachie states there is already a motion to approve from Briskar from the prior meeting. The original motion from December meeting is read:

McConachie moves to approve the Request to vacate remainder of alleyway adjacent to Lot A and Lot C, Bay Company Replat; and request to purchase portion of Lot 1 and Lot 2, Block B, Sortyard Subdivision, zoned Waterfront Development, requested by David Powell, Manager of The Bay Company, owned by Chet and Bejay Powell. Briskar 2<sup>nd</sup> the motion.

Options that may be available:

- Vacate rest of the existing alleyway and shift the alley way over and this would give applicant 12' from the building, just enough room to build
- Straighten lines up parallel to the fence line. Shift over and pivot the line of the alley. Still would be moving the right of way over

Staff states Commission should not to give up the right of way.

McConachie moves to amend the original motion to add in a utility easement from the fence line to extend 15' north of the center lines of the electrical poles, Keegan 2nds

The fence line continues on a line from Silvernail Work road to Front Street.

Commission approves the amended motion unanimously.

Commission approves the original motion unanimously.

This is only a recommendation to the Assembly

## **H. PUBLIC COMMENT**

Greg Meissner, City of Wrangell Harbormaster asks about Silver nail Workroad and about platting the existing access areas? What is the process going to be?

Issue will come to the Planning and Zoning Commission in February to determine where they want to go with it and a public hearing would follow if they want to look at the option of vacation.

DRAFT