

CODE ORDINANCE

Sponsored by: Borough Manager
Introduced: 07/21/26
Public Hearing: 08/04/26
Adopted: 08/04/26

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 26-080**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING THE AREAWIDE POWER TO ACQUIRE PUBLIC RIGHTS-OF-WAY, DESIGN AND CONSTRUCT ROADS, STREETS, SIDEWALKS, AND RELATED DRAINAGE FACILITIES; AND TO SUBMIT THE QUESTION TO THE QUALIFIED AREAWIDE VOTERS AT THE NOVEMBER 3, 2026, REGULAR ELECTION.

WHEREAS, the rationale and intent of this ordinance are contained in the attached Informational Memorandum No. 26-126.

BE IT ENACTED:

Section 1. Classification. Section 2 of this ordinance is of a general and permanent nature and shall become part of the Borough Code. All other sections are noncode.

Section 2. Adoption of Section. MSB 1.10.136 is hereby adopted to read as follows:

MSB 1.10.136 PUBLIC RIGHTS OF WAY AND DESIGN.

The borough may exercise the areawide power to acquire public rights-of-way, design, and construct roads, streets, sidewalks, and related drainage facilities as approved by the voters at the November 3, 2026 regular borough election.

Section 3. Submission to voters. A proposition ratifying the authorization to adopt areawide power to acquire public rights-of-way, design, and construct roads, streets, sidewalks, and related drainage facilities shall be submitted to the qualified

voters of the Borough at the regular Borough election to be held on November 3, 2026 in substantially the following form:

PROPOSITION NO. ____

**AREAWIDE POWER TO ACQUIRE PUBLIC RIGHTS-OF-WAY,
DESIGN, AND CONSTRUCT ROADS, STREETS, SIDEWALKS, AND RELATED
DRAINAGE FACILITIES**

Shall the Matanuska-Susitna Borough adopt and exercise the areawide power to acquire public rights-of-way, design, and construct roads, streets, sidewalks, and related drainage facilities?

Yes ____

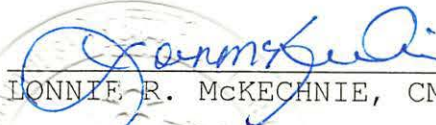
No ____

Section 3. Effective date. Section 2 of this ordinance shall take effect upon certification of the results of the regular Borough election of November 3, 2026 only if the ballot proposition contained in Section 3 of this ordinance is approved by a majority of the qualified voters voting on the proposition at the regular Borough election on November 3, 2026. All other sections of this ordinance take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 4 day
of August, 2026.


EDNA DeVRIES, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)

YES: Bowles, Nowers, McKee, Gamble, Fonov, and Bernier

NO: Sumner

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING THE AREAWIDE POWER TO ACQUIRE PUBLIC RIGHTS-OF-WAY, DESIGN, AND CONSTRUCT ROADS, STREETS, SIDEWALKS, AND RELATED DRAINAGE FACILITIES; AND TO SUBMIT THE QUESTION TO THE QUALIFIED AREAWIDE VOTERS AT THE NOVEMBER 3, 2026, REGULAR ELECTION.

AGENDA OF: July 21, 2026

ASSEMBLY ACTION: Adopted with Assemblymember Sumner opposed
08/04/26 - BJH

AGENDA ACTION REQUESTED: Introduce and set for public hearing.

Route To	Signatures
Originator	7 / 6 / 2 0 2 6 X N i c h o l a s S p i r o p o u l o s S i g n e d b y : N i c h o l a s S p i r o p o u l o s
Department Director	7 / 6 / 2 0 2 6 X T o m A d a m s , P E S i g n e d b y : T o m A d a m s
Department Director	7 / 6 / 2 0 2 6 X A l e x S t r a w n S i g n e d b y : A l e x S t r a w n
Borough Attorney	7 / 6 / 2 0 2 6 X N i c h o l a s S p i r o p o u l o s S i g n e d b y : N i c h o l a s S p i r o p o u l o s
Borough Manager	7 / 7 / 2 0 2 6 X M i c h a e l B r o w n S i g n e d b y : M i c h a e l B r o w n
Borough Clerk	7 / 7 / 2 0 2 6 X E s t e l l e M . W i e s e f o r L M S i g n e d b y : E s t e l l e W i e s e

ATTACHMENT (S): Ordinance Serial No. 26-080 (2 pp)

SUMMARY STATEMENT: This ordinance is sponsored by Borough Manager Mike Brown for the Borough to adopt the areawide power to acquire public rights-of-way, design, and construct roads, streets, sidewalks, and related drainage facilitates. To take effect, the proposal must be ratified by the areawide voters. Therefore, this ordinance will also place the question before the qualified areawide voters at the November 3, 2026, regular Borough election.

Right-of-way ("ROW") acquisition authority will allow the Borough to use areawide revenues to identify, secure, and preserve land needed for future transportation corridors before development occurs. This supports long-term transportation planning and helps

ensure that future roadway corridors remain viable. The purpose of this authority is to preserve and acquire rights-of-way necessary to implement adopted transportation plans, improve connectivity, enhance public safety, and reduce future public infrastructure costs. Acquiring ROW is significantly less expensive before parcels are developed or improved. Securing ROW early can substantially reduce future acquisition costs and may eliminate the need to purchase fully developed properties later at significantly higher cost.

Without early ROW acquisition, future projects may require moving driveways, buildings, wells, septic systems, utilities, or rerouting the road entirely. These changes dramatically increase construction and acquisition costs. Acquiring or accepting ROW prior to or in conjunction with a subdivision plat is one of the most economical and efficient times to secure it. Surveying, lot configuration, and infrastructure planning are already in progress, minimizing the burden on both the public and property owners. Securing ROW in advance can significantly shorten project timelines by avoiding prolonged negotiations, condemnation proceedings, or redesign work.

Early ROW acquisition also allows the Borough to complete design and corridor planning well in advance of construction. Conducting design early helps identify the most efficient road alignment, evaluate environmental and drainage considerations, and coordinate with utilities and adjacent land uses. It also provides more reliable preliminary cost estimates for future construction. Completing this work before development occurs can prevent costly redesigns. Early planning and associated design will reduce long-term project costs and help ensure that future transportation improvements can be delivered efficiently.

In addition to acquiring ROW, the power to be approved by voters here will enable the Borough to design and construct roads, streets, sidewalks, and related drainage facilities. This phrase "roads, street, sidewalks, and related drainage facilities" is the exact same phrase as used in the Road Service Areas ("RSAs") in MSB 5.25. Road Service Areas currently have the power to design and construct any type of road from a small muddy one-lane pioneer road, all the way to an interstate highway. This includes transportation corridors, bridges, intersections, traffic safety improvements, drainage improvements associated with transportation projects, pedestrian facilities, and related transportation infrastructure.

Under current Borough code, these powers are only exercised through RSAs which often deal with budget constraints and time-critical needs, with less funding and flexibility to adequately address future needs. Under rules of statutory construction, this exact

phrase is being used here so there is no difference, and no doubt, that the power under this ordinance is to design and construct any type of road and all necessary appurtenances on an areawide basis.

The authority proposed in this ordinance will allow the Borough to use areawide funds to acquire, design, and construct the Borough's transportation network on an areawide basis across all geographic areas of the Borough. RSAs will still operate and will remain the mechanism by which the Borough maintains its transportation network. RSAs may still construct roads as well and continue the current practice of developing needed improvement projects in their areas.

RECOMMENDATION OF ADMINISTRATION: Adopt legislation.