

LOCAL
BOUNDARY
COMMISSION
1982

RECOMMEN-
DATIONS

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

DIVISION OF LOCAL GOVERNMENT ASSISTANCE

POUCH B
JUNEAU, ALASKA 99811

January 14, 1982

JAN 15 1982

The Honorable Don Gilman, Chairman
C & RA Committee
Alaska State Senate
and
The Honorable Patrick O'Connell, Chairman
C & RA Committee
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Gentleman:

RE: PROPOSED JOINT COMMITTEE HEARINGS ON LBC RECOMMENDATIONS - SECOND SESSION

During this week three reports will be transmitted to the President of the Senate and the Speaker of the House concerning annexations approved by the Local Boundary Commission in the City of Nome, the City of Kodiak, and the Kodiak Island Borough. Those reports will undoubtedly be referred to your respective committees for review of the Local Boundary Commission actions and to permit the possible introduction of a resolution to disapprove any or all of the annexations.

Concerning the annexations in the City of Kodiak and the Kodiak Island Borough, to the best of my knowledge there is no controversy surrounding these two annexations and I would be surprised if there is any interest in introducing a resolution to disapprove either of these annexations. Concerning the Nome annexation, which was disapproved by both Houses of the Legislature last year, it appears that, despite the fact that the major objectors to the annexation last year (i.e. Alaska Gold Company and Icy View) did not object this year there were some objections expressed to the proposed annexation during the Local Boundary Commission hearing and I presume those same interests will approach the Legislature requesting that a resolution be introduced to disapprove the annexation in Nome.

The Honorable Don Gilman
The Honorable Patrick O'Connell
January 14, 1982
Page 2

On behalf of the Local Boundary Commission, we would like to request a joint hearing of the Senate and House Community and Regional Affairs Committees during which time the Local Boundary Commission would be available to answer questions concerning any of the three annexation actions and during which, the committees might well wish to hear testimony from others in the State who support or object to the annexations approved by the Local Boundary Commission. More specifically, the Local Boundary Commission, because of scheduling conflicts with its members, has requested that any joint hearing be scheduled during the first two weeks of February 1982.

On behalf of the Local Boundary Commission, your early consideration of this request will be appreciated.

Sincerely,

Lee McAnerney
Commissioner


BY: Palmer McCarter
Director

cc: Sheila Gallagher, Chair, Local Boundary Commission
Jim Sanders, Staff, Local Boundary Commission
Keith Specking, Legislative Assistant
Susan Greene, Special Assistant to the Governor



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

10 February 1982

The Honorable Frank Ferguson
Senate District P
Kotzebue, AK 99752

The Honorable Bob Mulcahy
Senate District P
Kodiak, AK 99615

The Honorable Jack Fuller
House District 22
Nome, AK

The Honorable Fred Zharoff
House District 14
Kodiak, AK 99615

SUBJECT: Boundary Annexations: City of Nome, City of Kodiak and
Kodiak Island Borough

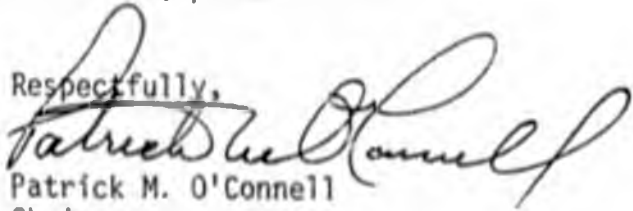
Gentlemen:

Upon receipt of the attached material regarding the Local Boundary Commission's Report to the Second Session of the Twelfth Legislature, it is the House Committee on Community & Regional Affairs opinion that there is no need for introduction of a resolution disapproving the Commission's recommendations.

Consequently, unless otherwise requested, it has been decided that there be no further legislative action or review regarding the annexations, and that the boundary changes recommended in the attached report be allowed to become effective.

If you have any further information or recommendations, please let me know immediately.

Respectfully,


Patrick M. O'Connell
Chairman
Committee on Community
and Regional Affairs

PMO/rmc

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

January 19, 1982

The Honorable Joe L. Hayes
Speaker
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Hayes:

Attached hereto is the Report to the Second Session of the Twelfth Legislature by the Local Boundary Commission. The report contains recommendations for changes to the boundaries of three municipalities which, pursuant to Article X, Section 12 of the State Constitution and AS 29.68.010, are to be presented to the Legislature. These recommended boundary changes become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.

Also attached is the executive summary of the study requested last year by Legislative Resolve Number 15 concerning the jurisdictional needs of the City of Nome. This study was conducted on behalf of the Department by Alaska Economics, Incorporated. The Department concurs with the study recommendations, except as indicated in the attached Local Boundary Commission Report.

Sincerely,

Lee McAnerney
Lee McAnerney
Commissioner



Official Business

Alaska State Legislature

House of Representatives

Office of the Chief Clerk

Pouch V
State Capitol
Juneau, Alaska 99811

January 19, 1982

Commissioner Lee McAnerney
Department of Community & Regional Affairs
Juneau, Alaska

Dear Commissioner McAnerney:

The Report to the Second Session of the Twelfth Legislature
by the Local Boundary Commission was received January 19, 1982
at 4:30 p.m. - the ninth day of the Session.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Emylou Lloyd".

Emylou Lloyd
Chief Clerk of the House

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

REPORT TO THE SECOND SESSION
OF THE TWELFTH LEGISLATURE

JANUARY 19, 1982

CONTENTS

	Page
SUMMARY OF ACTIVITIES OF THE LOCAL BOUNDARY COMMISSION DURING 1981	1
RECOMMENDATION FOR THE ANNEXATION OF TERRITORY TO THE CITY OF NOME.	3
RECOMMENDATION FOR THE ANNEXATION OF TERRITORY TO THE KODIAK ISLAND BOROUGH	11
RECOMMENDATION FOR THE ANNEXATION OF TERRITORY TO THE CITY OF KODIAK.	14

SUMMARY OF ACTIVITIES OF THE
LOCAL BOUNDARY COMMISSION DURING 1981

During the last year the Local Boundary Commission dealt with petitions concerning the following proposed municipal incorporations and boundary changes:

- 1) City of Nome - The Commission approved the annexation of approximately 17.56 square miles, contingent upon Legislative concurrence.
- 2) Kodiak Island Borough - The Commission approved the annexation of the U.S. Coast Guard Reservation (54.93 square miles), contingent upon Legislative concurrence.
- 3) City of Kodiak - The Commission approved the annexation of approximately 1.42 square miles, contingent upon Legislative concurrence.
- 4) Cold Bay - The Commission approved a petition for the incorporation of Cold Bay as a city of the second class, pursuant to AS 29.18. Cold Bay voters subsequently approved the proposed incorporation. The City's boundaries encompass approximately 66 square miles.
- 5) City of Fairbanks - The Commission approved the annexation of approximately 12 acres requested by all of the property owners and residents involved, pursuant to AS 29.68.010(3).
- 6) City of Alakanuk - The Commission approved the annexation of 28.8 square miles, contingent upon voter approval pursuant to AS 29.68.010(1). The voters subsequently approved the measure.
- 7) City of Houston - The Commission approved the annexation of 0.25 square miles, contingent upon voter approval pursuant to AS 29.68.010(1). The voters subsequently approved the measure.
- 8) City of Palmer - The Commission approved three separate petitions for the annexation of territory requested by all of the property owners and residents involved, pursuant to AS 29.68.010(3).
- 9) City of Grayling - The Commission approved a correction to the community's boundary description.

