

1 IN THE HOUSE

BY SENATE COMMITTEE ON
TERRITORIAL AFFAIRS

2 SENATE COMMITTEE SUBSTITUTE FOR 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 annexation and exclusion
7 of areas by municipalities; and repealing
8 Sec. 16-1-21, ACLA 1949, Sec. 16-1-22,
9 ACLA 1949, as amended by Ch. 7, SLA 1951,
10 and Ch. 25, SLA 1953; Sec. 16-1-23, ACLA
11 1949; Sec. 16-1-24, ACLA 1949, as amended
12 by Ch. 7, SLA 1951; Ch. 25, SLA 1953 and
13 Ch. 149, SLA 1955; Secs. 16-1-25 through
14 16-1-27, ACLA 1949; and Sec. 16-1-28,
15 ACLA 1949, as amended by Ch. 25, SLA 1953,"

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

17 Section 1. SHORT TITLE. This Act shall be referred to as
18 "The Annexation Act of 1957."

19 Sec. 2. DEFINITIONS: As used in this Act the terms defined
20 herein shall have the meanings provided, unless context clearly
21 requires otherwise:

22 (1) "Alaska" means the Territory of Alaska or in the
23 event of Statehood the State of Alaska.

24 (2) "Annexing City" means the city seeking to annex
25 or annexing an area of lands contiguous to the city.

26 (3) "Area" means any lands, not heretofore incorporated
27 as a city, lying contiguous to an annexing city, including such
28 lands separated from any annexing city by water or by tide or
29 shore lands.

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1 (4) "Council means the common council of the annexing
2 city.

3 (5) "Substantial property interest" means any interest
4 in real property or tidelands, or possessory rights therein, or
5 improvements thereon, and shall further include leaseholds of
6 one year or more, equities created by contracts of purchase and
7 sale, mining locations, and rights of adverse possession to
8 either real property or tidelands, but shall not include such
9 interests as month-to-month tenant or ownership of or other
10 interest in trailers, wanigans, or other shelters or structures
11 not fixed to the real property to tidelands.

12 Sec. 3. PETITION FOR ANNEXATION. Upon its own initiative
13 or that of interested persons residing within an area contiguous
14 to the municipality, a petition may be circulated within the
15 area proposed to be annexed requesting that such annexation be
16 made. The petition shall include:

17 (1) A concise written statement of its purpose,
18 (2) A legal description, as determined by an actual
19 survey, of the boundaries of the area proposed to be annexed,
20 and

21 (3) The estimated number of owners of substantial
22 property interest within the area.

23 Whenever the petition has been signed by 30% of the owners of
24 substantial property interests it may be presented to the Council,
25 who shall fix a date for public hearing thereon at which time any
26 voter of the city or any person owning a substantial property
27 interest in the area proposed to be annexed, may appear and be
28 heard. The Council shall cause notice of the hearing to be
29 published once each week for two successive weeks, prior to the

1 date of hearing, in a newspaper of general circulation in the
2 city, and shall cause notices of the hearing to be posted in two
3 public places in the city and in two public places in the area
4 proposed to be annexed for a like period.

5 After the hearing the Council may by resolution, passed by
6 an affirmative vote of the majority of the Council members, declare
7 an intention to accept and consent to the proposed annexation or
8 it may dismiss the petition and deny the proposed annexation.

9 In the event it declares an intention to accept and consent
10 to the proposed annexation it shall set forth in such resolution:

11 (1) A legal description of the area in question,

12 (2) A detailed statement of the terms and conditions
13 upon which the annexation shall be agreed to, the intended future
14 improvements, if any, and services, if any, to be afforded the
15 annexed area and an estimated tax rate or other assessments, if
16 any, to be levied for a fixed period of time to be determined by
17 the Council in the area sought for the purposes of rendering such
18 improvements and services, and

19 (3) The proposed effective date of the annexation.

20 Sec. 4. PUBLICATION OF RESOLUTION. A copy of the resolution
21 shall be published at least once a week for four successive weeks
22 in a newspaper of general circulation in the city and such reso-
23 lution shall be posted in two public places in the city for a
24 like period.

25 Sec. 5. PROCEDURE IF NO OBJECTION. In the event no
26 objection is filed within sixty (60) days after the enactment of
27 the resolution, the Council may, by ordinance, and within twelve
28 months after the expiration of the final date allowing such an
29 objection to be filed, incorporate and adopt all the provisions

1 of the resolution, consenting to the proposed annexation, and
2 declare the area annexed to the city on a date certain, but not
3 later than 90 days after passage of the ordinance.

4 Sec. 6. ELECTION IN EVENT OF OBJECTION. In the event an
5 objection is filed within the time allowed, the Council shall,
6 by ordinance, order an election to be held in the area to be
7 annexed.

8 Sec. 7. QUALIFICATIONS OF ELECTORS. The qualifications of
9 an elector shall be as follows:

10 (1) An elector shall be a person of the age of twenty-
11 one years or more;

12 (2) An elector shall have been a resident of Alaska
13 for not less than one year;

14 (3) An elector shall have been a resident of the area
15 to be annexed for not less than thirty days prior to the election;
16 and

17 (4) An elector shall be the owner of substantial
18 property interests within the area proposed to be annexed.

