

1 IN THE HOUSE BY MR. JACKSON

2 HOUSE BILL NO. 136

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to land annexations by
7 political subdivisions of the state."

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

9 * Section 1. AS 29.70.010 is amended to read:

10 Sec. 29.70.010. PETITION FOR ANNEXATION. Upon the
11 initiative of interested persons desiring annexation of an
12 area [RESIDING WITHIN AN AREA CONTIGUOUS] to the municipality,
13 a petition may be circulated within the area proposed to be
14 annexed requesting annexation. The petition shall include:

- 15 (1) a concise written statement of its purpose,
16 (2) a [LEGAL] description [, AS DETERMINED BY AN
17 ACTUAL SURVEY,] of the boundaries of the area proposed to be
18 annexed [, AND (3) THE ESTIMATED NUMBER OF OWNERS OF SUB-
19 STANTIAL PROPERTY INTEREST WITHIN THE AREA].

20 * Sec. 2. AS 29.70.020 is amended to read:

21 Sec. 29.70.020. [PRESENTATION OF] PETITION CONSIDERA-
22 TION, NOTICE AND HEARING. (a) If the petition is signed by
23 owners of property which totals in assessed value 30 per cent
24 or more of the assessed value of all real property within the
25 area proposed to be annexed, [30 PER CENT OR MORE OF THE
26 OWNERS OF SUBSTANTIAL PROPERTY INTERESTS] it may be acted on
27 by [PRESENTED TO] the council. Upon receipt of a petition
28 for annexation in which the whole or part of the area pro-
29 posed to be annexed is not assessed, the assessor or other

1 person authorized by the council shall estimate the value of
2 the property not assessed and, if he so finds, shall certify
3 to the council that the petition is signed by owners of
4 property which totals in assessed and probable assessed
5 value 30 per cent or more of the total assessed and probable
6 assessed value of all the property within the area proposed
7 to be annexed.

8 (b) Owners of property signing the petition must sign
9 in person, unless authority to sign is presented in writing
10 at the time of signing and affixed to the petition. However,
11 a person is presumed to have authority to sign for his or her
12 spouse. If property is held by cotenancy or by entirities,
13 each coowner must sign.

14 (c) The council shall fix a date for public hearing on
15 the petition at which time any voter of the city or any
16 owners of property [PERSON OWNING A SUBSTANTIAL PROPERTY
17 INTEREST] in the area proposed to be annexed may appear and
18 be heard.

19 (d) The council shall have notice of the hearing pub-
20 lished once each week for two successive weeks, prior to the
21 date of hearing, in a newspaper of general circulation in the
22 city, or if there is no such newspaper in the city, then the
23 notice shall be published in a newspaper nearest to the city
24 proposing annexation. The council shall have notices of the
25 hearing posted in two public places in the city and in two
26 public places in the area proposed to be annexed for a like
27 period.

28 * Sec. 3. AS 29.70.050 is amended to read:

29 Sec. 29.70.050. RESOLUTION TO STATE OBLIGATIONS IF

1 ANNEXED AREA HAS SEPARATE [IS IN A PUBLIC UTILITY DISTRICT
2 HAVING] OBLIGATIONS. If the area [,] to be annexed, or any
3 part of it, is in a service area or organized borough [PUBLIC
4 UTILITY DISTRICT] and is subject to any existing or con-
5 tingent obligations to which the city is not itself subject,
6 the city shall also include in its resolution of intention to
7 accept and consent to the proposed annexation a statement
8 setting forth

9 (1) each obligation [OF THE DISTRICT], by name and
10 amount;

11 (2) each obligation or part of one, if any, by
12 name and amount, to be assumed by the city; and

13 (3) any liability, contingent or otherwise, which
14 subjects the property included in the area to be annexed to
15 assessment or other legal action, to assure payment of the
16 liability.

