

1 IN THE HOUSE

BY MR. FISCHER

2

HOUSE BILL NO. 176

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the annexation and
7 exclusion of territory by municipalities
8 of the first class; amending Sec. 16-1-22,
9 ACLA 1949, as amended by Ch. 7, SLA 1951
10 and Ch. 25, SLA 1953; amending Sec. 16-1-23,
11 ACLA 1949; amending Sec. 16-1-24, ACLA 1949,
12 as amended by Ch. 7, SLA 1951 and Ch. 25,
13 SLA 1953 and Ch. 149, SLA 1955; amending
14 Sec. 16-1-26, ACLA 1949; and amending
15 Sec. 16-1-27, ACLA 1949."

16 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

17 Section 1. Sec. 16-1-22, ACLA 1949 as amended by Ch. 7,
18 SLA 1951 and Ch. 25, SLA 1953, is hereby amended to read as
19 follows:

20 Sec. 16-1-22. PETITION, HEARING AND ORDER FOR ELECTION;
21 PERSONS PRESUMED OWNERS OF PROPERTY. Whenever the council
22 of any city shall desire to enlarge the limits of said city
23 by annexing the territory contiguous thereto, they shall file
24 in the U.S. Commissioner's DISTRICT court for the recor-
25 ding precinct JUDICIAL DIVISION wherein the city is located,
26 a petition signed by thirty per cent of the owners of sub-
27 stantial property interests in land or possessory rights in
28 land, tidelands, or improvements upon land or tideland with-
29 in the limits of the territory so proposed to be annexed,

1 getting forth by metes and bounds the territory sought to be
2 annexed to such city, and there shall be attached thereto a
3 plat based upon an actual survey by a competent surveyor set-
4 ting forth the limits and boundaries of the territory to be
5 annexed by metes and bounds and stating the number of in-
6 habitants therein, as well as the number of owners of pro-
7 perty therein situate and such other facts as the court may
8 require. Said petition shall be sworn to on behalf of the
9 city and by at least one of the property owners herein pro-
10 vided for. Said petition may be presented in open court or
11 to the commissioner /JUDGE/ of said court in chambers and
12 said commissioner /JUDGE/ shall fix a time and place of hear-
13 ing on the petition and shall cause notice of said hearing
14 to be posted in at least three of the most public places in
15 such city and in three places within the territory sought to
16 be annexed, and if a newspaper be published in said city,
17 then to publish such notice at least three times in such
18 paper. Such notices shall be posted at least four weeks be-
19 fore the hearing and the first publication of such notice in
20 the newspaper shall be at least four weeks before the hearing.
21 The court shall make diligent inquiry as to the reasonable-
22 ness and justice of the petition and if the court be satis-
23 fied from proofs and evidence that no private rights will be
24 injured by granting the petition and if it is just and reason-
25 able that the annexation take place, the court shall, unless
26 it be shown that the petition is not bona fide or
27 that one or more of the signers thereto are not owners of
28 substantial property rights as herein provided or fails to
29 comply with the requirements of this act in any other respect,

1 order an election.

2 Sec. 2. In the following Acts or parts thereof, and in all
3 other provisions of law pertaining to the annexation and exclusion
4 of territory by a municipality of the first class, the title
5 "U. S. Commissioner" or "U. S. Commissioner's court," whichever
6 is appropriate, shall be, and is hereby substituted for the
7 titles "Clerk of the District Court," "District Court," and
8 "District Judge." Sec. 16-1-23, ACLA 1949; Sec. 16-1-24, ACLA
9 1949, as amended by Ch. 7, SLA 1951, Ch. 25, SLA 1953, and Ch. 149,
10 SLA 1955; Sec. 16-1-26, ACLA 1949, and Sec. 16-1-27, ACLA 1949.

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