

Introduced: 2/11/64
Referred: Local Government
and Resources

1 IN THE HOUSE

BY MESSRS. STRANDBERG
AND TILLION

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
7 and submerged lands."

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

9 * Section 1. AS 38.05.320(b) is amended to read:

10 (b) Home rule cities and cities of the first class [A
11 MUNICIPAL CORPORATION] incorporated on or before April 1, 1964
12 [JANUARY 3, 1959], may apply, in the manner prescribed by
13 the director, and in accordance with such regulations as the
14 director may adopt [WITHIN THREE YEARS FROM THE DATE OF
15 DETERMINATION BY REGULATION AS BEING THE FIRST DATE UPON
16 WHICH APPLICATIONS WILL BE ACCEPTED BY THE DIRECTOR], for a
17 conveyance to them [IT] of all lands seaward of the home rule
18 cities and cities of the first class [MUNICIPAL CORPORATION]
19 which are between the mean high tide line in, or forming the
20 boundary of, the home rule cities and cities of the first
21 class [MUNICIPAL CORPORATION], and a line to be shown on a
22 plat made a part of the application which shall be the pier-
23 head line established under the Act of September 7, 1957, or
24 the harbor line established under the Act of March 3, 1899,
25 or if no pierhead line or harbor line is established then a
26 line subject to approval by the director, with the concur-
27 rence of the commissioner, which shall be seaward of all
28 tidelands and submerged lands occupied or suitable for occu-
29 pation and development without unreasonable interference with

1 navigation. The director shall convey these tide and sub-
2 merged lands to home rule cities and cities of the first
3 class [THE MUNICIPAL CORPORATIONS]. Applications by prefer-
4 ence right claimants filed with the director before June 30,
5 1964, shall continue to be processed to a final determination
6 and conveyance, if any, by the director, if such preference
7 right claimants are entitled to a conveyance from the direc-
8 tor under the laws existing previous to the effective date
9 of this act.

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

25 (2) An occupant of land included in the conveyance
26 to home rule cities and cities of the first class [A MUNICI-
27 PAL CORPORATION], who occupied or developed the land on and
28 before September 7, 1957, has a class I preference right to
29 the lands from the home rule cities and cities of the first

1 class [MUNICIPAL CORPORATION] upon the execution of a waiver
2 to the state and the home rule cities and cities of the first
3 class [MUNICIPAL CORPORATION] of all rights the occupant may
4 have acquired under Public Law 85-303 (71 Stat. 623).

5 (3) An occupant of land included in the conveyance
6 to home rule cities and cities of the first class [A MUNICI-
7 PAL CORPORATION], who has a class II preference right by
8 reason of the conveyance to home rule cities and cities of
9 the first class [A MUNICIPAL CORPORATION], and is unwilling to
10 waive the right has a preference right to the lands which it
11 is mandatory for the home rule cities and cities of the first
12 class [MUNICIPAL CORPORATION] to expeditiously honor upon
13 application from the occupant after the Secretary of the Army
14 has submitted to the Secretary of the Interior and the gover-
15 nor of the state maps showing the pierhead line established by
16 the corps of engineers with respect to the tract so granted.

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

24 [(5) THE PREFERENCE RIGHTS GRANTED AN OCCUPANT ARE
25 LOST UNLESS THE OCCUPANT APPLIES TO EXERCISE THE PREFERENCE
26 RIGHT WITHIN TWO YEARS FROM THE DATE THE MUNICIPAL CORPORATION
27 DETERMINES BY ORDINANCE THAT IT WILL ACCEPT APPLICATIONS FOR
28 THE EXERCISE OF PREFERENCE RIGHTS.]

29 (5) [(6)] In making a conveyance to an occupant,

1 the home rule cities and cities of the first class [MUNICIPAL
2 CORPORATION] shall include as a part of the tract conveyed
3 and in addition to the occupied or developed lands, such addi-
4 tional tide and submerged lands as are reasonably necessary
5 in the opinion of the governing body of the home rule cities
6 and cities of the first class [MUNICIPAL CORPORATION] for the
7 occupant's use and enjoyment of the occupied or developed
8 land, but the conveyance shall not include any area which
9 would unjustly deprive an occupant of adjoining lands from
10 reasonable use and enjoyment of those lands or which, if
11 developed, will interfere with navigation.

12 (6) [(7)] Each home rule city and city of the first
13 class [MUNICIPAL CORPORATION] receiving conveyances shall by
14 ordinance provide for reasonable regulations governing the
15 filing and processing of applications, publication of notices
16 and the adjudication of disputes between claimants by the
17 governing body of the home rule cities and cities of the
18 first class [CORPORATION]. A party aggrieved by its deter-
19 mination may appeal to the superior court.

20 (7) [(8)] When no preference right has been
21 granted to purchase or lease tidelands, the home rule cities
22 and cities of the first class [MUNICIPAL CORPORATION] may
23 sell or lease the tidelands conveyed to them [IT], and may
24 impose terms or conditions for the sale or lease. Such terms
25 and conditions shall include such reservations of rights of
26 way as are necessary to provide reasonable access to public
27 waters.

28 * Sec. 2. AS 38.05.320(d) is amended by adding a new paragraph
29 to read:

HB 307 am by Senate

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