

Local

Boundary

Commission

2 of 4

BEFORE THE DEPARTMENT OF COMMUNITY
AND REGIONAL AFFAIRS OF THE STATE OF ALASKA

IN RE THE INCORPORATION OF)
THE PROPOSED NEW CHUGIAK - EAGLE)
RIVER BOROUGH WHICH INCORPORATES)
THE GREATER CHUGIAK - EAGLE RIVER)
AREA DETACHED FROM THE GREATER)
ANCHORAGE AREA BOROUGH.)

PETITION FOR INCORPORATION AS A BOROUGH OF THE SECOND CLASS

The undersigned qualified voters of the area to be incorporated petition the Department of Community and Regional Affairs to initiate the necessary and proper procedures pursuant to Title 29, Chapter 18, Article 2 of the Alaska Statutes (AS 29.18.050 - 29.18.150), to accomplish the following.

I. PETITIONERS: The designee of the petitioners is:

Chugiak - Eagle River Borough Association

Chairman Lee B. Jordan

1st Vice Chairman Leslie F. Fetrow

2nd Vice Chairman Ernest Brannon

Secretary Gene E. Merchant

Asst. Secretary - Treasurer

Robert C. Johnson

The following are co-sponsors of the Petition:

Charles Graham

Delores Steeby

Thomas Brewer

Ron Stephens

Elsie Oberg

Robert Robinson

Galen Atwater

Elaine Robinson

Frances Atwater

Ray Stith

Joe Kapella

Thilman Wallace

Marianna Koehler

Claire Muetz

The mailing address is P. O. Box 700, Eagle River, Alaska, 99577.

II. CLASS: The petitioners seek to incorporate a borough of the second class.

III. NAME: The name of the proposed borough shall be the Chugiak - Eagle River Borough.

IV. BOUNDARIES: The boundaries of the proposed borough, more particularly stated and illustrated by the map attached as Exhibit A are as follows:

All that land included in the Greater Anchorage Area Borough and lying northerly of the following line: commencing in Knik Arm on the west boundary of the Greater Anchorage Area Borough and on the south boundary of Section 17, T14N, R3W, S. M; thence east along the south boundary of sections 17, 16, 15, 14 and 13, T14N, R3W, S. M; thence east along the south boundary of sections 13, 17, and 16, T14N, R2W, S. M; thence south between sections 21 and 22, thence east along the south boundary of sections 22, 23, and 24, T14N, R2W, S. M; thence southeasterly to the southwest protracted corner of section 1, T12N, R1W, S. M; thence southeasterly to the southwest protracted corner of section 34, T12N, R2E, S. M; thence east along the south boundaries of townships 12N, ranges 2E, 3E, 4E and 5E to the east boundary of the Greater Anchorage Area Borough.

V. COMPOSITION AND APPORTIONMENT OF BOROUGH ASSEMBLY: The borough assembly shall consist of seven members for the first assembly following incorporation and until such time as the reapportionment is accomplished under law. The assembly shall be elected as follows: two members elected from Precinct 147; two members from Precinct 148; and one member each from Precincts 149, 150 and 151 but voted on at large in all three precinct. A mayor shall be elected at large. A school board consisting of five members shall be elected at large.

VI. POWERS: The proposed Chugiak - Eagle River Borough shall exercise the areawide powers and duties prescribed by law, (AS 29.33.250) including assessment and collection of taxes, education, planning, platting and zoning, sewers, health, transportation, dog control, library; all areawide and non-area-wide powers presently performed by the Greater Anchorage Area Borough in the defined area to be incorporated; and any additional areawide powers that may be required in accordance with AS 29.33.250, Additional Areawide Powers.

VII. MAPS, DOCUMENTS, AND OTHER INFORMATION:

- Exhibit A - Legal description of boundaries and map illustrating boundaries
- Exhibit B - 1970 Census and estimate of population
- Exhibit C - The assessed and estimated valuation of all taxable property in the area proposed for incorporation.
- Exhibit D - The rate or rates at which real and personal property are taxed in the area.
- Exhibit E - Narrative on school program
- Exhibit F - The amount and full explanation of any outstanding bonded indebtedness for which the area is wholly or partially responsible.
- Exhibit G - Affidavit of petitioners as to service of petition upon municipalities in or adjoining the area proposed for incorporation.
- Exhibit H - Transitional inter-municipal agreements
- Exhibit I - Affidavit of Petitioners as to sources of information.
- Exhibit J - Written brief supporting reasons

VIII. SIGNATURE AND RESIDENT ADDRESS:

Whereas 2,658 persons in the proposed Chugiak - Eagle River Borough voted in the last general election, November 1974, the following 15% or more petitioners hereby affix their signatures for the following purposes:

- A. To indicate their firm convictions in the allegations of this petition and that the incorporation of the proposed borough would be in the best interest of the communities affected and in the best interest of the State of Alaska as expressed in Article X, Section 3, of the Constitution of the State:

BOROUGHS

SECTION 3. "The entire State shall be divided into boroughs, organized or unorganized. They shall be established in a manner and according to standards provided by law. The standards shall include population, geography, economy, transportation, and other factors. Each borough shall embrace an area and population with common interests to the maximum

degree possible. The legislature shall classify boroughs and prescribe their powers and functions. Methods by which boroughs may be organized, incorporated, merged, consolidated, reclassified, or dissolved shall be prescribed by law."

B. The petitioners submit:

1. The population of the area is interrelated and integrated as to its social, cultural, and economic activities, and is large and stable enough to support organized borough government.
2. The boundaries of the proposed borough conform generally to natural geography and include all areas necessary for full development of local services.
3. The economy of the area includes the human and financial resources capable of providing local services; evaluation of an area's economy includes land use, property valuations, total economic base, total personal income, resource and commercial development, anticipated functions, expenses, and income of the proposed borough.
4. Land, water, and air transportation facilities allow the communication and exchange necessary for the development of integrated local government.

PETITION FOR INCORPORATION OF THE CHUGIAK - EAGLE RIVER AREA AS A SECOND CLASS BOROUGH

Petition No. 20B Page No. 1

Printed Name	Signature	Residence Address	Mailing Address	Voter Reg. No.
EDWARD A. BELLINGER	Edward A. Bellinger	MT. EKUTNA DRIVE	P.O. Box 90, CHUGIAK, AK	00423624
HARRIET S. BELLINGER	Harriet S. Bellinger	Mt. Ekutna Drive	P.O. Box 90 Chugiak, AK	00741371
Ronald L. Olson	Ronald L. Olson	Mile 18 ^{Old Glenn} Chugiak, AK	ST. RT. Box 445 Eagle River	00620054
EDITH D. WEST	Edith D. West	Ymate, Ak.	P.O. Box 836 Eagle River	00418509
ARLENE E. OLSON	Arlene E. Olson	St. Rt. Mile 18, Old Glenn	St. Rt. Box 445, Eagle River	00620047
Rose Marie See	Rose Marie See	Juanita Sp Rd	P.O. Box 144 Eagle River	00418038
MERRY SMITH	Merry Smith	Juanita Sp. Rd.	P.O. Box 144 Eagle River	01743186
CHARLES JOHNSON	Charles Johnson	Juanita Sp Rd	PO Box 144 Eagle River	01290808
JACK J. SEE	Jack J. See	Juanita Sp Rd	PO Box 144 ER	01223650
LILA C. FERGUS	Lila C. Fergus	Barrow Road off Birchwood	PO Box 186 Chugiak	00977611
RAY STITT	Ray Stitt	Coronado Rd.	P.O. Box 438 E.R. AK	00619569
ERNEST T. FOSTER	Ernest T. Foster	JUANITA LOOP Box 83	EAGLE RIVER, AK 99577	01814169
MARY GLORIA BREWER	Mary Gloria Brewer	WHIRLAWAY ST.	PO. BOX 643 ER: AK 99577	01984483
JOHN A. HUNTSMAN	John A. Huntsman	KLONDIKE ST	KLONDIKE ST. BOX 79 CHUGIAK AK 99567	00982132
HOLLY R. WRIGHT	Holly R. Wright	5 mile Eagle River Rd.	St. Site, Box 196-C, Eagle River	
WILTON B. CROSS	Wilton B. Cross	mile 15.5 old Glenn Hwy	Box 407 Eagle River AK	00619544
EULALIA E. CROSS	Eulalia E. Cross	Mile 15.5 old Glenn Hwy	Box 407 Eagle River AK	Signature: Eulalia E. Cross

BEFORE THE DEPARTMENT OF COMMUNITY
AND REGIONAL AFFAIRS OF THE STATE OF ALASKA

IN RE THE DETACHMENT OF THE)
GREATER EAGLE RIVER - CHUGIAK)
AREA FROM THE GREATER ANCHORAGE)
AREA BOROUGH.)

PETITION FOR DETACHMENT

The undersigned qualified voters of the area to be detached from the Greater Anchorage Area Borough petition the Department of Community and Regional Affairs to initiate the necessary and proper procedures pursuant to Title 19, Chapter 15, Article 2 of the Alaska Administrative Code (19 AAC 15.170-15.270).

(1) The undersigned qualified voters represent more than 10% of the qualified 4,130 voters residing in the area to be detached.

(2) The designee of the petitioners is:

Chugiak - Eagle River Borough Association

Chairman Lee B. Jordan

1st Vice Chairman Leslie F. Fetrow

2nd Vice Chairman Ernest Brannon

Secretary Gene E. Merchant

Asst. Secretary - Treasurer

Robert C. Johnson

The following are co-sponsors of the Petition:

Charles Graham
Delores Steeby
Thomas Brewer
Ron Stephens
Elsie Oberg
Robert Robinson
Galen Atwater

Flaine Robinson
Frances Atwater
Ray Stith
Joe Kapella
Thillman Wallace
Marianna Koehler
Claire Muetz

The Chugiak - Eagle River Borough Association is an unincorporated association of registered voters of the Chugiak - Eagle River area.

The Chairman, Lee B. Jordan, mailing address P. O. Box 700, Eagle River, Alaska, 99577, is designated as attorney-in-fact to receive service, notice and all other correspondence relating to the proceedings in behalf of the petitioners.

(3) The boundaries of the area to be detached, known as the Chugiak - Eagle River area consisting of Fire Lake, Birchwood, Peters Creek, Eklutna, Eagle River Valley, South Fork, Chugiak and Eagle River, stated in the legal description and illustrated by the map attached as Exhibit A are as follows:

All that land included in the Greater Anchorage Area Borough and lying northerly of the following line: commencing in Knik Arm on the west boundary of the Greater Anchorage Area Borough and on the south boundary of Section 17, T14N, R3W, S.M; thence east along the south boundary of sections 17, 16, 15, 14 and 13, T14N, R3W, S.M; thence east along the south boundary of sections 18, 17, and 16, T14N, R2W, S.M; thence south between sections 21 and 22, thence east along the south boundary of sections 22, 23, and 24, T14N, R2W, S.M; thence southeasterly to the southwest protracted corner of section 1, T12N, R1W, S.M; thence southeasterly to the southwest protracted corner of section 34, T12N, R2E, S.M; thence east along the south boundaries of townships 12N, ranges 2E, 3E, 4E and 5E to the east boundary of the Greater Anchorage Area Borough.