- 10) City of Tuluksak - The Commission approved a correction to the community's boundary description.
- 11) City of Kodiak - The Commission approved two separate petitions for the annexation of territory requested by all of the property owners and residents involved, pursuant to AS 29.68.010(3).

The action of the Local Boundary Commission regarding the foregoing items one, two and three require review by the Legislature. A formal recommendation for each of these three actions begins on page 3 of this report. Article X, Section 12 of the Alaska Constitution and AS 29.68.010 provide that boundary changes recommended in this report shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER ONE TO THE
SECOND SESSION OF THE
TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION
OF TERRITORY TO THE CITY OF NOME

WHEREAS, the First Session of the Twelfth Legislature adopted Legislative Resolve Number 15 calling for a study of the jurisdictional needs of the City of Nome; and

WHEREAS, said study was been completed by an independent consultant whose recommendations were presented to the Department of Community and Regional Affairs in September, 1981; and

WHEREAS, on November 5, 1981 the City of Nome submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, which requested the annexation of approximately 17.56 square miles; and

WHEREAS, on November 9, 1981 the Department determined the petition to be acceptable as to form and content; and

WHEREAS, the Department caused to be published, public notice of filing of the petition for annexation; and

WHEREAS, on December 7, 1981 the Commission held a public hearing in Nome, with prescribed notice, on the petition for annexation; and

WHEREAS, on December 8, 1981 the Commission rendered its decision on the petition for annexation;

THEREFORE, based upon the extensive briefing of the petitioner, the independent consultant's report of the jurisdictional needs of the City of Nome, the investigation and report of the petition by the Department, and the information obtained from the Nome public hearing, the Commission made the following findings of fact and entered its decision pursuant thereto:

The territory proposed for annexation by the City of Nome conforms to the consultant's report, with two exceptions. The tidelands and submerged lands out to the 50 foot contour were included by the City in anticipation of the development of a port facility. Secondly, the consultant's recommended boundaries had excluded a small portion of the current City boundaries.

The following described territory, shown on the map labeled "Exhibit A" warrants annexation to the present corporate territory of the City of Nome for the following reasons:

1. The territory is urban in character. Currently, there are 206 residents within the territory recommended for annexation.

Virtually all of this population stems from actual growth of the City of Nome beyond its legal boundaries, to the extent that approximately 6.7 percent of the greater-Nome population is now found in the territory. Icy View, a large subdivision, is located in the territory. Virtually all of the land is in private ownership. Much of the territory has been mined by dredging and is among the most readily developable property in the area due to its gravel base and melted permafrost. Some of the land in private ownership has been held for sale in the past.

2. The territory is in need of municipal services which the City of Nome can provide most efficiently. There is no other municipality in the vicinity. The City of Nome is providing many municipal services to the territory at the present time, and the City is capable of, and willing to extend additional services to the territory. The municipal services necessary to the territory include fire protection, law enforcement, education, street maintenance, solid waste disposal, water, electricity, health and construction regulation, animal control and planning.
3. The history of Nome and the present trend indicate that future growth and development of the community will likely occur within the territory. Potential development of remaining lots within the existing boundaries of the City of Nome is hampered by extensive wetland problems, substantial private holdings not held for sale

during the past decades, and the availability of more attractive lots for development on melted permafrost at such locations as Icy View Subdivision. Annexation of the territory will enable the City of Nome to plan for and control that development which has occurred, and which will continue to occur within the territory.

4. The health and safety of City residents presently is endangered by existing problems in the territory relating to animal control, flood control, fire protection, law enforcement and solid waste disposal. Annexation will alleviate these conditions by expanding enforcement jurisdiction, enabling planning and regulation and producing the tax base necessary for extending services to the territory.
5. The formal extension of police, fire protection, health, education and planning services to the territory is necessary to enable the City of Nome to provide adequate services to City residents. It is economically impractical and illegal for the City of Nome to extend these services unless the territory is within the boundaries of the City.
6. Residents and owners of property in the territory receive the benefit of City services without commensurate property tax contributions. These services include education and schools, fire protection, port facilities, cemeteries, city street maintenance, museum, library and solid waste disposal. Differential pricing of water and electrical

utilities, where in effect, does not contribute to the bonding base necessary to replace or upgrade aging capital facilities. No alternative method for offsetting the costs of providing services has been found satisfactory to the Commission. Therefore, differential tax zones are not appropriate.

7. The annexation is otherwise necessary to accomplish the valid public purpose of enfranchising the residents of the territory who are receiving substantial services without the opportunity to formally participate in the government. Annexation of the territory is also necessary to accomplish the valid public purpose of unifying the educational jurisdiction of the public school system. More generally, annexation is necessary to accomplish the public purpose of promoting a sense of community in the entire Nome area.

THEREFORE, the Commission hereby recommends to the Second Session of the Twelfth Legislature of the State of Alaska, annexation of the following described territory to the City of Nome:

Beginning at the common corner of protracted Section 2, 3, 10, and 11, T1S, R34W, Kateel River Meridian (K.R.M.); thence South 2.5 miles to the common quarter-corner of protracted Sections 22 and 23, T1S, R34W, K.R.M.; thence West 2 miles to the common quarter-corner of protracted Sections 20 and 21, T1S, R34W, K.R.M.; thence South to the mean high tideline of the Bering Sea; thence leaving the shoreline on a mean true bearing South $15^{\circ} 36' 25.03''$ West for a distance of 8,866.73 feet to a point on the Bering Sea Latitude $64^{\circ} 29' 05.2499''$ North,