19 Sec. 8. ELECTION; NOTICE; BALLOTS; ELECTION JUDGES AND
20 CLERKS; CANVASS CERTIFICATE:

21 (1) The Council of such city shall thereupon submit
22 the question to the electors in the area proposed to be annexed
23 to such city in accordance with its ordinance. Such question
24 shall be submitted at a general or special election to be held
25 for that purpose;

26 (2) Such Council shall give notice thereof, by publi-
27 cation in a newspaper of general circulation in such area so
28 proposed to be annexed or nearest thereto, for a period of four
29 weeks prior to such election; also by posting notice thereof in

1 three public places within the area for a like period. Such
2 notices shall be posted and the first publication of such notice
3 in the newspaper shall be at least four weeks before the election.
4 Such notice shall distinctly state (a) the proposition to be so
5 submitted, (b) shall designate specifically the boundaries of the
6 area so proposed to be annexed, (c) shall give a detailed state-
7 ment of the terms and conditions upon which the annexation is to
8 be agreed to, identifying the future improvements to be made, if
9 any, the services to be afforded the annexed area, if any, the
10 tax rate or other assessments to be levied, if any, for a period
11 determined by the Council next preceding in the area sought for
12 the purpose of rendering such improvements and services, and
13 (d) the proposed effective date of the annexation.

14 (3) The electors shall be invited thereby to vote upon
15 such proposition by placing upon their ballots the words "for
16 annexation to the city of _____" or "against
17 annexation to the city of _____", or words
18 equivalent thereto;

19 (4) Such Council shall also designate the time and
20 place or places at which the polls will be open within the area
21 proposed to be annexed, which place or places shall be those
22 usually used for that purpose within such area, if any such there
23 be;

24 (5) Such Council shall also appoint the judges and
25 clerks of election. The judges and clerks before entering upon
26 the discharge of their duties at such election shall each take
27 and subscribe before an officer authorized to administer the same,
28 an oath for the honest and faithful discharge of his or her duties
29 as such judge or clerk. In case of the absence or inability of

1 any judge or clerk appointed to act at such election, the quali-
2 fied electors present at the polls before proceeding to vote, may
3 choose an elector to act in his or her place from among their
4 number, who shall duly qualifying as aforesaid before entering upon
5 the discharge of his or her duties as judge or clerk at such
6 election;

7 (6) Such Council shall meet on the Monday next suc-
8 ceeding the day of such election at one o'clock p. m. and canvass
9 the votes cast thereat, and the Council shall issue under their
10 hands, and the seal of the city, a certificate showing the
11 number of votes cast in favor of annexation and the number of
12 votes cast against the annexation;

13 (7) Said certificate together with all the ballots
14 cast and the oaths of the judges and clerks of election shall
15 immediately be filed with the city.

16 Sec. 9. DECLARATION OF ANNEXATION. If it shall appear to
17 the Council from the certificate of election filed as aforesaid
18 that a majority of the votes cast at said election were in favor
19 of annexation, then the Council shall by an ordinance duly
20 passed (a) incorporate and adopt all the terms and conditions
21 upon which the annexation has been agreed to by the Council and
22 ratified by a majority of those voting; (b) specifically restate
23 the boundaries of the area annexed; and (c) formally declare such
24 annexation of the area, and the area shall thereafter be a part
25 of the city.

26 Sec. 10. COST OF ANNEXATION. The costs of annexation pro-
27 ceedings whenever the petition is instituted by the city shall
28 be borne by the city.

29 Sec. 11. ENFORCEMENT OF ANNEXATION TERMS AND CONDITIONS.

1 Any owner of a substantial property interest may request the
2 Attorney General to petition the appropriate Court to issue such
3 legal process as may be necessary to compel performance of any
4 term or condition of annexation set forth in the applicable
5 ordinance or ordinances. The Attorney General may, for good
6 cause, decline, in whole or in part, any such request, whereupon
7 the owner of a substantial property interest may petition the
8 Court for such relief as it deems equitable and proper, and the
9 Court in exercising its discretion may enforce, rescind, amend
10 or modify the applicable ordinance or ordinances; provided, how-
11 ever, no such action shall be instituted any time after 90 days
12 has elapsed following the time fixed in the ordinance for the
13 performance of any term or condition therein.

14 Sec. 12. REVIEW BY COURT. Any action of the Council shall
15 be subject to review in the appropriate court in such matters
16 coming within its jurisdiction in the same manner as provided with
17 respect to other actions of law.

18 Sec. 13. ANNEXATION OF CITY-OWNED PROPERTY. The Council
19 may annex by ordinance any property owned by the city and situated
20 adjacent to the city boundaries.

21 Sec. 14. PROCEEDINGS FOR EXCLUSION OF AN AREA. Any area
22 may be excluded from any city in the same manner and following
23 the same procedure as in the case of annexation, except that if
24 the area is to be excluded, the petition to be filed shall be
25 signed by a majority of property owners as herein defined, owning
26 property within the area sought to be excluded, and the electors
27 shall be invited to vote upon such proposition by placing upon
28 their ballots the words "for exclusion from the city of _____,"
29 or "against exclusion from the city of _____," and the

1 votes shall be canvassed, the results of the election certified
2 and all other steps taken in like manner as provided in this
3 Act for the annexation of any area.

4 Sec. 15. REPEALER. The following Acts or parts thereof,
5 or any other Acts or parts thereof inconsistent with this Act,
6 are hereby repealed: Sec. 16-1-21, ACLA 1949; Sec. 16-1-22,
7 ACLA 1949, as amended by Ch. 7, SLA 1951, and Ch. 25, SLA 1953;
8 Sec. 16-1-23, ACLA 1949; Sec. 16-1-24, ACLA 1949, as amended by
9 Ch. 7, SLA 1951; Ch. 25, SLA 1953, and Ch. 149, SLA 1955; Secs.
10 16-1-25 through 16-1-27, ACLA 1949; and Sec. 16-1-28, ACLA 1949,
11 as amended by Ch. 25, SLA 1953.

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