(4) The 1970 Census of Population lists 5,832 persons living in the Eagle River - Chugiak community.

The Greater Anchorage Area Borough publication, Preliminary Comprehensive Development Plan, Volume 1, February 1973, states the following under the heading, "Population Characteristics of Small Areas:"

"Certain communities have shown significant increases in actual and relative population growth. Communities that have grown at a faster rate than the Borough as a whole are Muldoon, Lake Otis, Sand Lake and Eagle River - Chugiak." (Emphasis added)

The same publication projects the population of the Eagle River - Chugiak community as tabulated:

1970	5,832	(U. S. Census)
1975	10,010	(GAAB figures)
1980	12,063	
1985	16,979	
1990	23,524	

The Chugiak - Eagle River Borough Association agrees with the Greater Anchorage Area Borough that the estimated 1975 population is 10,010 based upon the data and evaluation listed in the attached Exhibit B.

(5) The quantity of land within the boundaries of the area to be detached is approximately 53,200 acres or approximately 830 square miles.

(6) The assessed value of all real and personal property within the area to be detached is shown as follows in the Greater Anchorage Area Borough Annual Budget, Fiscal Year 1975 - 1976:

	<u>1974</u>	<u>1975</u>
Eagle River	64,397,015	69,202,215
Chugiak	27,081,925	53,650,025
Balance - Service Area 70	13,203,910	16,424,760
	<hr/> 104,682,850	<hr/> 138,677,000

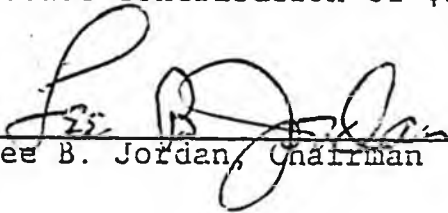
The foregoing assessed value is based on 1975 assessments. Supporting data and evaluation is listed in detail in Exhibit C.

(7) The current (Fiscal Year 1975) rates at which real and personal property are taxed in the area to be detached are as follows:

<u>Service Area</u>	<u>Rate</u>
Chugiak	12.445
Eagle River	13.445
Area outside service areas	12.045

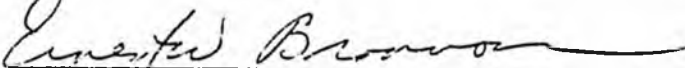
(8) Based on a percentage of assessed value, it has been determined that the area proposed for incorporation has an obligation for 5.27003629% of the 1975 debt of the Greater

Anchorage Area Borough. Of the total of \$107,995,000 principal and \$56,131,791.09 interest, the portion attributable to Chugiak - Eagle River totals \$8,649,540 combined principal and interest. Debt service for Chugiak - Eagle River in Fiscal Year 1976 would be \$560,960 less anticipated state contribution of \$266,456.

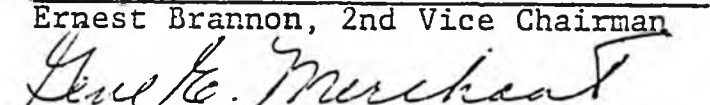


Lee B. Jordan, Chairman


Leslie F. Fetrow, 1st Vice Chairman



Ernest Brannon, 2nd Vice Chairman



Gene E. Merchant, Secretary



Robert C. Johnson, Asst. Sec.-Treasurer

Printed Name	Signature	Residence Address	Mailing Address	Voter Reg. No.
EDWARD A. BELLINGER	<i>Edward A. Bellinger</i>	MT. EKUTNA DRIVE	P.O. Box 90 CHUGIAK.	004123624
EDWARD A. BELLINGER	<i>Edward A. Bellinger</i>	MT. EKUTNA DRIVE	P.O. Box 90, Chugiak	00741371 0041371
EDITH D. WEST	<i>Edith D. West</i>	W. West Dr.	P.O. Box 836, Eagle River	00418509
DONALD L. OLSON	<i>Donald L. Olson</i>	Mile 18 Old Glenn	St Rt Box 445 Eagle River	00620051
ARLENE F. OLSON	<i>Arlene F. Olson</i>	Mile 18 Old Glenn	St. Rt., Box 445, Eagle River	00620047
LEONARD SMITH	<i>Leonard Smith</i>	P.O. Box 144	P.O. Box 144 Eagle River	01743178
CHARLES JOHNSON	<i>Charles Johnson</i>	P.O. Box 144	P.O. Box 144 Eagle River	01290808
LILA G. FERGUS	<i>Lila G. Ferguson</i>	Barrow Rd off Birchwood	P.O. Box 186 Chugiak	00977611
RAY STITH	<i>Ray Stith</i>	Colorado Rd	P.O. Box 438 E. R. AK	00619569
ERNEST T. FOSTER	<i>Ernest T. Foster</i>	Summit Loop Box 83	Eagle River, AK. 99577	01814169
MARY GLORIA BREWER	<i>Mary Gloria Brewer</i>	WHIRLAWAY ST.	P.O. BOX 643 ER. AK	01984483
JOHN A. HUATSMAN	<i>John A. Huatman</i>	CHUGIAK ST. LOOP 5047	CHUGIAK AK. 99567 Box 79	00982132
HOLLY R. WRIGHT	<i>Holly R. Wright</i>	5 mile Eagle River Rd	St. Rt., Box 196-C, Eagle River, AK	
ALTON B. CROSS	<i>Alton B. Cross</i>	mile 15.5 Old Glenn Hwy	Box 407 Eagle River AK	00619544
EULALIA F. CROSS	<i>Eulalia F. Cross</i>	Mile 15.5 Old Glenn Hwy	Box 407 Eagle River AK.	00619015
SAM L. COTTEN	<i>Sam L. Cotten</i>	P.O. Box 296 Sunny side dr	P.O. Box 296 Eagle River AK.	00418285
KATHLEEN COTTEN	<i>Kathleen Cotten</i>	P.O. Box 296 - Eagle River	P.O. Box 296 Eagle River AK.	00702704

Alaska State Legislature

Senate

Committee on Community and Regional Affairs



Official Business

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V Fischer

Pouch V

Juneau, Alaska 99811

Joint Meeting House/Senate C&RA Committees
February 6, 1986 -- Rm 17, Capitol

Local Boundary Commission Issues & Appearance by Mayor George Carte
and Members of Board of Directors of Alaska Municipal League
Legislative Review annexations in Angoon, Ketchikan, North Pole,
St. Paul, and Unalaska

Teleconference sites on line for listening and comment:

Fairbanks, Ketchikan, Angoon, St. Paul, Unalaska,
Sitka, and Wrangell--for LBC Member Jo Anderson.

- I. Mayor George Carte, 1st Vice President, AML Board of Directors
and other representatives of the Board

AML Policy Issues

- II. Public Hearing with Teleconference on LBC Annexations

A) City of Ketchikan annexations (Ketchikan on teleconference line)

B) City of Unalaska annexation (Unalaska on line)

C) City of Angoon annexation (Angoon and Sitka on line)

D) City of North Pole (Fairbanks on line)

E) City of St Paul (St. Paul on line)

- III. Committee Discussion/Action

Note to House & Senate Committee Members:

The Department of C&RA has provided a complete file of all exhibits/
attachments/legal briefs, etc. (six file boxes) of written material
that relate to the issue of North Slope Borough detachment.
The material is orderly labeled and categorized for easy reference.
It is available for your use in Senator Edna DeVries' office,
Room 425, Capitol. (ph 465-4989)

REPORT TO THE LOCAL BOUNDARY COMMISSION

PROPOSED DETACHMENT AND BOROUGH INCORPORATION OF THE CHUGIAK-EAGLE RIVER AREA

FROM

THE MUNICIPALITY OF ANCHORAGE

The Local Boundary Commission has before it the question of whether the detachment of the Chugiak Eagle-River area from Anchorage, and subsequent incorporation as a second class borough, is in the best interest of the citizens who reside in the area which is proposing detachment and incorporation, in the best interest of the population of the remainder of Anchorage, and in the best interest of the State.

The report to the Commission is based on the following standards, as cited from the Alaska Constitution, Alaska Statutes, and the Alaska Administrative Code.

Alaska Constitution, Article X, Local Government

Section 1. The purpose of this article is to provide for maximum local self-government with a minimum of local governmental units, and to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units.

Section 2. All local government powers shall be vested in boroughs and cities. The State may delegate taxing powers to organized boroughs and cities only.

Section 3. The entire State shall be divided into boroughs, organized or unorganized. They shall be established in a manner and according to standards provided by law. The standards shall include population, geography, economy, transportation, and other factors. Each borough shall embrace an area and population with common interests to the maximum degree possible. The legislature shall classify boroughs and prescribe their powers and functions. Methods by which boroughs may be organized, incorporated, merged, consolidated, reclassified, or dissolved shall be prescribed by law.

Alaska Statutes, Title 29, Section 29.18.030, Organized Boroughs

An area may incorporate as an organized borough if it conforms to the following standards:

- (1) the population of the area is interrelated and integrated as to its social, cultural, and economic activities, and is large and stable enough to support organized borough government;
- (2) the boundaries of the proposed borough conform generally to natural geography and include all areas necessary for full development of local services;
- (3) the economy of the area includes the human and financial resources capable of providing local services; evaluation of an area's economy includes land use, property valuations, total economic base, total personal income, resource and commercial development, anticipated functions, expenses, and income of the proposed boroughs;
- (4) land, water, and air transportation facilities allow the communication and exchange necessary for the development of integrated local government.

Alaska Administrative Code, Title 19, Section 15.230

REVIEW BY LOCAL BOUNDARY COMMISSION. (a) The Local Boundary Commission shall review the petition, all exhibits thereto, the resolution and other pertinent data. Such review shall be limited to the following factors:

(1) whether the detachment would be inimical to the interests of the state or any municipality from which detachment of the territory is sought;

(2) whether the territory proposed for detachment is grossly disproportionate in size to the population residing therein, provided, however, that this provision shall not prohibit a detachment merely because the area to be detached consists of or contains uninhabited territory

The major factors to be considered by the Commission, as spelled out in the Constitution, Statutes, and Code, are as follows:

1. maximum local self-government with a minimum of local government units
2. prevention of duplication of tax-levying jurisdictions
3. interrelation and integration of an area's social, cultural, and economic activities based on standards of population, geography, economy, transportation, and any other relevant factors
4. contiguity of an area, or areas
5. health and safety, and the delivery of services
6. total impact on the proposed new borough and on the remaining borough

All of these factors must be considered within the framework of what will be in the best interests of the State, and the communities involved in the detachment. The detachment of the Eagle River-Chugiak community from Anchorage cannot

be considered as a single, isolated incident in the State. Consideration should be given to the question of whether a precedent will be set by the decision made by the Commission. What total effect will the Commission's decision have on local government in the State?