Longitude $165^{\circ} 30' 49.8598''$ West; thence South $74^{\circ} 23' 10''$ East for a distance of 27,373.47 feet to a point on the Bering Sea Latitude $64^{\circ} 27' 52.7364''$ North, Longitude $165^{\circ} 20' 48.4693''$ West; thence in a northeasterly direction approximately 8,825 feet to the intersection point of an extension of the eastern right-of-way limit of the Beam Road and the mean high tideline of the Bering Sea; thence northeasterly along said extension of the eastern right-of-way limit of the Beam Road to the point of intersection of the eastern right-of-way limit of the Beam Road and the northern right-of-way limit of the Nome Council Road; thence northeasterly along the eastern right-of-way limit of the Beam Road to the point of intersection with the northernmost east-west sixteenth line of protracted Section 32, T11S, R33W, K.R.M.; thence West to the point of intersection with the monumented eastern corporate boundary of the City of Nome lying at Longitude $165^{\circ} 20' 39''$ West; thence North along said monumented eastern corporate boundary of the City of Nome to the monumented northeastern corner of the corporate boundary of the City of Nome lying at Latitude $64^{\circ} 31' 01''$ North, Longitude $165^{\circ} 20' 39''$ West; thence West along the monumented northern corporate boundary of the City of Nome to a point of intersection with the West 16th line of protracted Section 19, T11S, R33W, K.R.M.; thence North to the northernmost point of intersection with Mineral Survey No. 1177, thence continuing along the boundary of Mineral Survey No. 1177 in a westerly direction to the first point of intersection with the boundary of Mineral Survey No. 1228, thence westerly along the boundary of Mineral Survey No. 1228 to the point of intersection with the East 16th line of protracted Section 12, T11S, R34W, K.R.M., thence North along the East 16th line of protracted Section 12, T11S, R34W, K.R.M. to the northernmost point on the East 16th line of protracted Section 12, T11S, R34W, thence West to the common corner of protracted Sections 11, 12, 1 and 2, T11S, R34W, K.R.M.; thence North 1/4 mile to the common 16th corner of protracted Sections 1 and 2, T11S, R34W, K.R.M.; thence West 1 mile to the common 16th corner of protracted Sections 2 and 3, T11S, R34W, K.R.M.; thence South, 0.25 miles to the common corner of protracted Sections 2, 3, 10 and 11, T11S, R34W, K.R.M., the true point of beginning.



EXHIBIT A

NOME BOUNDARIES
APPROVED BY THE
LOCAL BOUNDARY COMMISSION

EXHIBIT A

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER TWO TO THE
SECOND SESSION OF THE
TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION OF
TERRITORY TO THE KODIAK ISLAND BOROUGH

WHEREAS, on November 17, 1981 the Kodiak Island Borough submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, which requested the annexation of approximately 54.93 square miles; and

WHEREAS, on November 19, 1981 the Department determined the petition to be acceptable as to form and content; and

WHEREAS, the Department caused to be published, proper notice of filing of the petition for annexation; and

WHEREAS, on December 13, 1981 the Commission held a public hearing in Kodiak, with prescribed notice, on the petition for annexation; and

WHEREAS, on December 17, 1981 the Commission rendered its decision on the petition for annexation;

THEREFORE, based upon the extensive briefing of the petitioner, the investigation and report of the petition by the Department, and the information obtained from the Kodiak public hearing, the Commission made the following findings of fact and entered its decision pursuant thereto:

The Kodiak Island Borough petitioned to annex the United States Coast Guard Reservation (formerly the Kodiak Naval Station) which was excluded from the territory originally incorporated as the Kodiak Island Borough. "Exhibit B" provides a map of the territory recommended for annexation. The subject territory is recommended for annexation for the following reasons:

1. The United States Coast Guard Reservation is entirely surrounded by, but is excluded from the Kodiak Island Borough.
2. Residents and leaseholders of property on the United States Coast Guard Reservation receive the benefit of organized borough services without commensurate property tax contributions. There are twenty-nine leaseholders on the State airport portion of the

Coast Guard Reservation which are currently enjoying property tax exempt status.

3. The residents of the Coast Guard Reservation constitute over twenty-five percent of the population of Kodiak Island. The residents of this territory are directly affected by actions of the Borough government, which includes the Borough school system. However, since these residents of the Island live outside of the jurisdiction of the Borough, they are denied the opportunity to vote in local elections. Annexation of the territory would enfranchise those residents.

THEREFORE, the Commission hereby recommends to the Second Session of the Twelfth Legislature of the State of Alaska, annexation of the following described territory to the Kodiak Island Borough:

All of the United States Coast Guard Reservation (formerly the Kodiak Naval Station) excluded in the Kodiak Island Borough Certificate of Incorporation dated July 18, 1968, and more specifically described as follows:

All of the United States Coast Guard Reservation located within and adjacent to United States Survey 2539 and including United States Surveys 1464 and 1673.

