


# MEMORANDUM

CITY/BOROUGH OF JUNEAU  
155 South Seward Street, Juneau, Alaska 99801

**DATE:** July 7, 2005

**TO:** Planning Commission

**FROM:** Dale Pernula, Director   
Community Development Department

**FILE NO.:** TXT2005-00006

**SUBJECT:** An Ordinance relating to enforcement of plat notes, restrictions, and covenants, and providing for a penalty.

During the review of South Lena Subdivision, the Planning Commission asked questions relative to the enforcement of restrictions associated with a subdivision's approval. As a result of that inquiry, Deputy City Attorney, Peggy Boggs, pointed out that enforcement of conditions of plat approval, which are given notice to lot owners through plat notes, is enhanced where the city's code specifically authorizes enforcement of the plat notes. Such provisions are contained in the Anchorage City Code and were used in drafting the proposed ordinance.

Inasmuch as the Planning Commission has- and probably will continue to- condition subdivision plat approval and require plat notes, I recommend the Planning Commission forward a recommendation to the Assembly to approve the proposed ordinance.

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Presented by: The Manager  
Introduced:  
Drafted by: J.W. Hartle

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2005-22**

**An Ordinance Relating to Enforcement of Plat Notes, Restrictions, and Covenants, and Providing for a Penalty.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough code.

**Section 2. Amendment of Section.** CBJ 49.15.440 Final plat, is amended by the addition of a new subsection (4), to read as follows:

**49.15.440 Final plat.**

After completion of all conditions and commission acceptance of the preliminary plat in accordance with conditional use permit procedures, the final plat shall be submitted for review and approval according to the following:

- (1) Final plat submittal. The final plat may constitute only that portion of the approved preliminary layout which the developer proposes to record and develop at the time of submittal, so long as such portion itself meets the requirements of this title without reference to possible future stages. The final plat shall be prepared by a professional land surveyor, registered in the state, shall be filed with the department and shall meet the survey, monumentation, and certification requirements established by the commission by regulation under chapter 01.60.

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(2) Approval procedure.

(A) After acceptance of an application and a final plat the director shall schedule the final plat for commission action.

(B) If commission action on the final plat is scheduled to occur more than 12 months after approval of the preliminary plat, public notice of impending commission action on the final plat may be required.

(C) The director shall make a recommendation to the commission. The recommendation shall include a description of the manner in which all conditions of the preliminary plat have been meet.

(3) Commission action. The commission shall approve the final plat if the plat substantially conforms to the approved preliminary plat and all applicable conditions have been satisfactorily completed.

*(4) Notes, restrictions and covenants. The commission may place such conditions upon granting of final plat approval as are necessary to preserve the public welfare in accordance with subdivision regulations. When such a condition of approval entails a restriction upon the use of all or part of the property being subdivided, a note specifying such restrictions shall be placed on the face of the plat. Such note shall constitute a restrictive covenant in favor of the municipality and the public, and shall run with the land, enforceable against all subsequent owners. Any such restrictive covenant may be enforced against the subdivider or any subsequent owner by the municipality by injunction or other appropriate action, in the same manner as a permit or permit condition, pursuant to CBJ 49.10.600-660, or by any specifically affected member of the public.*

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**Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this      day of              2005.

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Bruce Botelho, Mayor

Attest:

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Laurie J. Sica, Clerk