The Constitution calls for a "minimum of local government units". The major question then is whether the interests and needs of the Eagle River-Chugiak area are so basically different from those of the rest of the Anchorage Borough that creation of two boroughs, where one now exists, justifies maximizing "local government units". The same question must be asked in contemplating the creation of two tax-levying jurisdictions in an area where only one now exists. Is this a "duplication of tax-levying jurisdiction" which it is the intent of the Constitution to avoid in the State's planning for local governments?

The next factor to be considered is whether the detachment of the Eagle River-Chugiak community is justifiable because it is an area which is interrelated and integrated socially, culturally, and economically within its proposed boundaries. Or is the interrelationship and integration, as required in the statutes, existent between the Eagle River-Chugiak area and the remainder of Anchorage?

The basis for determination of the two factors of interrelationship and integration are population, geography, economy, transportation, and any other relevant factors. The following data and discussion focus on these criteria.

Population

Population estimates as of April 1975

Present total of Anchorage	173,768
Proposed new borough	8,402

Comparison of the proposed new borough's population with the rest of the boroughs in the State shows that the new borough would be larger in population than five of the existing boroughs, and smaller than six of the existing boroughs. A comparison with the Anchorage population is obvious, the proposed new borough being a relatively small fraction of the total Anchorage population.

Geography

Using the Eagle River shopping center as the population center of the proposed new borough, and downtown Anchorage as the nucleus of the entire area, there is a distance of 15 miles between the two. The two areas are separated by military land, but are not separated by any natural barriers such as unspanned rivers or mountains. Therefore, in one sense the proposed new borough might be considered non-contiguous to the rest of Anchorage because of the military land lying between the two areas. On the other hand, the lack of natural barriers, plus the Glenn Highway which joins the two areas, is an argument in favor of contiguity of the total municipality as it presently exists.

Although there are not other areas in Anchorage which are exactly comparable in character to the Eagle River-Chugiak area, there are areas where distance from the population center of Anchorage would be a stronger argument for non-contiguity. The City of Girdwood is approximately 40 miles from downtown Anchorage, and the community of Portage is approximately 50 miles from downtown Anchorage. However, both of these communities are far smaller in population than the Eagle River-Chugiak community.

Transportation

As has been mentioned, the Glenn Highway joins the proposed new borough and Anchorage. The State Highway Department is in the process of widening this highway to four lanes, the entire distance between Eagle River-Chugiak and Anchorage, because of the increasing volumes of traffic using the highway. The following average daily traffic counts for 1974 have been obtained from the State Department of Highways.

Glenn Highway weigh station (between Eagle River and the military base)

19,400 average daily trips

Muldoon Road and Glenn Highway (between the military base and Anchorage)

18,100 average daily trips

Mirror Lake on the Glenn Highway (between Eagle River-Chugiak and Palmer)

4,374 average daily trips

The last figure was obtained to ascertain how many of the average daily trips between Eagle River-Chugiak and Anchorage might be attributable to traffic coming from beyond the Eagle River-Chugiak area. There was no way of determining how many of the 4,374 average daily trips terminated in the Eagle River-Chugiak area, and how many passed through into Anchorage. However, the traffic counts taken at the other two points indicate a considerable amount of traffic between Eagle River-Chugiak and Anchorage.

The other mode of transportation between the two areas, in addition to vehicles, is by bus. The Anchorage Borough bus system includes a route between Eagle River and Anchorage. During the weeks of April 14 through April 26, 1975, Anchorage counted the number of passengers using the bus system. Following is the total bus ridership during that two-week period.

Eagle River-Anchorage route	1,158
-----------------------------	-------

Total of all routes in Anchorage	33,392
----------------------------------	--------

While bus ridership figures are not as indicative of intercourse between the two areas as is the traffic counts; the figures do demonstrate that ridership between Eagle River and Anchorage is fairly proportionate in relation to population. The population of Eagle River-Chugiak is about 5% of the total Anchorage population. Bus ridership between Eagle River and downtown Anchorage is approximately 3½ % of the total bus ridership for the Anchorage Borough. When it is taken into account that the bus route does not extend beyond Eagle River to serve the Chugiak area, and the fact that the Eagle River-Anchorage route is the longest bus route in the Anchorage Borough, the relative closeness of the two percentages is surprising.

Economy

The assessed property evaluations for the 1975-1976 tax year are as follows:

Total present municipality of Anchorage	\$ 2,785,686,960
Chugiak Service Area	53,049,995
Eagle River Service Area	70,648,490
Eagle River Landfill*	10,899,585

* The Eagle River landfill includes all the area outside the Chugiak Service area and the Eagle River Service Area using the sanitary landfill.

The figures on assessed property evaluation show that the total evaluation for the Eagle River-Chugiak area, which is \$134,598,035, is a relatively small portion of the total tax base of Anchorage. The tax base of Anchorage is large enough so that it will not feel the loss of that portion based on the property evaluations of the proposed new borough. The crucial question is whether the Eagle River-Chugiak tax base is large enough to support necessary services without the support of the larger tax base of the entire Anchorage area as it presently exists.

In addition to assessed property evaluations, consideration should be given to where present and future monies which supply tax dollars are spent. A look at the relatively undeveloped business community in Eagle River-Chugiak, the relatively highly developed business community in the Anchorage area, and the transportation between the two areas as shown by the traffic counts on the Glenn Highway, would indicate that a large portion of the dollars earned and spent by Eagle River-Chugiak residents are now, and will be for some time in the future, flowing into the Anchorage bowl area.

In turn, the larger tax base of Anchorage has helped provide bond monies for construction of schools in the proposed new borough, and supplies a wide range of services available to all Anchorage residents. In fact, according to information gathered on the provision of various services, a higher level of some services is being provided to Eagle River-Chugiak residents than to other outlying areas in Anchorage.

Eagle River is the only area lying outside the major population center of Anchorage which has a health center for the residents of that area. The health center provides a full range of services, including immunization, family planning, and well baby clinics on a regular basis. The clinic is part of the areawide health department, and is completely supported by areawide taxes.

Eagle River also has a library which is part of the non-areawide library power of the Anchorage Borough, and is also completely supported by the entire non-areawide tax base.

In contrast, the Rabbit Creek area, which is also a growing population center outside of central Anchorage, has neither a health clinic nor a library.

Other services provided to the Eagle River-Chugiak area, under the areawide powers of Anchorage, are the three basic services of schools, planning and zoning, and assessment and collection of taxes, as well as transportation, dog control, solid waste management, and environmental protection.

Sewers and a treatment facility exist in the population center of Eagle River under a sewer assessment district. The treatment facility is a lagoon which has the capacity of serving 1,200 people. There are about 1,100 people now being served, so the facility is operating almost at capacity.

In the last legislative session \$100,000 was appropriated for planning and design to expand the system. The Anchorage Department of Public Works is, at this writing, interviewing consultants to perform the planning and design work.

Water in Eagle River-Chugiak is supplied from individual wells, and several small, private water systems, as it is in all areas of Anchorage outside of the major population center.

Two fire service areas provide fire protection to the population centers of Eagle River and Chugiak, respectively.

Formation of a service area for the provision of police protection was defeated at the polls in 1974. The residents have been able to work out an agreement with the Alaska State Troopers to provide "a level of service to the Eagle River-Chugiak area which is more concentrated than that afforded other areas of the State." (Coopers and Lybrand, Profiles of Alternative Municipalities for the Eagle River-Chugiak Area - P.26)

In summary, the basic services which are areawide, or non-areawide powers of Anchorage, are now being provided to the Eagle River-Chugiak area. Additional services are being provided, as in the case of fire protection and sewers, when the residents are willing to increase their taxes in order to pay for them.

Summary of Eagle River-Chugiak Service Area Elections

October 4, 1966--fire protection, Eagle River and Chugiak--failed

July 30, 1968--fire protection, Chugiak--passed

January 28, 1969--fire protection, Eagle River--passed

October 5, 1971--roads and drainage, Eagle River--failed

October 2, 1973--parks and recreation, Eagle River and Chugiak--failed

March 12, 1974--police protection, Eagle River and Chugiak--failed

The question of delivery of services is directly tied to an area's economy, and its willingness to support necessary services. Consideration of this question rests on the Commission's judgment as to whether the Eagle River-Chugiak area tax base will be able to support mandatory functions (schools, planning and zoning, assessment and taxation). Further, consideration must be given to whether the new borough will be able to support additional municipal services and functions such as health services and facilities, public safety, street and road maintenance, libraries, and other areawide, or non-areawide, functions.

OTHER FACTORS

Other factors to be considered include the status of land and water resources. Patented trust land, belonging to Anchorage, totalling 2,328 acres will lie within the boundaries of the proposed new borough. Most of this land is being used for parks and recreation, with the exception of 192 acres at Fire Lake which is also being used for gravel extraction and sanitary landfill. The loss of these lands by Anchorage serves to reduce considerably the municipality's total patented land. Anchorage's total patented acreage, at this point, is 3,745. This figure includes the 2,328 acres which will lie within the boundaries of the new borough, thus reducing Anchorage's total patented acreage to 1,417 acres if the new borough is formed.

The implications of the loss of this acreage is that Anchorage will need to look for other lands to meet its park and recreational needs. This is going to be difficult because of the shortage of available and useable lands now available in the Anchorage Bowl.

A similar situation exists regarding future need in the Anchorage area for additional water supplies. A report prepared by Tryck, Nyman, Hayes for The City of Anchorage Water Utility and Central Alaska Utility, pinpoints the Eagle River as the most economical source to meet future water requirements for the Anchorage area. The Federal Power Commission has withdrawn most of the Eagle River, and surrounding lands, for use as a future water resource. In the future, when this water resource will be needed, application will be made to the Federal Power Commission for its use. The problem as stated by Frank Nyman of Tryck, Nyman and Hayes regarding the proposed formation of another local government, will be that two local governments will be competing for permits to control the Eagle River water source.

A further complication concerning water sources occurs between two local governments if agreement cannot be reached relative to water uses. Title 29 addresses this question as follows:

29.48.037 (b) A municipality may adopt ordinances to protect its water supply and watershed and may enforce them outside its boundaries. Before this power may be exercised within the boundaries of another municipality, the approval of that municipality must be given by ordinance. This section applies to general law and home rule municipalities.