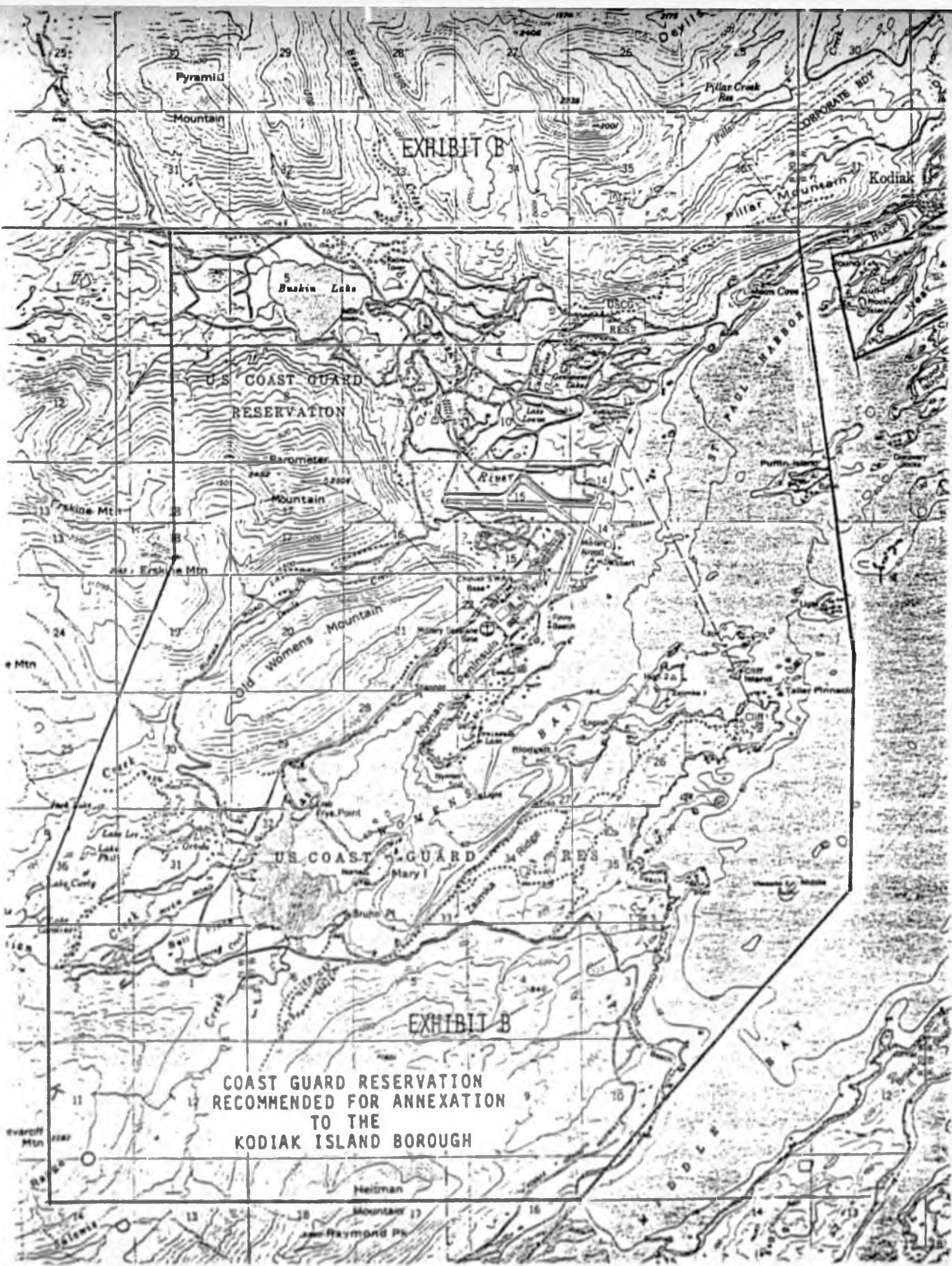


EXHIBIT B

COAST GUARD RESERVATION
RECOMMENDED FOR ANNEXATION
TO THE
KODIAK ISLAND BOROUGH

Pyramid

Mountain

Bushie Lake

U.S. COAST GUARD
RESERVATION

Barometer

Mountain

Old Womens

Mountain

U.S. COAST GUARD

EXHIBIT B

Kodiak

Pillar Mountain

Pillar Creek

River

USCG

RES

St. Paul Harbor

Puritan Island

Taller Pinnacle

Heidman

Mountain

Raymond Pt

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER THREE TO THE
SECOND SESSION OF THE
TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION
OF TERRITORY TO THE CITY OF KODIAK

WHEREAS, on November 16, 1981 the City of Kodiak submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, which requested the annexation of approximately 1.42 square miles; and

WHEREAS, on November 19, 1981 the Department determined the petition to be acceptable as to form and content; and

WHEREAS, the Department caused to be published, proper notice of filing of the petition for annexation; and

WHEREAS, on December 13, 1981 the Commission held a public hearing in Kodiak, with prescribed notice, on the petition for annexation; and

WHEREAS, on December 17, 1981 the Commission rendered its decision on the petition for annexation;

THEREFORE, based upon the extensive briefing of the petitioner, the investigation and report of the petition by the Department, and the information obtained from the Kodiak public hearing, the Commission made the following findings of fact and entered its decision pursuant thereto:

Near, Gull and Uski Islands are already a part of the City of Kodiak. These islands were annexed in 1960 by Local Boundary Commission action. However, the Commission, in submitting its recommendation to the Legislature, only referenced the islands by name; the subsequent "Certification of Boundaries for the City of Kodiak" made no reference to the submerged lands surrounding the islands. This recommended annexation would clearly establish the City's jurisdiction throughout the subject submerged lands. "Exhibit C" provides a map of the area recommended for annexation. The subject boundary change is recommended for the following reasons:

1. The territory is urban in character. The area will soon be the location of a major port and harbor facility. The area recommended for annexation should be controlled by the City to allow for comprehensive

planning and management of the port facility.

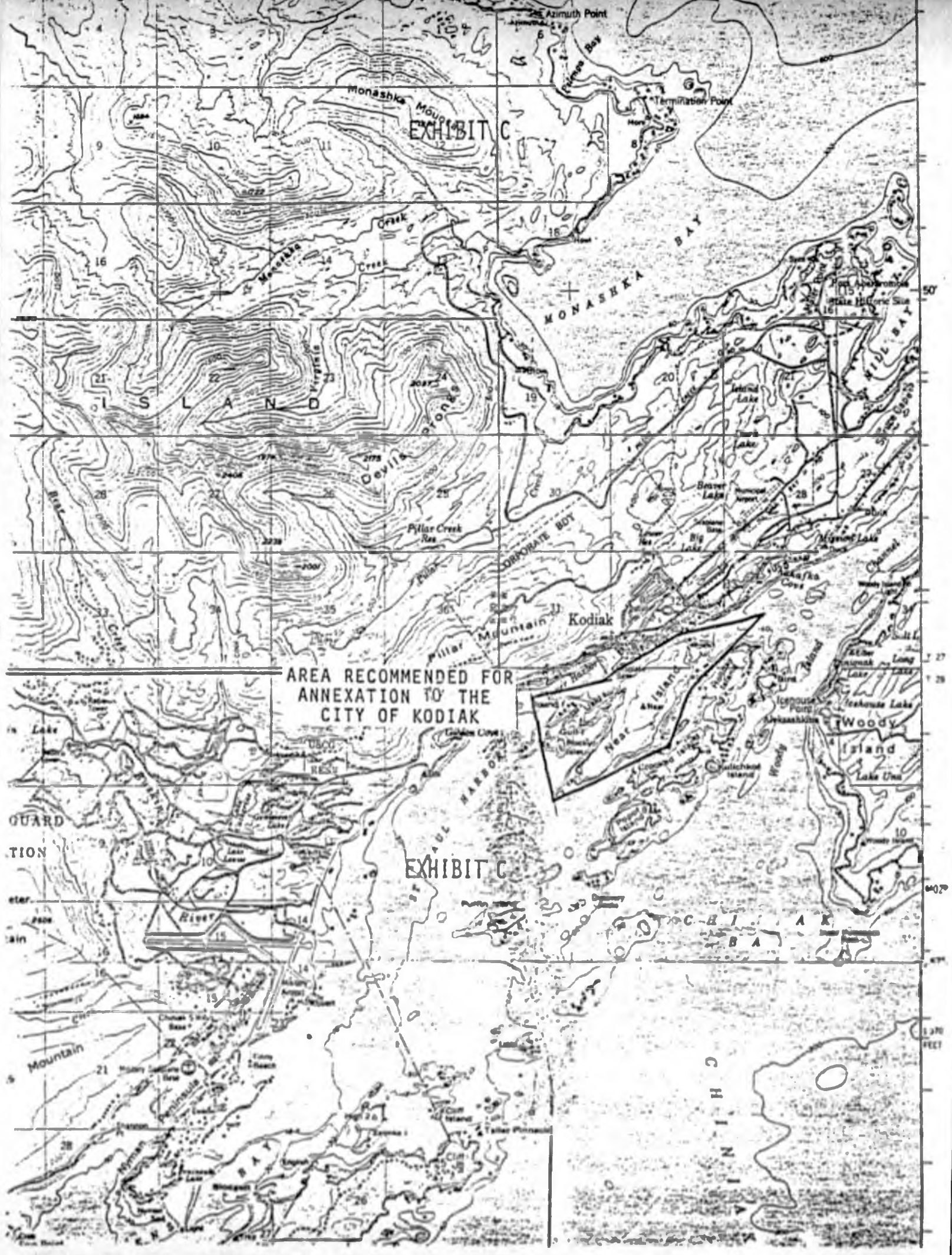
2. There is a likelihood that future growth and development of the City of Kodiak will occur within the territory proposed for annexation. In addition to the development of the port facility, a bridge is planned to connect Near Island with the community of Kodiak.

