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Referred: Local Govern-
ment and Resources

BY MESSRS. STRANDBERG
AND TILLION

1 IN THE HOUSE

2

HOUSE BILL NO. 307

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRD LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the transfer of tide and
7 submerged lands."

8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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* Section 1. AS 38.05.320(a) is repealed.

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* Sec. 2. AS 38.05.320(b) is amended to read:

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(b) Home rule cities and cities of the first class [A

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MUNICIPAL CORPORATION] incorporated on or before January 1,

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1964 [3, 1959], may apply, in the manner prescribed by the

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director, and in accordance with such regulations as the

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director may adopt [WITHIN THREE YEARS FROM THE DATE OF

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DETERMINATION BY REGULATION AS BEING THE FIRST DATE UPON

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WHICH APPLICATIONS WILL BE ACCEPTED BY THE DIRECTOR], for a

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conveyance to them [IT] of all lands seaward of the home rule

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cities and cities of the first class [MUNICIPAL CORPORATION]

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which are between the mean high tide line in, or forming the

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boundary of, the home rule cities and cities of the first

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class [MUNICIPAL CORPORATION], and a line to be shown on a

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plat made a part of the application which shall be the pier-

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head line established under the Act of September 7, 1957, or

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the harbor line established under the Act of March 3, 1899,

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or if no pierhead line or harbor line is established then a

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line subject to approval by the director, with the concur-

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rence of the commissioner, which shall be seaward of all tide-

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lands and submerged lands occupied or suitable for occupation

1 and development without unreasonable interference with navi-
2 gation. The director shall convey these tide and submerged
3 lands to home rule cities and cities of the first class [THE
4 MUNICIPAL CORPORATIONS].

5 (1) Each home rule city and city of the first class
6 [MUNICIPAL CORPORATION] granted a conveyance shall prepare an
7 official subdivision plat of the area conveyed showing all
8 structures and improvements and the boundaries of each tract
9 occupied or developed, together with the name of the owner or
10 claimant. The subdivisional plat shall include within the
11 boundaries of each tract occupied or developed such surround-
12 ing tide and submerged lands as are reasonably necessary in
13 the opinion of the governing body of the home rule cities and
14 cities of the first class [MUNICIPAL CORPORATION] for the use
15 and enjoyment of the structures and improvements by the owner
16 or claimant, but shall not include tide or submerged lands
17 which if granted to the occupant would unjustly deprive an
18 occupant of adjoining lands from his reasonable use and
19 enjoyment of them.

20 (2) An occupant of land included in the conveyance
21 to home rule cities and cities of the first class [A MUNICI-
22 PAL CORPORATION], who occupied or developed the land on and
23 before September 7, 1957, has a class I preference right to
24 the lands from the home rule cities and cities of the first
25 class [MUNICIPAL CORPORATION] upon the execution of a waiver
26 to the state and the home rule cities and cities of the first
27 class [MUNICIPAL CORPORATION] of all rights the occupant may
28 have acquired under Public Law 85-303 (71 Stat. 623).

29 (3) An occupant of land included in the conveyance

1 to home rule cities and cities of the first class [A MUNICI-
2 PAL CORPORATION], who has a class II preference right by
3 reason of the conveyance to home rule cities and cities of
4 the first class[AMUNICIPAL CORPORATION], and is unwilling to
5 waive the right has a preference right to the lands which it
6 is mandatory for the home rule cities and cities of the first
7 class [MUNICIPAL CORPORATION] to expeditiously honor upon
8 application from the occupant after the Secretary of the Army
9 has submitted to the Secretary of the Interior and the gov-
10 ernor of the state maps showing the pierhead line established
11 by the corps of engineers with respect to the tract so granted.

12 (4) An occupant of land included in the conveyance
13 to home rule cities and cities of the first class [A MUNICI-
14 PAL CORPORATION], who occupied or developed the land after
15 September 7, 1957, and before January 3, 1959, and who con-
16 tinued to occupy it on January 3, 1959, has a class III
17 preference right to the lands from the home rule cities and
18 cities of the first class [MUNICIPAL CORPORATION].

19 (5) The preference rights granted an occupant are
20 lost unless the occupant applies to exercise the preference
21 right within two years from the date the home rule cities and
22 cities of the first class[MUNICIPAL CORPORATION] determine[s]
23 by ordinance that they [IT] will accept applications for the
24 exercise of preference rights.

25 (6) In making a conveyance to an occupant, the
26 home rule cities and cities of the first class [MUNICIPAL
27 CORPORATION] shall include as a part of the tract conveyed
28 and in addition to the occupied or developed lands, such
29 additional tide and submerged lands as are reasonably necessary

1 in the opinion of the governing body of the home rule cities
2 and cities of the first class [MUNICIPAL CORPORATION] for the
3 occupant's use and enjoyment of the occupied or developed
4 land, but the conveyance shall not include any area which
5 would unjustly deprive an occupant of adjoining lands from
6 reasonable use and enjoyment of those lands or which, if
7 developed, will interfere with navigation.

8 (7) Each home rule city and city of the first class
9 [MUNICIPAL CORPORATION] receiving conveyances shall by ordi-
10 nance provide for reasonable regulations governing the filing
11 and processing of applications, publication of notices and
12 the adjudication of disputes between claimants by the govern-
13 ing body of the home rule cities and cities of the first
14 class [CORPORATION]. A party aggrieved by its determination
15 may appeal to the superior court.

16 (8) When no preference right has been granted to
17 purchase or lease tidelands, the home rule cities and cities
18 of the first class [MUNICIPAL CORPORATION] may sell or lease
19 the tidelands conveyed to them [IT], and may impose terms or
20 conditions for the sale or lease.

21 * Sec. 3. AS 38.05.320(d) is amended by adding a new paragraph
22 to read:

23 (8) For the purposes of this Act "home rule cities
24 and cities of the first class" do not include a borough.