A hypothetical case in point might be a situation where Anchorage applies to the Federal Power Commission for a permit to divert water from the Eagle River for use in the Anchorage area. The Federal Power Commission issues the permit to Anchorage. The Eagle River lies within the boundaries of the Eagle

River-Chugiak Borough, thereby making it impossible for Anchorage to proceed with the permitted use unless allowed to do so, by ordinance, by the Eagle River-Chugiak Borough.

Considering the above mentioned facts concerning land and water resources, and their implications for Anchorage, it is respectfully proposed that if the Commission makes the determination in favor of detachment, and borough incorporation, the following be required.

1. passage of an ordinance by the new borough giving approval to Anchorage for use of the Eagle River as a future water resource
2. a requirement that all park lands presently belong to Anchorage and lying within the boundaries of the new borough, be held in perpetuity as park land.

Assets and Liabilities

In addition to the above proposals, a discussion, and recommendations, concerning the division of assets and liabilities is offered for Commission consideration in the event a decision is made favoring detachment and incorporation.

In the event of detachment Commission responsibility is fixed upon (1) an allocation of the assets and liabilities of Anchorage which may be due the Chugiak-Eagle River Borough on the basis of powers assumed and exercised by the latter, and (2) the division of the assets and liabilities of the respective areas during the transitional year, that is, an allocation of the assets and liabilities during adjustment proceedings.

Involvement of the Local Boundary Commission in such an equitable settlement is without precedent in the State of Alaska. No regulations have been

adopted by the Commission describing a method by which to undertake the division of assets and liabilities.

In the absence of Commission-adopted regulations, a body of state law and lack of precedent within the State, the Department has endeavored to review asset and liability apportionment schemes in other state jurisdictions. Our research was conducted primarily to determine whether there is some form of commonality in the allocation schemes adopted by other states. We believe the identification of such schemes might serve to identify a comprehensive scheme for adjustment and assignment of assets and liabilities in Alaska.

Boundary adjustment poses a most critical question - "What is to be done with the indebtedness and property of the entity which is losing territory in order to adjust for its loss?" Citing the Harvard Law Review: Four general approaches have been tried in other legislation.

(1) No indebtedness changes are effected and the financial status quo is maintained. This solution is common in incorporation legislation. California and North Carolina, for example, require no changes. But it can also be found occasionally in annexation and detachment. This is a highly unrealistic approach which will have two possible results. Whether great unfairness will result from the decreased tax base and continued indebtedness, or needed boundary adjustments will not be effected because undue financial burdens are likely to result.

(2) The second approach is to base allocations of indebtedness upon a formula which can be applied unswervingly in each case. For example, in Indiana the municipality shall be liable upon annexation or incorporation for "so much of such indebtedness of such civil townships in proportion that the assessed valuation of property in such...territory is to the valuation of all property in such townships...prior to the (boundary adjustment)....The approach is a perfect

solution in the normal case; but too often extraneous factors arise, such as the degree of amortization, the ability of the territory's residents to continue to use the facilities for which the indebtedness was incurred, the provisions of bonds limiting assignments, the existence of presently-contracted future obligations, and the degree to which the facility for which the indebtedness was incurred is revenue-producing. (Factors such as inflation impact, depreciation, facility acquisition cost and a multitude of variables could be contended with.) Such occurrences make a formula unattractive since it will too often produce inequities which can be avoided by a more flexible system. Further, the addition of variables into some formula incorporating such variables may well be so costly as to negate the benefit of adopting such formula.

(3) The third method is to require the territory to continue to be liable for all prior indebtedness and to be subject to municipal indebtedness only if it is incurred in the period after the boundary adjustment. Such a system is usual in detachment legislation, but it can be found in other contexts. It has not been widely adopted probably because of the administrative difficulties which would tend to result when different parts of the municipality are taxed at different rates by different entities. Further, political, and perhaps debt ceiling, problems might arise whenever the municipality wished to impose higher tax rates for new improvements since various areas would have different tax rates. Differing assessment practices might further complicate the situation. In addition, a problem might arise as to whether land should be assessed for the purpose of the old township tax on the basis of improvements made after the territory became part of the municipality, or on the value at the time of the boundary adjustment. Thus if a scheme can be established to eliminate overlapping tax jurisdiction, it would be impossible not to overlap tax jurisdictions in the case at hand. (This method may violate the State's Constitutional provision under Article X Section I "duplication of tax-levying jurisdictions" as cited on Pg. 2.)

(4) The fourth method seems to be the most acceptable. A general standard is prescribed as to how the allocation should be carried out and some board or court is empowered to adjust indebtedness in light of that standard. In this case the Local Boundary Commission is assigned a role similar to other Commissions, committees or bodies in other states. For example, in Virginia on incorporation the standard for the court's allocation is "just." In Ohio, upon incorporation the county probate court must make a "proper" allocation of indebtedness and funds. In Minnesota, the Municipal Commission apportions indebtedness upon incorporation, annexation, and detachment on the basis of what is "just and equitable."

This draft adopts this fourth method and uses "fairness and equity" as its basic standard, but is more specific in that it requires consideration of the interests of the groups most directly affected. The determination is made in light of the burdens and benefits resulting from the boundary adjustments as a whole and not just in light of the financial considerations. Thus the detriments of the other allocation methods--unfairness, bars to boundary adjustment, inability to adjust to situations outside the norm, and multiplicity of governments taxing in the territory--are all avoided. Without exception where other state laws address the question of dividing assets and liabilities between public concerns, in an attempt to be "fair and equitable," those state legislatures have adopted statutory criteria based on the concept of "a just proportion of existing debt and assets."

The formula for determining the pro rata share in division of liabilities and non-fixed assets are many and vary with specific circumstances. However, in general, the "just" proportion of existing debt to be assumed by a municipality is the ratio the assessed taxable value in the entire district prior to separation. The percentage figure so obtained is then applied to the total amount of existing debt for which the new municipality shares responsibility in the provision of services.

In addition to pro rata debt assumption and non-fixed assets assumption, in some jurisdictions a new municipality would also pay for a share of the value of public improvements contained within the new area. However, in the absence of state law requiring payment for public improvements from the new municipality to the former municipality, payment would not likely be upheld in a judicial proceeding. As challenged (Norfolk County v. City of Portsmouth 124 Va. 639, 659, 98 SE. 755, 761-762.)

Whenever compensation for existing public improvements has been allowed, (always by legislative action) the basis for compensation has been the valuation of the improvement.

In the State of Minnesota, state law proscribes that public improvements and/or real property are jointly owned between municipalities after detachment. Each municipality's interest in properties is proportional to their assessed valuation at the time of separation.

In the State of New Jersey, state law proscribes that any public improvements and/or real property shall be and remain the property of the municipality in whose limits the property lies after separation, and any indebtedness then existing which has been incurred for or on account of the property shall become the indebtedness of the municipality within whose limits the property lies.

The Department would recommend that the Division of fixed assets and assignable liabilities (public improvements, and real property) be effected by using the method proscribed under New Jersey law.

The overriding advantage of adopting a method such as proscribed in New Jersey for fixed property division is that no fixed assets and incidental debt remain in mutual contest between municipalities and the question is forever settled.

The Department recommends for Boundary Commission consideration that:

1. The "just and equitable" formula most frequently used in other state jurisdictions be used. i.e.

$$\frac{\text{Total assessed taxable value of Chugiak-Eagle River}}{\text{Total assessed taxable value of the Anchorage Area}}$$

...

equals

Pro rata share of Chugiak-Eagle River debt and non-fixed assets

- a) The percentage figure so obtained would be applied to all fund balances of Anchorage for which Chugiak-Eagle River has vested financial interest. The percentage attributable to Chugiak-Eagle River of the fund balance would become payable to Chugiak-Eagle River from Anchorage.
- b) Funds held by Anchorage that are the funds of a service area that will lie within the boundaries of Chugiak-Eagle River become the assets of Chugiak-Eagle River.
- c) Chugiak-Eagle River shall receive from Anchorage a cash payment equal to the pro rata percentage of value of all non-fixed assets owned by Anchorage on the date of detachment for which Chugiak-Eagle River has vested interest. The determination of value of non-fixed assets may be made by an appraisal of non-fixed properties.

- d) Chugiak-Eagle River Borough accepts a pro rata share of all incidental debt of Anchorage not associated with fixed or real property for which Chugiak-Eagle River has vested interest. The amount of the debt associated therewith and assignable to Chugiak-Eagle River shall be paid by cash from Chugiak-Eagle River to the Anchorage Area.

- e) All fixed assets (public improvements on real property) shall become and remain the property of the borough in which they lie. All debts associated with fixed assets shall become the debt of the borough in whose territory the fixed assets lie.
 - 1.) The new borough would be ordered to pass an ordinance giving approval and permission to the Anchorage area to use Eagle River as a possible future water resource.

 - 2.) All lands designated park lands presently belonging to Anchorage, lying within the boundaries of the proposed new borough, would be restricted to the status of park lands

On the basis of the foregoing Anchorage area and petitioners in the Chugiak-Eagle River Area would place before the Commission their respective claims to assets and liabilities. The Commission would be required to arbitrate settlement based on respective argument.

The Commission would need to determine a possible date for which detachment would be effected, so that the formula proposed could be uniformly applied.

Harold S. ABRAMS et al., Appellants,
v.

STATE of Alaska et al., Appellees,
v.

Lee B. JORDAN, Mayor of the Second Class
Borough in the Eagle River-Chugiak
Area, et al., Appellees.

Lee B. JORDAN, Mayor of the Second Class
Borough in the Eagle River-Chugiak
Area, et al., Cross-Appellants,
v.

Harold S. ABRAMS et al., Cross-Appellees.
Nos. 2407, 2418.

Supreme Court of Alaska,
April 15, 1975.

Action was instituted to determine validity of formation of the Eagle River-Chugiak Borough. The Superior Court, Third Judicial District, Anchorage District, Eben H. Lewis, J., upheld validity of the borough and appeal was taken. The Supreme Court, Connor, J., held that statute pertaining to the organization of the Eagle River-Chugiak Borough was special and local in nature; that nothing in nature of the Eagle River-Chugiak area justified departure from general law scheme of incorporating new boroughs and, therefore, the statute pertaining to creation of the borough contravened constitutional prohibition against passage of local or special acts when a general act can be made applicable; and that constitutional provision requiring division of state into boroughs did not grant power to enact special and local laws creating boroughs notwithstanding the prohibition against passage of local or special acts.

Reversed and remanded.

Erwin and Fitzgerald, JJ., did not participate.

1. Statutes \Rightarrow 77(1)

Legislative act may affect only one of a few areas and yet relate to a matter of statewide concern and common interest

and, thus, not constitute a local or special act within constitutional prohibition against such acts. Const. art. 2, § 19.