THEREFORE, the Commission hereby recommends to the Second Session of the Twelfth Legislature of the State of Alaska, annexation of the following territory to the City of Kodiak:

Beginning at M.C. 6, U.S. Survey No. 2873, identical to M.C. 1, U.S. Survey No. 3066; thence S 32°24' E, 1,162.00 feet along the easterly boundary of ATS 49 to the intersection point with the Directors Line in the middle of Kodiak Channel, said point being the TRUE POINT OF BEGINNING; thence,

- (1) S 42°22'00" W, 5,200.00 feet; thence,
- (2) S 0°50'00" E, 1,644.70 feet; thence,
- (3) S 58°06'00" W, 7,479.21 feet; thence,
- (4) N 34°55'37" W, 4,891.19 feet to intersect with the U.S. Coast Guard Boundary, identical with the southerlymost corner of the territory described in City of Kodiak Ordinance No 493. Thence along the boundaries described in City of Kodiak Ordinance No. 493, the following courses.
- (5) N 63°21'52" E, 1,644.99 feet, thence,
- (6) N 15°34'00" W, 1,090.00 feet to intersect with the original meander line of U.S. Survey 2537 B (Kodiak Townsite Survey), thence,
- (7) N 78°45'00" E, 227.62 feet along said meander line to the Northwest corner of ATS 49; thence the following courses along the boundary of ATS 49.
- (8) S 15°34'00" E, 1,290.00 feet;

- (9) N 71°22'00" E, 3,711.00 feet;
- (10) N 57°13'00" E, 3,600.00 feet;
- (11) N 68°33'30" E, 4,663.50 feet to the point of beginning.



AREA RECOMMENDED FOR
ANNEXATION TO THE
CITY OF KODIAK

EXHIBIT C

CHINIAK

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

DIVISION OF LOCAL GOVERNMENT ASSISTANCE

POUCH B
JUNEAU, ALASKA 99811

January 14, 1982

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Gentleman:

RE: PROPOSED JOINT COMMITTEE HEARINGS ON LBC RECOMMENDATIONS - SECOND SESSION

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Concerning the annexations in the City of Kodiak and the Kodiak Island Borough, to the best of my knowledge there is no controversy surrounding these two annexations and I would be surprised if there is any interest in introducing a resolution to disapprove either of these annexations. Concerning the Nome annexation, which was disapproved by both Houses of the Legislature last year, it appears that, despite the fact that the major objectors to the annexation last year (i.e. Alaska Gold Company and Icy View) did not object this year there were some objections expressed to the proposed annexation during the Local Boundary Commission hearing and I presume those same interests will approach the Legislature requesting that a resolution be introduced to disapprove the annexation in Nome.

The Honorable Don Gilman
The Honorable Patrick O'Connell
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On behalf of the Local Boundary Commission, we would like to request a joint hearing of the Senate and House Community and Regional Affairs Committees during which time the Local Boundary Commission would be available to answer questions concerning any of the three annexation actions and during which, the committees might well wish to hear testimony from others in the State who support or object to the annexations approved by the Local Boundary Commission. More specifically, the Local Boundary Commission, because of scheduling conflicts with its members, has requested that any joint hearing be scheduled during the first two weeks of February 1982.

On behalf of the Local Boundary Commission, your early consideration of this request will be appreciated.

Sincerely,

Lee McAnerney
Commissioner


BY: Palmer McCarter
Director

cc: Sheila Gallagher, Chair, Local Boundary Commission
Jim Sanders, Staff, Local Boundary Commission
Keith Specking, Legislative Assistant
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STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, Governor

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

January 19, 1982

The Honorable Joe L. Hayes
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Alaska House of Representatives
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Juneau, Alaska 99811

Dear Representative Hayes:

Attached hereto is the Report to the Second Session of the Twelfth Legislature by the Local Boundary Commission. The report contains recommendations for changes to the boundaries of three municipalities which, pursuant to Article X, Section 12 of the State Constitution and AS 29.68.010, are to be presented to the Legislature. These recommended boundary changes become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.

Also attached is the executive summary of the study requested last year by Legislative Resolve Number 15 concerning the jurisdictional needs of the City of Nome. This study was conducted on behalf of the Department by Alaska Economics, Incorporated. The Department concurs with the study recommendations, except as indicated in the attached Local Boundary Commission Report.

Sincerely,

Lee McAnerney
Lee McAnerney
Commissioner



Official Business

Alaska State Legislature

House of Representatives

Office of the Chief Clerk

Pouch V
State Capitol
Juneau, Alaska 99811

January 19, 1982

Commissioner Lee McAnerney
Department of Community & Regional Affairs
Juneau, Alaska

Dear Commissioner McAnerney:

The Report to the Second Session of the Twelfth Legislature
by the Local Boundary Commission was received January 19, 1982
at 4:30 p.m. - the ninth day of the Session.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Emylou Lloyd".