17 * Sec. 4. AS 29.70.070 is amended to read:

18 Sec. 29.70.070. FILING OF OBJECTION BY OWNER. An
19 owner of property within the area proposed to be annexed
20 [A SUBSTANTIAL PROPERTY INTEREST RESIDING IN THE CITY OR THE
21 AREA PROPOSED TO BE ANNEXED] may protest the annexation with-
22 in 60 days of the adoption of the resolution by filing a
23 written notice of objection with the city clerk.

24 * Sec. 5. AS 29.70.090 is amended to read:

25 Sec. 29.70.090. ELECTION IN EVENT OF OBJECTION. (a)
26 If an objection is filed within the time allowed, the council
27 shall, by ordinance, order an election to be held in the area
28 proposed to be annexed, except as provided in (b) of this
29 section.

1 (b) If the petition for annexation is signed by owners
2 of property whose assessed and (if not assessed) probable
3 assessed value totals more than 50 per cent of the total
4 assessed and (if not assessed) probable assessed value of the
5 property proposed to be annexed, the council may declare an
6 annexation without an election in the same manner as if no
7 objection had been filed. Probable assessed value must be
8 determined and certified to the council in the same manner
9 as required in sec. 20(a) of this chapter. The power to
10 declare an annexation without an election under this subsec-
11 tion does not apply if in the council's resolution of in-
12 tention to accept and consent to the proposed annexation the
13 area proposed to be annexed and the terms and conditions of
14 annexation differ substantially from those of the petition
15 requesting annexation.

16 * Sec. 6. AS 29.70.100 is amended to read:

17 Sec. 29.70.100. QUALIFICATIONS OF VOTERS. A person is
18 qualified to vote in an annexation election who

19 (1) is 19 years of age or over;

20 (2) has been a resident of the state for not less
21 than one year;

22 (3) has been a resident of the area to be annexed
23 for not less than 30 days before the election [; AND (4) IS
24 THE OWNER OF A SUBSTANTIAL PROPERTY INTEREST WITHIN THE AREA
25 PROPOSED TO BE ANNEXED].

26 * Sec. 7. AS 29.70.120(4) is amended to read:

27 (4) each obligation [OF THE DISTRICT], by name and
28 amount; each obligation or part of it, if any, to be assumed
29 by the city; and any liability, contingent or otherwise,

1 which subjects the property included in the area to be
2 annexed to assessment or other legal action, to assume pay-
3 ment of the liability, and

4 * Sec. 8. AS 29.70.170(2) is amended to read:

5 (2) set forth each obligation [OF THE DISTRICT],
6 by name and amount; each obligation or part of it, if any, by
7 name and amount, to be assumed by the city; and any liability
8 contingent or otherwise, which subjects the property included
9 in the area to be annexed to assessment or other legal action,
10 to assure payment of the liability;

11 * Sec. 9. AS 29.70.190 is amended to read:

12 Sec. 29.70.190. ENFORCEMENT OF ANNEXATION TERMS AND
13 CONDITIONS. An owner of property within the area annexed
14 [A SUBSTANTIAL PROPERTY INTEREST] may request the attorney
15 general to petition the appropriate court to issue legal
16 process necessary to compel performance of any term or con-
17 dition of annexation set forth in any applicable ordinance.
18 The attorney general may decline the request in whole or in
19 part for good cause whereupon the owner of property within the
20 area annexed [A SUBSTANTIAL PROPERTY INTEREST] may petition
21 the court for such relief as it deems equitable and proper,
22 and the court in exercising its discretion may enforce,
23 rescind, amend or modify the ordinance. However, no action
24 may be instituted any time after 90 days has elapsed follow-
25 ing the time fixed in the ordinance for the performance of
26 any term or condition in it.

27 * Sec. 10. AS 29.70.220 is amended by adding a new paragraph
28 to read:

29 (5) "owners of property" means

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(A) in the case of first, second, and third class cities to which annexation is proposed, persons who would be liable to the city for real property taxes which may be levied by the city;

(B) in the case of fourth class cities to which annexation is proposed, the holder of a right, title, or interest in real property.

* Sec. 11. AS 29.70.220(4) is ~~repealed~~.