2. Statutes \Rightarrow 77(1)

In determining whether a legislative act is a local or special act within constitutional prohibition against such acts, ultimate question is whether the act is reasonably related to a matter of common interest to the whole state. Const. art. 2, § 19.

3. Statutes \Rightarrow 76(2)

Statute pertaining to organization of Eagle River-Chugiak Borough constituted both special and local legislation within constitutional prohibition against passage of local or special acts if a general act can be made applicable. Laws 1974, c. 145; AS 29.18.030 et seq.; Const. art. 2, § 19.

4. Statutes \Rightarrow 76(2)

Nothing in nature of Eagle River-Chugiak area justified departure from general law scheme of incorporating new boroughs; thus, special and local legislation pertaining to organization of the Eagle River-Chugiak Borough violated constitutional prohibition against passage of a local or special act when a general act can be made applicable. Laws 1974, c. 145; AS 29.18.030 et seq.; Const. art. 2, § 19.

5. Statutes \Rightarrow 76(2)

Constitutional provision requiring division of state into boroughs and giving legislature broad power over methods by which boroughs may be organized, incorporated or dissolved did not empower legislature to enact special or local laws pertaining to organization of boroughs despite constitutional prohibition against passage of local and special acts when general acts can be made applicable. Laws 1974, c. 145; AS 29.18.030 et seq.; Const. art. 2, § 19; art. 10, § 3.

6. Statutes \Rightarrow 76(1)

Constitutional prohibition against enactment of a local or special act if a general act can be made applicable governs exercise of all legislative powers expressly granted by other portions of the Constitution. Const. art. 2, § 19.

535

7. Constitutional Law 15

Different provisions of Constitution should be read so as to avoid conflict whenever possible.

George A. Dickson & John Hedland, David Engles of Rice, Hoppner, Blair & Hedland, Anchorage, for appellants in 2407.

Gerald L. Sharp, City-Borough Atty., Juneau, amicus curiae for appellants in No. 2407.

William F. Tull, Palmer, amicus curiae on behalf of Mat-Su Borough.

John Ken Norman & Gary Thurlow, Anchorage, amicus curiae on behalf of Greater Anchorage Area Borough.

Charles Cranston & Vernon L. Snow, of Gallagher, Snow & Cranston, Anchorage, for appellees in 2407; Cross-Appellants in 2418.

Peter Argetsinger, Asst. Atty. Gen., Anchorage, Avrum Gross, Atty. Gen., Juneau, for State of Alaska.

OPINION

Before RABINOWITZ, C. J., CONNOR and BOOCHEVER, JJ., and DIMOND, J. Pro Tem.

CONNOR, Justice.

This appeal and cross-appeal present the question of whether the formation of the Eagle River-Chugiak Borough was validly accomplished under the Alaska Constitution. At the center of the conflict are two constitutional provisions:

"The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination. Local acts necessitating appropriations by a political subdivision may not become effective unless approved by a majority of the qualified voters voting thereon in the subdivision affected." Alaska Const., art. II, § 19.

"The entire State shall be divided into boroughs, organized or unorganized.

They shall be established in a manner and according to standards provided by law. The standards shall include population, geography, economy, transportation, and other factors. Each borough shall embrace an area and population with common interests to the maximum degree possible. The legislature shall classify boroughs and prescribe their powers and functions. Methods by which boroughs may be organized, incorporated, merged, consolidated, reclassified, or dissolved shall be prescribed by law." Alaska Const., art. X, § 3.

Appellants assert that the prohibition against local or special acts renders invalid Ch. 145 SLA 1974 by which the Eagle River-Chugiak Borough was organized. They argue that the legislature created a borough by a local or special law when a general law could have been made applicable, and that the "general law" constitutional provision controls the operation of legislative power under art. X, § 3, of the Alaska Constitution. They conclude, therefore, that Ch. 145 SLA 1974 is unconstitutional and that the borough created by the legislature is invalid.

Appellees support the validity of the borough by arguing that the legislative act was not local or special legislation, that even if it was local or special legislation the constitutional prohibition does not apply because a general law cannot be made applicable to the particular subject matter of the legislative act, and that the legislature possesses independent power under art. X, § 3, of the Alaska Constitution, apart from the provisions of art. II, § 19, to create the Eagle River-Chugiak Borough.

I.

The Eagle River-Chugiak area extends from the northeast limits of the City of Anchorage to the Knik River Bridge, and comprises about 738 square miles, slightly less than one-half of the total area of the Greater Anchorage Area Borough as it previously existed. It is located wholly within what was the Greater Anchorage

Area Borough. The area has a population of about 8,500 persons, about 2,500 of whom live in what is regarded as the community of Eagle River. There are no cities of any statutory class within the area. The area is largely residential in land use and most of its work force is employed within what has been the Greater Anchorage Area Borough.

In 1974 the legislature passed Ch. 145 SLA 1974, which became law without the governor's approval. The act provided for an election concurrent with the next statewide election following its passage, to be conducted solely within the Eagle River-Chugiak area, on the question of whether the area should be incorporated as a second class borough. If a majority voted "no" in the first election, the act provided for a subsequent election in which the voters would decide whether the area should be incorporated as a second class city. The election on borough incorporation took place on August 27, 1974, and the proposition passed by a vote of 1,233 to 979. Under the terms of the act, the area then became incorporated.

The act required the Local Boundary Commission to hold a public hearing before the election, and to review the boundaries set forth in the act after the election. Additionally, the Commission was required to promulgate a plan of apportionment, after which the Lieutenant Governor was required to, and did, on December 3, 1974, conduct an election for municipal officers.¹

1. Other transitional steps include a determination by the Local Boundary Commission, subject to judicial review, of the allocation of debts and assets between the new borough and the Greater Anchorage Area Borough, and written notice by the new borough of its intention to assume its powers. These steps have not been taken, but the act requires that the new borough assume its powers no later than the end of the current fiscal year, i. e., June 30, 1975. In the meantime the Greater Anchorage Area Borough

Prior to the enactment of Ch. 145 SLA 1974 there existed, and still exists, a comprehensive statutory system for the incorporation of boroughs, including those to be established within the boundaries of boroughs already in existence.² The general law scheme for organizing a borough consists of a petition to the Department of Community and Regional Affairs, a review of that petition for form by the Department, public hearings by the Local Boundary Commission, and a decision by the Commission as to whether the standards set out in the statutes have been met. In the event of favorable Commission action, an election can be held within the area proposed for incorporation. When a new borough is to be created within an existing one, both a new incorporation and a change in existing boundaries must occur, and the action must be approved at an election within the new borough. The action may also be conditioned upon electoral approval within the existing borough, and it must be submitted to the legislature.

Appellants brought an action on October 30, 1974, seeking to have Ch. 145 SLA 1974 declared unconstitutional and void and seeking to have enforcement of that statute enjoined. On November 22, 1974, appellants sought a preliminary injunction against conducting the election for municipal officers which was scheduled for December 3, 1974. On November 27, 1974, the superior court entered a temporary restraining order which allowed the election to proceed but prohibited certification of the results pending a further hearing. That further hearing was held on Decem-

ber 12, 1974. Appellants must continue to assess and collect taxes in the new borough until that date, and allocate to the new borough an amount to be determined by the Local Boundary Commission, subject to judicial review. Under the act the Greater Anchorage Area Borough has been prohibited from transferring assets or authorizing bonded indebtedness in the new borough since September 12, 1974.

2. See AS 29.18.030 et seq.

her 20, 1974. On December 20, 1974, oral argument was presented to the superior court, and that court entered a declaratory judgment to the effect that Ch. 145 SLA 1974 was local and special legislation, but was not violative of art. II, § 19, of the Alaska Constitution. Appellants filed this appeal on December 23, 1974, and were granted a stay pending the decision of the appeal. This court also entered an order expediting the appeal because the questions presented obviously should be decided promptly for the benefit of the affected governmental entities and the public.

II.

[1] The first question is whether Ch. 145 SLA 1974 is a local or special act. Our previous opinions in *Boucher v. Engstrom*, 528 P.2d 456 (Alaska 1974), and *Walters v. Cease*, 394 P.2d 670 (Alaska 1964), provide background for the resolution of this question. In *Walters v. Cease*, we held that the Mandatory Borough Act, Ch. 52 SLA 1963, was local and special legislation, and that it could not constitutionally be submitted to the voters for adoption by referendum.³ In *Boucher v. Engstrom*, we held that an initiative to relocate the state capital did not amount to special or local legislation, and thus could be placed upon the ballot. We observed that legislation does not become "local" merely because it operates only on a limited number of geographical areas rather than on a statewide geographical basis. A legislative act may affect only one of a few areas and yet relate to a matter of statewide concern or common interest. *Boucher v. Engstrom*, *supra*, 528 P.2d at 461-62.

[2] *Boucher v. Engstrom* does represent a retrenchment on the definition of

3. Alaska Constitution, art. XI, § 7, provides: "The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications

"local" and in *Walters v. Cease*. But the ultimate question is whether a legislative act, attacked as "local" or "special", is reasonably related to a matter of common interest to the whole state.⁴

[3] In the case at bar it appears that Ch. 145 SLA 1974 is both special and local legislation. The act provides a method of creating a new borough which is peculiar to the locality where it is applicable. The subject matter can hardly be said to be of statewide interest or impact.

Specifically, the operation and scope of the act are limited to the Greater Anchorage Area Borough. The act creates law which affects only the governmental structure of the Greater Anchorage Area Borough and the Eagle River-Chugiak area lying within it. It can have no effect upon any other part of the state. It purports to create a new local government, and does so without regard to the general statutory provisions that prescribe the method that otherwise governs the creation of new local governmental entities from existing ones. In our opinion the legislation is clearly special and local in nature.

III.

[4] This brings us to the next question. Appellees argue that even if Ch. 145 SLA 1974 is a local or special act, it is permissible legislation. The Alaska Constitution forbids local or special acts only "if a general act can be made applicable." Whether a general act can be made applicable is subject to judicial determination. We find AS 29.18.030 et seq. to be an applicable general law.

Appellees argue that the Eagle River-Chugiak area is unique and that this justifies the special treatment given to it by the legislature. The trial court found that the

of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety."

4. *Boucher v. Engstrom*, 528 P.2d 456, 463 (Alaska 1974).

Eagle River
that it has
the Anchor
large "exu
Appellees
area is set
Greater An
Chugiak N
Park, and b
riority of th
ed against
Area Boro
areawide p
area.