Emylou Lloyd
Chief Clerk of the House

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

REPORT TO THE SECOND SESSION
OF THE TWELFTH LEGISLATURE

JANUARY 19, 1982

CONTENTS

	Page
SUMMARY OF ACTIVITIES OF THE LOCAL BOUNDARY COMMISSION DURING 1981	1
RECOMMENDATION FOR THE ANNEXATION OF TERRITORY TO THE CITY OF NOME.	3
RECOMMENDATION FOR THE ANNEXATION OF TERRITORY TO THE KODIAK ISLAND BOROUGH	11
RECOMMENDATION FOR THE ANNEXATION OF TERRITORY TO THE CITY OF KODIAK.	14

SUMMARY OF ACTIVITIES OF THE
LOCAL BOUNDARY COMMISSION DURING 1981

During the last year the Local Boundary Commission dealt with petitions concerning the following proposed municipal incorporations and boundary changes:

- 1) City of Nome - The Commission approved the annexation of approximately 17.56 square miles, contingent upon Legislative concurrence.
- 2) Kodiak Island Borough - The Commission approved the annexation of the U.S. Coast Guard Reservation (54.93 square miles), contingent upon Legislative concurrence.
- 3) City of Kodiak - The Commission approved the annexation of approximately 1.42 square miles, contingent upon Legislative concurrence.
- 4) Cold Bay - The Commission approved a petition for the incorporation of Cold Bay as a city of the second class, pursuant to AS 29.18. Cold Bay voters subsequently approved the proposed incorporation. The City's boundaries encompass approximately 66 square miles.
- 5) City of Fairbanks - The Commission approved the annexation of approximately 12 acres requested by all of the property owners and residents involved, pursuant to AS 29.68.010(3).
- 6) City of Alakanuk - The Commission approved the annexation of 28.8 square miles, contingent upon voter approval pursuant to AS 29.68.010(1). The voters subsequently approved the measure.
- 7) City of Houston - The Commission approved the annexation of 0.25 square miles, contingent upon voter approval pursuant to AS 29.68.010(1). The voters subsequently approved the measure.
- 8) City of Palmer - The Commission approved three separate petitions for the annexation of territory requested by all of the property owners and residents involved, pursuant to AS 29.68.010(3).
- 9) City of Grayling - The Commission approved a correction to the community's boundary description.

10) City of Tuluksak - The Commission approved a correction to the community's boundary description.

11) City of Kodiak - The Commission approved two separate petitions for the annexation of territory requested by all of the property owners and residents involved, pursuant to AS 29.68.010(3).

The action of the Local Boundary Commission regarding the foregoing items one, two and three require review by the Legislature. A formal recommendation for each of these three actions begins on page 3 of this report. Article X, Section 12 of the Alaska Constitution and AS 29.68.010 provide that boundary changes recommended in this report shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER ONE TO THE
SECOND SESSION OF THE
TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION
OF TERRITORY TO THE CITY OF NOME

WHEREAS, the first Session of the Twelfth Legislature adopted Legislative Resolve Number 15 calling for a study of the jurisdictional needs of the City of Nome; and

WHEREAS, said study was been completed by an independent consultant whose recommendations were presented to the Department of Community and Regional Affairs in September, 1981; and

WHEREAS, on November 5, 1981 the City of Nome submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, which requested the annexation of approximately 17.56 square miles; and

WHEREAS, on November 9, 1981 the Department determined the petition to be acceptable as to form and content; and

WHEREAS, the Department caused to be published, public notice of filing of the petition for annexation; and

WHEREAS, on December 7, 1981 the Commission held a public hearing in Nome, with prescribed notice, on the petition for annexation; and

WHEREAS, on December 8, 1981 the Commission rendered its decision on the petition for annexation;

THEREFORE, based upon the extensive briefing of the petitioner, the independent consultant's report of the jurisdictional needs of the City of Nome, the investigation and report of the petition by the Department, and the information obtained from the Nome public hearing, the Commission made the following findings of fact and entered its decision pursuant thereto:

The territory proposed for annexation by the City of Nome conforms to the consultant's report, with two exceptions. The tidelands and submerged lands out to the 50 foot contour were included by the City in anticipation of the development of a port facility. Secondly, the consultant's recommended boundaries had excluded a small portion of the current City boundaries.

The following described territory, shown on the map labeled "Exhibit A" warrants annexation to the present corporate territory of the City of Nome for the following reasons:

1. The territory is urban in character. Currently, there are 206 residents within the territory recommended for annexation.

Virtually all of this population stems from actual growth of the City of Nome beyond its legal boundaries, to the extent that approximately 6.7 percent of the greater-Nome population is now found in the territory. Icy View, a large subdivision, is located in the territory. Virtually all of the land is in private ownership. Much of the territory has been mined by dredging and is among the most readily developable property in the area due to its gravel base and melted permafrost. Some of the land in private ownership has been held for sale in the past.

2. The territory is in need of municipal services which the City of Nome can provide most efficiently. There is no other municipality in the vicinity. The City of Nome is providing many municipal services to the territory at the present time, and the City is capable of, and willing to extend additional services to the territory. The municipal services necessary to the territory include fire protection, law enforcement, education, street maintenance, solid waste disposal, water, electricity, health and construction regulation, animal control and planning.
3. The history of Nome and the present trend indicate that future growth and development of the community will likely occur within the territory. Potential development of remaining lots within the existing boundaries of the City of Nome is hampered by extensive wetland problems, substantial private holdings not held for sale

during the past decades, and the availability of more attractive lots for development on melted permafrost at such locations as Icy View Subdivision. Annexation of the territory will enable the City of Nome to plan for and control that development which has occurred, and which will continue to occur within the territory.

4. The health and safety of City residents presently is endangered by existing problems in the territory relating to animal control, flood control, fire protection, law enforcement and solid waste disposal. Annexation will alleviate these conditions by expanding enforcement jurisdiction, enabling planning and regulation and producing the tax base necessary for extending services to the territory.
5. The formal extension of police, fire protection, health, education and planning services to the territory is necessary to enable the City of Nome to provide adequate services to City residents. It is economically impractical and illegal for the City of Nome to extend these services unless the territory is within the boundaries of the City.
6. Residents and owners of property in the territory receive the benefit of City services without commensurate property tax contributions. These services include education and schools, fire protection, port facilities, cemeteries, city street maintenance, museum, library and solid waste disposal. Differential pricing of water and electrical

utilities, where in effect, does not contribute to the bonding base necessary to replace or upgrade aging capital facilities. No alternative method for offsetting the costs of providing services has been found satisfactory to the Commission. Therefore, differential tax zones are not appropriate.

7. The annexation is otherwise necessary to accomplish the valid public purpose of enfranchising the residents of the territory who are receiving substantial services without the opportunity to formally participate in the government. Annexation of the territory is also necessary to accomplish the valid public purpose of unifying the educational jurisdiction of the public school system. More generally, annexation is necessary to accomplish the public purpose of promoting a sense of community in the entire Nome area.