We do m
ive. Num
ganized bo
unique in co
readily to

Douglas,
located on
capital, can
largely re
working in
Douglas wi
Juneau. St
College, wi
the only ce
tral state v
horhood or
ough can a
teristic wh
of the boro
ed to justif
then the l
create man
on an ad t
is what th
intended.⁵

We find
Eagle Rive
departure

5. *Accord*,
328 P.2d
querque N
v. Swinab
(1964).

6. *Accord*,
Cal.2d 62

Eagle River area has a separate identity, that it has been a distinct community in the Anchorage bowl, and that it is the only large "exurban" community in Alaska. Appellees point out additionally that the area is separated from the rest of the Greater Anchorage Area Borough by the Chugach Mountains, the Chugach State Park, and by military reservations. A majority of the electorate of the area has voted against a unified Greater Anchorage Area Borough and against extension of areawide power by the borough over the area.

We do not find this justification persuasive. Numerous other localities within organized boroughs can also claim to be unique in certain respects. Examples come readily to mind.

Douglas, with a 1970 population of 1,243, located on an island across from the state capital, can claim to be distinct, providing a largely residential community for persons working in the capital city. Historically Douglas was a city proudly separate from Juneau. Similarly, it could be claimed that College, with a 1970 population of 3,434, is the only community surrounding the central state university. Nearly every neighborhood or locality within an existing borough can assert some peculiarity or characteristic which distinguishes it from the rest of the borough. If this is all that is needed to justify a departure from general law, then the legislature could, by special act, create many new boroughs out of old ones on an ad hoc basis. We do not think this is what the framers of our constitution intended.⁵

We find nothing in the nature of the Eagle River-Chugiak area which justifies a departure from the general law scheme of

incorporating a new borough. Those unusual aspects which appellees have ascribed to the area present no insurmountable barriers to creating a new borough by following the procedures set forth in AS 29.18.030 et seq. Therefore, we hold that Ch. 145 SLA 1974 contravenes the provisions of art. II, § 19, of the Alaska Constitution.

IV.

[5] Finally, appellees urge that under Art. X, § 3, of the Alaska Constitution the legislature is given broad power over the methods by which boroughs may be organized, incorporated, or dissolved. From this, it is argued, the legislature derives power to enact such laws as Ch. 145 SLA 1974 despite the prohibition of art. II, § 19, of the Alaska Constitution.

[6] But Art. II, § 19, governs the exercise of all legislative powers expressly granted by other portions of the constitution. There is no intimation in its language or in the articles concerning local government which would create an exception to this prohibition against local or special laws.

[7] It is an undisputed maxim of constitutional construction that different provisions of the document shall be read so as to avoid conflict whenever possible. Thus, "[w]henver possible, all provisions should be given effect, and each interpreted in light of the others, so as to reconcile them, if possible, and to render none nugatory." *Lemon v. Bossier Parish School Board*, 240 F.Supp. 743, 744 (W.D.La.1965).⁶ We have carefully read the debates and discussions during Alaska's constitutional convention as they relate to the import of art.

5. *Accord*, *State v. Hodgson*, 183 Kan. 272, 328 P.2d 752, 762 (1958); *see also* *Albuquerque Met. Arroyo Flood Control Authority v. Swinburne*, 74 N.M. 487, 394 P.2d 998 (1964).

6. *Accord*, *People v. Western Air Lines*, 42 Cal.2d 621, 268 P.2d 723, 732 (1954), appeal

dismissed, 348 U.S. 859, 75 S.Ct. 87, 99 L.Ed. 677; *Cooper Motors v. Board of County Commissioners*, 131 Colo. 78, 279 P.2d 685, 698 (1953); *Latting v. Cordell*, 197 Okl. 369, 172 P.2d 397, 399 (1946).

II, § 19. and art. X.⁷ We find nothing in these discussions which would indicate that art. X, § 3, was intended to operate as an exception to the "general law" rule of art. II, § 19. Indeed, if every grant of power were read as an exception to the "general law" provision, that provision would be rendered wholly nugatory in its effect.

We conclude that nothing in the local government articles of the Alaska Constitution overrides the prohibition of art. II, § 19.

Having found the questioned act invalid, we reverse the judgment below and remand for the entry of a judgment in favor of appellants.

7. See Const.Conv.Min. pp. 1760-70, 1774, 1824-27, 2768-71 (Jan. 10-25, 1956).

2/6/86

C&RA Joint House/Senate Meeting

Edna,

Teleconference moderator in Juneau requests that you allow her to check with each of the on-site locations before beginning the official hearing.

Also requests that you remind all Committee members to switch their microphone on before talking.

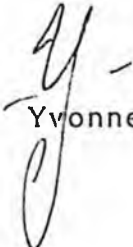
If you can keep people from answering questions from the back of the room, it will help the minutes be more accurate (usually you don't have anything to do with it...they sorta yell out..)

Some questions you might consider asking the LBC.....

- 1) When do you notify parties in interest that the Local Boundary Commission has made a decision..... and to whom is the information sent?

- 2) When is the Legislature notified that the Local Boundary Commission has received a request for boundary determination that requires Legislative review?

Under DISCUSSION/ACTION I do have copies of the Ketchikan Resolution --- It has not been introduced (of course)....


Yvonne

Attached is the agenda.



CITY OF SAINT PAUL

POUCH 1
SAINT PAUL ISLAND, ALASKA
99880
(907) 546-2331
Telecopy (907) 546-2365

IN REPLY
REFER TO:

February 5, 1986

Honorable Fred Zharoff
Alaska State Senator
Alaska State Legislature
Pouch V (MS 3100)
Juneau, AK 99811

Re: Saint Paul Island Annexation

Dear Senator Zharoff:

The purpose of this letter is to set the record straight with respect to statements made by the Chief Executive Officer of Tanadgusix Corporation (TDX) who wrote to you on December 12, 1985 concerning the above-captioned matter.

To state, as he does in the first paragraph of his letter that: "For the past several months this community has been in an uproar over discussion of the issue on annexation . . ." is a mis-statement of fact. The TDX Chief Executive Officer is simply not telling the truth. At three public meetings on the matter, all of which were well advertised -- each of which were publicized, posted, and noticed in letters to each home on the Island -- fewer than twelve persons appeared, in total! At the formal public hearing conducted by the Local Boundary Commission, of the 41 persons in attendance, only seven persons presented testimony in the negative. All other testimony was in favor of the proposition. You should note that even the opponents were arguing for local control. This is contradictory to their opposition.

The record does not support the allegation that: "Both Tanadgusix Corporation of Saint Paul, and the Aleut Community of Saint Paul, through their respective Board of Directors and Councils, have taken formal positions in opposition to the annexation . . ." In fact, a copy of a letter by the incoming Aleut Community of Saint Paul (I.R.A.) President is attached in furtherance of the petition of the citizens and the City Council of Saint Paul.

Honorable Fred Zharoff
February 5, 1986
Page 2

The City feels that there was a great deal of public involvement with this matter and that the suggestion for a referendum is merely an effort to provide a vehicle for a protracted, negative campaign mounted not just by TDX but by well financed off-island special interest groups who have been looking for such an opportunity in this state. The inadvisability of such a course is evident. Please read the copy of Larry Mercurieff's testimony before the Local Boundary Commission. It clearly demonstrates what we mean.

The TDX CEO's letter continues with paragraph after paragraph of invective commentary, most of which is not related to the issue. Through and between these lines it can be seen there exists true confusion as to the role of TDX, a non-governmental, private, for-profit corporation, and, the statutory responsibilities of a municipal government. Though regrettable, that situation has nothing whatever to do with annexation.

We respectfully call to attention the next to the last paragraph of the TDX CEO's letter wherein he states, quote:

"We are not opposed to local controls over the waters surrounding Saint Paul, to having powers over fishermen dumping garbage in our waters . . . (etc) . . ."

He wants to postpone the annexation action until such time as annexation control can be passed to TDX and then to the I.R.A. Under Alaska law only a political subdivision of the State government may exercise jurisdiction. The I.R.A. does not so qualify, nor does TDX. The real issue is that TDX's CEO wants the I.R.A. to have authority not permitted by State law. The Local Boundary Commission and the City expended a great deal of effort to insure citizen understanding of the issue. The problem is that the CEO of TDX disagrees philosophically with the laws of Alaska. It is not a question of understanding; it is a question of what can be done under Federal and State law.

Just for the record, the comments and statements concerning the Saint Paul Island Trust are totally without foundation and should not be considered as fact. For accurate information about the Trust, interested persons are invited to be in touch directly with Mr. Jay S. Gage, Trustee, Saint Paul Island Trust, 1111 Third Avenue, Seventh Floor, Seattle, WA 98105, (206) 682-7848.

Honorable Fred Zharoff
February 5, 1986
Page 3

We hope this has clarified the issues raised in the TDX
CEO's letter of December 12, 1985 and that no need will be seen
to oppose the petition of the City of Saint Paul, which has
received approval of the citizens of Saint Paul and the Local
Boundary Commission.

Very truly yours,

THE CITY OF SAINT PAUL

Vern C. McCorkle
Vern C. McCorkle
City Manager

Michael Zacharof
Michael Zacharof
Mayor

VCM:afg

Enclosure

Tribal Government of St. Paul

P.O. Box 86, St. Paul, AK 99660

(907) 546-2211

Maxim Lestenkof, Sr.

President

Nlna Simeonoff

Vice President

Simeon Swetof, Jr.

Secretary-Treasurer

Council Members

Adrian Melovidov, Sr.

Anthony Philemonoff

Terenty Philemonoff, Jr.

Michael Zocharof

January 31, 1986

Honorable Fred F. Zharoff
Senator District "N"
Alaska State Legislature
The State Capitol
Pouch "V" (MS 3100)
Juneau, Alaska 99811

SUBJ: SAINT PAUL ANNEXATION

Dear Senator Zharoff:

This is to let you know that the IRA of Saint Paul (Tribal Government of Saint Paul) has taken no action in opposition to the above captioned matter.

As the newly elected President of the Saint Paul IRA I am aware that the issue may soon be coming before you and the State Legislature and I wanted to be certain that you knew of our position.

Very truly yours,

TRIBAL GOVERNMENT OF SAINT PAUL

Adrian Melovidov Sr.
Adrian Melovidov, Sr.
President

RECEIVED FEB -3 P 2:41

DEPARTMENT OF
GENERAL SERVICES & SUPPLY

REPORT TO THE LOCAL BOUNDARY COMMISSION OF THE
STATE OF ALASKA ON THE
PETITION TO DETACH THE LAKE LOUISE AREA FROM THE
MATANUSKA-SUSITNA BOROUGH

Department of Community and Regional Affairs
Division of Local Government Assistance

September 9, 1982

I. INTRODUCTION

The Matanuska-Susitna Borough was incorporated on January 1, 1964 under the provisions of Chapter 52, SLA 1963, known as the "Mandatory Borough Act". The Borough is comprised of approximately 20,544 square miles and has an estimated population of 19,123.

The Matanuska-Susitna Borough is the second largest in the State (behind the North Slope Borough), with a land mass exceeding the combined areas of the Haines Borough, Bristol Bay Borough, Kodiak Island Borough, Ketchikan Gateway Borough, City and Borough of Sitka, City and Borough of Juneau and the Municipality of Anchorage. Although much of the Matanuska-Susitna Borough is accessible by road, there are large areas which are remote and inaccessible.

The area of Lake Louise is located in the extreme eastern portion of the Matanuska-Susitna Borough. The area is accessed by an 18 mile road leading from the Glenn Highway to the southern end of Lake Louise. The community, based at the southern end of Lake Louise, is approximately 136 highway miles from Palmer and 45 highway miles from Glennallen. The map at the end of this report identifies the area proposed for detachment from the Matanuska-Susitna Borough.

The majority of the Lake Louise residents are seasonally employed during the summer months. The three lodges on the southern end of Lake Louise provide the economic and population base for the community. The majority of the land within the territory proposed for detachment is owned by the State. The Matanuska-Susitna Borough owns no land within the territory proposed for detachment.

The petition proposes to detach 432 square miles of territory from the Matanuska-Susitna Borough. The area proposed for detachment comprises 2.10% of the Borough territory, and the Lake Louise population (33) represents 0.17% of the Borough population. Of the 432 square miles proposed for detachment, 216 square miles are uninhabited State land.

According to the Borough, there are 28 registered voters and 213 dwellings in the Lake Louise area. Most of these dwellings are recreational in nature. There are 363 tax parcels in private ownership in the Lake Louise area. The property tax to be generated from the territory proposed for detachment during the current fiscal year is approximately \$37,485. The total assessed valuation of the real and personal property at Lake Louise is \$6,941,700 or 0.67% of the total assessed value of the Borough (\$1,037,000,000). The residents of the Lake Louise area contend that they receive no Borough services. The Borough, however, does maintain a public landfill in the Lake Louise area and

offers an educational program for Lake Louise students if they choose to attend school in Glennallen. According to Paul Holliand, petitioners' representative, there were no children from Lake Louise attending the Glennallen school last year nor will there be this year. There are only two children in Lake Louise of school age. These students from Lake Louise have chosen a home teaching option which is provided by the Borough and the State of Alaska. The Borough also exercises planning on an areawide basis. Although the effect of the planning activities may not be readily apparent in Lake Louise, the prospect of several thousand new land owners in the area (details below) establishes the need for planning of future growth and development in the Lake Louise area.

According to the Borough, the State of Alaska is going to subdivide and distribute land in the Lake Louise area in the immediate future. An additional 2,635 parcels of land will be transferred from State ownership to private ownership. Therefore, there will likely be significant growth in the Lake Louise area within the next several years. According to the Alaska Department of Natural Resources, the State has classified 102.87 square miles of this territory for remote parcel distribution. In the State fiscal year 1983, approximately 23.44 square miles of this land will be distributed in 30 acre parcels. Additionally, 22.6 square miles of land around the lake have been classified for subdivision disposal. Approximately 3,200 acres (5 square miles) will be distributed by the State during fiscal years 1983 and 1984. These parcels will be 5 to 10 acre plots.

II. PROCEEDINGS TO DATE

On July 29, 1982 the Department received the Lake Louise petition to detach 432 square miles of territory from the Matanuska-Susitna Borough by the "local action - election" process. This petition was submitted to replace the withdrawn Legislative Review detachment petition submitted on April 20, 1982. After reviewing the current petition for accuracy and completeness it was forwarded to the Matanuska-Susitna Borough on August 6, 1982. In accordance with 19 AAC 10.640, the Matanuska-Susitna Borough Assembly held a public review (August 17) of the petition and returned the petition with the Borough's Answering Brief to the Department on August 20, 1982.

Proper notice has been given for the Local Boundary Commission's public hearing and decisional meeting on the Lake Louise detachment petition. This hearing is scheduled for September 25, 1982 at 1:00 p.m. in the Evergreen Lodge at Lake Louise.

III. STANDARDS FOR DETACHMENT FROM AN ORGANIZED BOROUGH

The following discussion outlines the considerations the Local Boundary Commission must weigh according to statutes and regulations in reaching a decision on the petition to detach the Lake Louise area from the Matanuska-Susitna Borough.

WILL THE DETACHMENT BE IN THE BEST INTEREST OF THE STATE, THE LAKE LOUISE AREA AND THE MATANUSKA-SUSITNA BOROUGH?
(19 AAC 10.230)

The issue of best interest must be addressed at each level before an overall consensus can be achieved on this issue. It is difficult to determine what effect the detachment of the Lake Louise area would have upon the State as a whole.

It is fair to state that the Alaska Constitution anticipates that the entire State would be divided into organized boroughs with some areas of the State that could not economically support a borough, becoming the unorganized borough. More than 26 years have passed since the Constitution was ratified by the voters, yet only 25 per cent of the area of the State is organized through borough governments. In the past 18 years only one borough (the North Slope Borough) has been established. No boroughs have been formed in the past 10 years.

The borough form of government establishes a means of providing local government for an area of the State which is culturally, economically and geographically related. If the Lake Louise territory was allowed to detach, it would become part of the unorganized borough. In essence, the detachment would remove a portion of an organized borough which has been functioning and providing services on a regional basis for the past eighteen years. The Lake Louise area would then become a part of the State's administrative responsibility. Given the fact that the Matanuska-Susitna Borough was formed by legislative action, and that the removal of the Lake Louise area would only transfer the responsibility of service delivery to the State, the Department finds no best interest to be achieved for the State. Perhaps most significant with respect to the issue of the State's interest, the Lake Louise area is characteristic of vast areas within the eleven existing organized boroughs and unified municipalities. If this area detaches it could set a precedent that could readily be followed by similar areas. Such would have a significant adverse effect on the State.

The Matanuska-Susitna Borough would be adversely affected by the

detachment of the Lake Louise area. It would reduce the assessed value by \$6,941,700 (0.67%), which would negatively affect the bonding capacity of the borough. As the bonding ability of the Borough is based upon the level of taxable property, the uncertain future of current boundaries could have a debilitating effect upon the Borough's bond rating and capacity to issue bonds. In addition, there are other regions within the Matanuska-Susitna Borough that are in a similar situation to the Lake Louise area and this detachment could, again, set a precedent for future detachment proceedings from the Matanuska-Susitna Borough. Therefore, it would not be possible for the Borough to assure the bonding market of a consistent future valuation.

The residents of the Lake Louise community feel that there are definite benefits in detaching from the Matanuska-Susitna Borough. Primarily they would not be paying taxes for services which they feel are not received. Currently, 73% of the Borough's areawide mill levy is for education, 2% for parks and recreation, 3% for planning, 2% for civil engineering, 2% for assessment and property management and 18% for other costs. The residents of this area feel that the unorganized borough which borders the Lake Louise lake system offers an opportunity to continue living the same lifestyle without the burden of taxation without reciprocal benefits. While the desire to avoid taxation is readily appreciated, this approach ignores the potential for growth following the State distribution of 2,635 parcels of land in the Lake Louise area. When this growth does begin to occur, the need for borough areawide services (education, fire and planning) will become evident.

ARE THE SOCIAL, CULTURAL AND ECONOMIC CHARACTERISTICS OF THE POPULATION OF LAKE LOUISE SUBSTANTIALLY DIFFERENT OR IN CONFLICT WITH THE REMAINDER OF THE POPULATION OF THE BOROUGH?
(19 AAC 10.230)

The Matanuska-Susitna Borough has 20,544 square miles with a population of 19,123. Within this immense area there is a diversity of social, cultural and economic settings. More than 70 per cent of all borough residents live outside the four largest communities (Palmer, Wasilla, Houston and Talkeetna). The rural population of the Borough has many similarities in that it is distributed along the road system, it experiences high unemployment and seasonal work, and has moved to the rural areas of the Borough within the last twenty years. There are no indications that the residents of the Lake Louise community differ substantially from the majority of Borough residents residing in the rural areas of the Borough.

IS THE GEOGRAPHIC LOCATION OR CONFIGURATION OF THE TERRITORY PRECLUDING THE PROVISION OF BOROUGH SERVICES PROVIDED OTHER AREAS OF THE BOROUGH OR MAKING THE PROVISION OF BOROUGH SERVICES IMPRACTICAL? (19 AAC 10.230)

The Matanuska-Susitna Borough currently levies an areawide mill rate of 4.9 mills and a non-areawide mill rate of 0.5 mills. The areawide functions are primarily concerned with the education, school bond debt service, planning, land management and taxation. The non-areawide functions are primarily concerned with libraries, emergency medical services, solid waste disposal and animal control. The geographic location of the Lake Louise area and its small school age population make the provision of education services to the community impractical at this time. As there is no school in the Lake Louise area, all of the students have opted for education correspondence courses. However, the students do have a choice between the Borough administered correspondence course or the State administered course. The Borough is also willing to pay the Copper River Regional Educational Attendance Area \$2,180 for each child from the Lake Louise area who chooses to attend school in the Glennallen school. The Matanuska-Susitna Borough has made arrangements with the State of Alaska's Department of Education Student Transportation Office for school bus transportation for Lake Louise children who wish to attend the Glennallen school.

The remoteness and insignificant school aged population of Lake Louise has, from a practical standpoint, limited Borough services. However, that is not to say with the future anticipated growth within the Lake Louise area that the residents and future residents would not receive services commensurate with the rest of the Matanuska-Susitna Borough and the potential for such service will encourage the area's growth.

IS THE LACK OF TRANSPORTATION FACILITIES PRECLUDING THE COMMUNICATION AND EXCHANGE NECESSARY FOR RESPONSIVE AND INTEGRATED LOCAL GOVERNMENT? (19 AAC 10.230)

Communications with the Lake Louise area are more difficult than in many other areas of the Matanuska-Susitna Borough. The community has limited telephone service in that it can only be reached through a radio patch phone service in Anchorage. This does make immediate communication between the Borough government and the community relatively difficult. However, the community of Lake Louise is accessible by road on a year-round basis. This enables the community to receive scheduled mail service. Therefore, it can be concluded that although communication and transportation services to the Lake Louise area are relatively difficult they do not preclude the exchange necessary for responsive and integrated local government.

IV. CONCLUSIONS AND RECOMMENDATIONS

The detachment proposal has almost total support among the residents of the Lake Louise community. The residents of this area feel that they are paying an inequitable amount of Borough taxes and are being ill-served by a more urban based Borough government. To some degree, the concerns of the Lake Louise residents are justified. Some areawide services provided by the Borough to Lake Louise residents are not available at the same level as those provided to the more populated and accessible areas of the Borough.