THEREFORE, the Commission hereby recommends to the Second Session of the Twelfth Legislature of the State of Alaska, annexation of the following described territory to the City of Nome:

Beginning at the common corner of protracted Section 2, 3, 10, and 11, T11S, R34W, Kateel River Meridian (K.R.M.); thence South 2.5 miles to the common quarter-corner of protracted Sections 22 and 23, T11S, R34W, K.R.M.; thence West 2 miles to the common quarter-corner of protracted Sections 20 and 21, T11S, R34W, K.R.M.; thence South to the mean high tideline of the Bering Sea; thence leaving the shoreline on a mean true bearing South 15° 36' 25.03" West for a distance of 8,066.73 feet to a point on the Bering Sea Latitude 64° 29' 05.2499" North,

Longitude 165° 30' 49.8598" West; thence South 74° 23' 10" East for a distance of 27,373.47 feet to a point on the Bering Sea Latitude 64° 27' 52.7364" North, Longitude 165° 20' 48.4693" West; thence in a northeasterly direction approximately 8,825 feet to the intersection point of an extension of the eastern right-of-way limit of the Beam Road and the mean high tideline of the Bering Sea; thence northeasterly along said extension of the eastern right-of-way limit of the Beam Road to the point of intersection of the eastern right-of-way limit of the Beam Road and the northern right-of-way limit of the Nome Council Road; thence northeasterly along the eastern right-of-way limit of the Beam Road to the point of intersection with the northernmost east-west sixteenth line of protracted Section 32, T11S, R33W, K.R.M.; thence West to the point of intersection with the monumented eastern corporate boundary of the City of Nome lying at Longitude 165° 20' 39" West; thence North along said monumented eastern corporate boundary of the City of Nome to the monumented northeastern corner of the corporate boundary of the City of Nome lying at Latitude 64° 31' 01" North, Longitude 165° 20' 39" West; thence West along the monumented northern corporate boundary of the City of Nome to a point of intersection with the West 16th line of protracted Section 19, T11S, R33W, K.R.M.; thence North to the northernmost point of intersection with Mineral Survey No. 1177, thence continuing along the boundary of Mineral Survey No. 1177 in a westerly direction to the first point of intersection with the boundary of Mineral Survey No. 1228, thence westerly along the boundary of Mineral Survey No. 1228 to the point of intersection with the East 16th line of protracted Section 12, T11S, R34W, K.R.M., thence North along the East 16th line of protracted Section 12, T11S, R34W, K.R.M. to the northernmost point on the East 16th line of protracted Section 12, T11S, R34W, thence West to the common corner of protracted Sections 11, 12, 1 and 2, T11S, R34W, K.R.M.; thence North 1/4 mile to the common 16th corner of protracted Sections 1 and 2, T11S, R34W, K.R.M.; thence West 1 mile to the common 16th corner of protracted Sections 2 and 3, T11S, R34W, K.R.M.; thence South, 0.25 miles to the common corner of protracted Sections 2, 3, 10 and 11, T11S, R34W, K.R.M., the true point of beginning.

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER TWO TO THE
SECOND SESSION OF THE
TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION OF
TERRITORY TO THE KODIAK ISLAND BOROUGH

WHEREAS, on November 17, 1981 the Kodiak Island Borough submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, which requested the annexation of approximately 54.93 square miles; and

WHEREAS, on November 19, 1981 the Department determined the petition to be acceptable as to form and content; and

WHEREAS, the Department caused to be published, proper notice of filing of the petition for annexation; and

WHEREAS, on December 13, 1981 the Commission held a public hearing in Kodiak, with prescribed notice, on the petition for annexation; and

WHEREAS, on December 17, 1981 the Commission rendered its decision on the petition for annexation;

THEREFORE, based upon the extensive briefing of the petitioner, the investigation and report of the petition by the Department, and the information obtained from the Kodiak public hearing, the Commission made the following findings of fact and entered its decision pursuant thereto:

The Kodiak Island Borough petitioned to annex the United States Coast Guard Reservation (formerly the Kodiak Naval Station) which was excluded from the territory originally incorporated as the Kodiak Island Borough. "Exhibit B" provides a map of the territory recommended for annexation. The subject territory is recommended for annexation for the following reasons:

1. The United States Coast Guard Reservation is entirely surrounded by, but is excluded from the Kodiak Island Borough.
2. Residents and leaseholders of property on the United States Coast Guard Reservation receive the benefit of organized borough services without commensurate property tax contributions. There are twenty-nine leaseholders on the State airport portion of the

Coast Guard Reservation which are currently enjoying property tax exempt status.

3. The residents of the Coast Guard Reservation constitute over twenty-five percent of the population of Kodiak Island. The residents of this territory are directly affected by actions of the Borough government, which includes the Borough school system. However, since these residents of the Island live outside of the jurisdiction of the Borough, they are denied the opportunity to vote in local elections. Annexation of the territory would enfranchise those residents.

THEREFORE, the Commission hereby recommends to the Second Session of the Twelfth Legislature of the State of Alaska, annexation of the following described territory to the Kodiak Island Borough:

All of the United States Coast Guard Reservation (formerly the Kodiak Naval Station) included in the Kodiak Island Borough Certificate of Incorporation dated July 18, 1968, and more specifically described as follows:

All of the United States Coast Guard Reservation located within and adjacent to United States Survey 2539 and including United States Surveys 1464 and 1673.

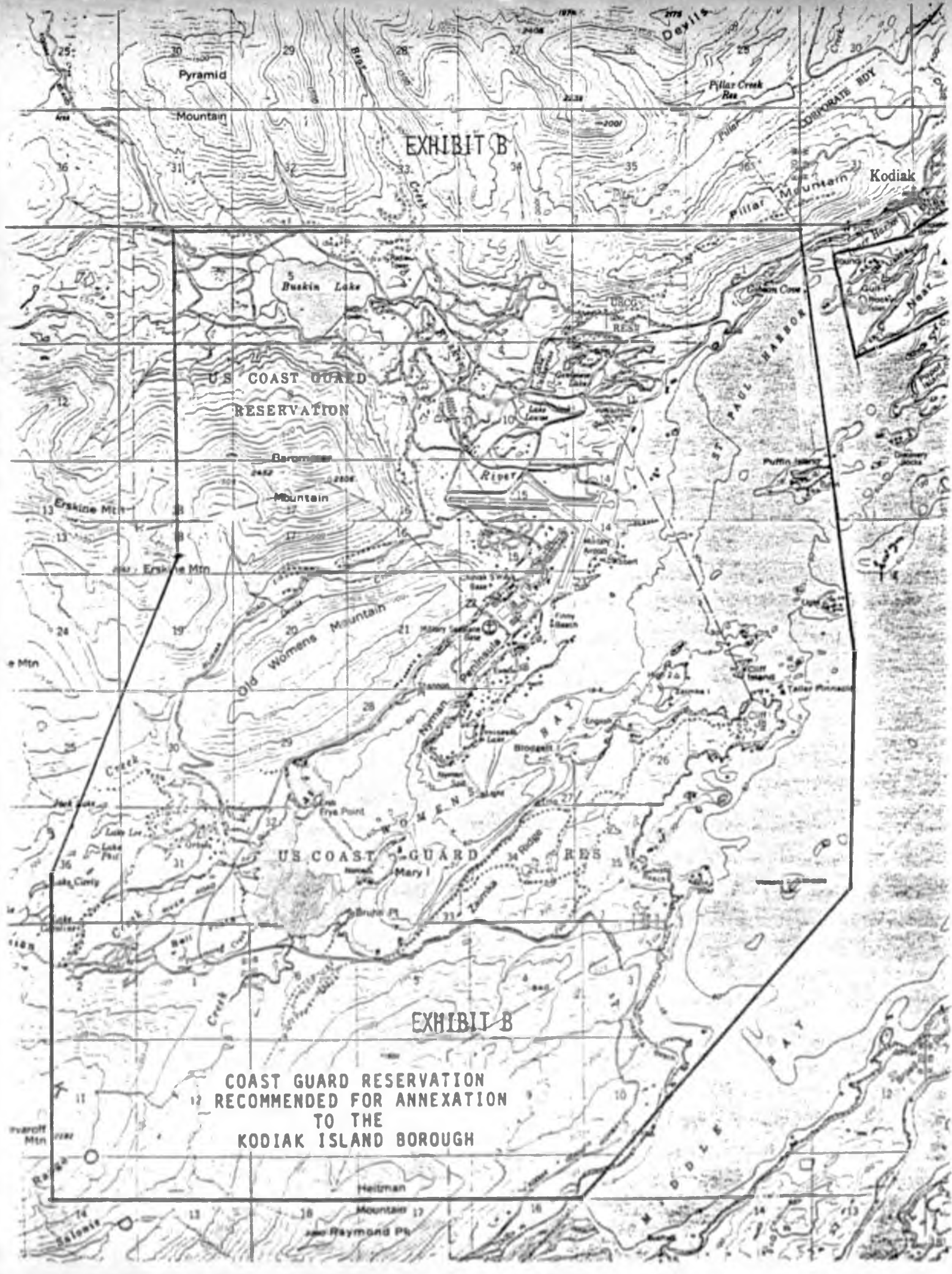


EXHIBIT B

U.S. COAST GUARD
RESERVATION

Barometer

Mountain

U.S. COAST GUARD
RES

EXHIBIT B

COAST GUARD RESERVATION
RECOMMENDED FOR ANNEXATION
TO THE
KODIAK ISLAND BOROUGH

Kodiak

PAUL HARBOR

Old Womens Mountain

Ripet

Mary I

Heitman

Mountain

Raymond Pt

Devils

Pyramid Mountain

Pillar Creek Res

Pillar Mountain

Buskin Lake

USCG RES

Lake Louise

Erskine Mtn

Erskine Mtn

Old Womens Mountain

Ripet

History

History

History

History

History

History

History

History

History

History

History

History

History

History

History

History

History

History

History

History

History

History

History

History

History

History

History

History

Ivaroff Mtn

Salonia

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER THREE TO THE
SECOND SESSION OF THE
TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION
OF TERRITORY TO THE CITY OF KODIAK

WHEREAS, on November 16, 1981 the City of Kodiak submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, which requested the annexation of approximately 1.42 square miles; and

WHEREAS, on November 19, 1981 the Department determined the petition to be acceptable as to form and content; and

WHEREAS, the Department caused to be published, proper notice of filing of the petition for annexation; and

WHEREAS, on December 13, 1981 the Commission held a public hearing in Kodiak, with prescribed notice, on the petition for annexation; and

WHEREAS, on December 17, 1981 the Commission rendered its decision on the petition for annexation;

THEREFORE, based upon the extensive briefing of the petitioner, the investigation and report of the petition by the Department, and the information obtained from the Kodiak public hearing, the Commission made the following findings of fact and entered its decision pursuant thereto:

Near, Gull and Uski Islands are already a part of the City of Kodiak. These islands were annexed in 1960 by Local Boundary Commission action. However, the Commission, in submitting its recommendation to the Legislature, only referenced the islands by name; the subsequent "Certification of Boundaries for the City of Kodiak" made no reference to the submerged lands surrounding the islands. This recommended annexation would clearly establish the City's jurisdiction throughout the subject submerged lands. "Exhibit C" provides a map of the area recommended for annexation. The subject boundary change is recommended for the following reasons:

1. The territory is urban in character. The area will soon be the location of a major port and harbor facility. The area recommended for annexation should be controlled by the City to allow for comprehensive

planning and management of the port facility.

2. There is a likelihood that future growth and development of the City of Kodiak will occur within the territory proposed for annexation. In addition to the development of the port facility, a bridge is planned to connect Near Island with the community of Kodiak.

THEREFORE, the Commission hereby recommends to the Second Session of the Twelfth Legislature of the State of Alaska, annexation of the following territory to the City of Kodiak:

Beginning at M.C. 6, U.S. Survey No. 2873, identical to M.C. 1, U.S. Survey No. 3066; thence S 32°24' E, 1,162.00 feet along the easterly boundary of ATS 49 to the intersection point with the Direct^rs Line in the middle of Koud^r Channel, said point being the TRUE POINT OF BEGINNING; thence,

- (1) S 42°22'00" W, 5,200.00 feet; thence,
- (2) S 0°50'00" E, 1,644.70 feet; thence,
- (3) S 58°06'00" W, 7,479.21 feet; thence,
- (4) N 34°55'37" W, 4,891.19 feet to intersect with the U.S. Coast Guard Boundary, identical with the southerlymost corner of the territory described in City of Kodiak Ordinance No. 493. Thence along the boundaries described in City of Kodiak Ordinance No. 493, the following courses.
- (5) N 63°21'52" E, 1,644.99 feet, thence,
- (6) N 15°34'00" W, 1,090.00 feet to intersect with the original meander line of U.S. Survey 2537 B (Kodiak Townsite Survey), thence,
- (7) N 78°45'00" E, 227.62 feet along said meander line to the Northwest corner of ATS 49; thence the following courses along the boundary of ATS 49.
- (8) S 15°34'00" E, 1,290.00 feet;

- (9) N 71°22'00" E, 3,710.00 feet;
- (10) N 57°13'00" E, 3,600.00 feet;
- (11) N 60°33'30" E, 4,663.50 feet to the point of beginning.