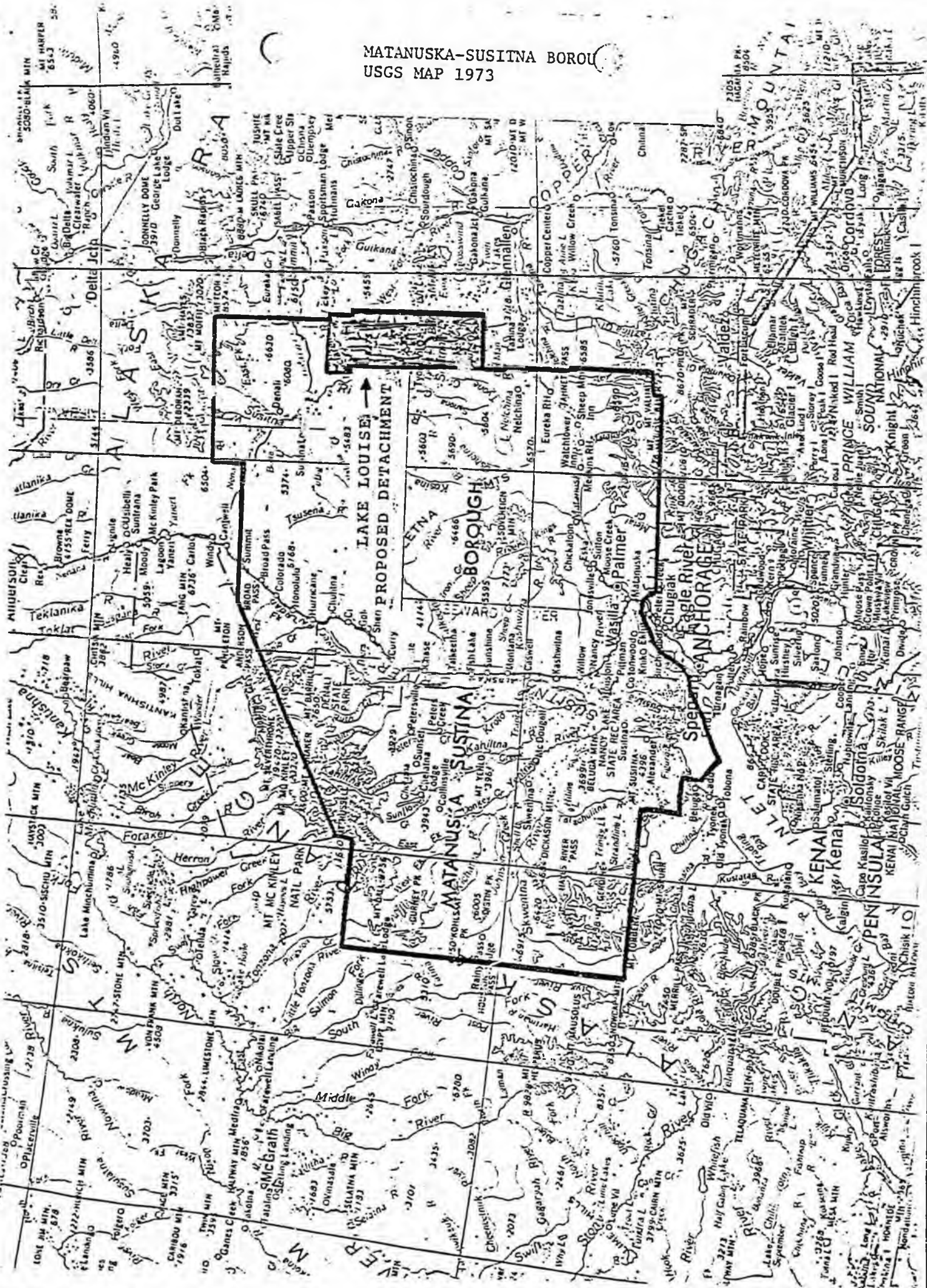
However, as the Matanuska Susitna Borough continues to grow and particularly the Lake Louise area begins to enter a development phase, the commonality of social, cultural and economic interests of both groups will begin to merge.

There are no geographic configurations which preclude the provision of Borough services to the area, and there are facilities which adequately allow proper communication between the Lake Louise area and the Borough seat of government. Further, it is apparent that the proposed detachment is not in the best interests of the State or the Matanuska-Susitna Borough.

In the Department's view the standards for detachment as prescribed in 19 AAC 10.230. have not been met in the Lake Louise petition to detach from the Matanuska-Susitna Borough. Therefore, the Department of Community and Regional Affairs recommends that the Local Boundary Commission deny the detachment proposal in the Lake Louise petition.

The Department further recommends that the Local Boundary Commission, in its annual report to the legislature, address the issue and status of borough government throughout the State. Particularly, there is a need for a thorough review of the inequitable burden for the payment of local services (particularly education) which currently exists within organized boroughs. Hopefully, this would encourage the State to develop a means of resolving this longstanding inequity.

MATANUSKA-SUSITNA BOROU
USGS MAP 1973



Supplemental Report to the State of Alaska
Local Boundary Commission
on
The Proposed Detachment
of
Lake Louise
from
the Matanuska-Susitna Borough

November 1, 1982

On September 25, 1982 the Local Boundary Commission (LBC) conducted a public hearing in the Lake Louise Evergreen Lodge. This gathering addressed the proposed detachment of 432 square miles of territory surrounding Lake Louise from the Matanuska-Susitna Borough. Several issues were raised by members of the public testifying before the LBC. The Commission felt it could not make a decision on the proposed detachment until additional information was provided to the public and the LBC.

The related issues under examination are: the incorporation proceedings of the Matanuska-Susitna Borough and the rationale for including the Lake Louise area while excluding the Cantwell and Glennallen areas; whether the residents of the Lake Louise area were aware of borough incorporation activities; and what, if any, boundary changes have been made to the original Matanuska-Susitna Borough. Another issue under discussion concerns the distribution of State lands in or adjoining the Lake Louise territory proposed for detachment.

The following section of this report poses the questions central to these issues and reports the information obtained through research by the Department.

Why was Lake Louise included in the original boundaries of the Matanuska-Susitna Borough?

It is evident that the Lake Louise area was included in the original Borough as a result of compliance with the Mandatory Borough Act (Chapter 52, Session Laws of Alaska 1963). This Act provided that Election District 7 would be designated the Matanuska-Susitna Borough. The eastern boundary of Election District 7 fell east of the Lake Louise area and therefore it was included as a result of being within the Election District.

This action was a matter of direct application of boundary determination provisions as contained in the Mandatory Borough Act. For a comprehensive understanding of this action it is necessary to follow the genesis of this aspect of the Mandatory Borough Act from the Alaska State Constitution.

Article X of the Alaska Constitution provides for the creation of local governments throughout the State. Under provisions of this Article, all of Alaska was to be subdivided into boroughs (organized and unorganized) based upon economic, geographic, social and political factors. It further establishes the standards for the determination of these boundary lines.

It was recognized by the framers of the Alaska Constitution that establishing borough government boundaries was "quite an important question and should be under some agency which can establish them along the proper lines. They (boundaries) should not be left to the local community; they should be established by a higher authority". [Alaska Constitutional Convention, "Minutes of the Convention", 1955-56, January 19, 1956 A.M. p. 14.] It is evident that it was the intention of the Constitutional Convention to ensure that local government boundaries should not, in large part, be determined by the local populace but by the State. Following this thinking, Section 12 of Article X of the Alaska Constitution requires that a "local boundary commission or board" be established. "The commission or board may consider any proposed local government boundary change." However, the ultimate authority for acceptance of such boundary issues reviewed by the LBC would lie with the State Legislature.

As explained by the Alaska Supreme Court in Fairview Public Utility District No.1 v. City of Anchorage, 368 P 2d 540 (Alaska 1962), the drafters of Alaska's Constitution gave broad control over local government boundaries to the State because:

". . . The advantage of the method proposed, in the words of the [convention's local government] committee . . . lies in placing the process at a level where area-wide or statewide needs can be taken into account. By placing authority in this third party, (Local Boundary Commission) arguments for and against the boundary change can be analyzed objectively". [The Metropolitan Experiment in Alaska - A Study of Borough Government, Edited by Ronald C. Cease and Jerome R. Saroff, p. 139]

The 1961 State legislature created a borough incorporation deadline by mandating that all school districts (nine) and public utility districts (six) throughout the State could continue to function only until July 1, 1963. Special districts, including school districts and public utility districts, were to be absorbed into these constitutional forms of government (boroughs).

Prior to the convening of the legislature in January, 1963, Representative John L. Rader formulated in broad outline what he thought to be the basic requirements of what would later become the essence of the Mandatory Borough Act of 1963. Among the eleven basic requirements of such a bill was one which is particularly germane to this issue. The bill would need to provide for definite borough boundaries.

In formulating House Bill 90, Mr. Rader decided that defining a borough as either metropolitan or regional in nature would be detrimental. As a practical matter, a bill which provided ultimately for mandatory incorporation must state boundaries with precision. He considered definitions in terms of mountain ranges, shorelines, rivers and water sheds and in terms of longitude and latitude. Finally it was decided that election district lines, which were precise and known to everyone, would be used.

The bill did not force the immediate dissolution of existing school and public utility districts but rather left it to the boroughs to assimilate these units more or less at their convenience but with an ultimate transfer date. Existing local government units would be integrated into constitutional forms of government. If there was no succeeding governmental entity the properties of school districts and public utility districts would revert to the State. "If . . . there is no borough incorporated by local initiative in the populated areas of the State then the bill would provide that the election district lines in which the populations are located are the temporary borough lines until adjusted . . ." [The Metropolitan Experiment in Alaska - A Study of Borough Government, Edited by Ronald C. Cease and Jerome R. Saroff, p. 106] That is, as an expedient for establishing boroughs, election district boundaries were to be used as borough boundaries.

The legislature passed the Mandatory Borough Act in 1963. The act mandated the incorporation of boroughs as of January 1, 1964 in eight areas of the State containing public utility and independent school districts. In some cases the districts were considered too large and in others too small. The areas concerned, however, had the option of petitioning for incorporation and proposing borough boundaries in the time remaining before the deadline. The LBC held public hearings and reviewed local proposals. No agreement between the LBC and the local populace could be reached on boundaries.

Residents of the affected areas were afforded the opportunity to accept the boundaries proposed by the LBC through election. Local option borough elections were held in the fall of 1963. Four local option boroughs were established in the 1963 election under the threat of mandatory incorporation. These were Ketchikan, Sitka, Juneau and Kodiak Island. Borough incorporation election propositions were defeated in the Anchorage, Fairbanks, Kenai Peninsula and Matanuska-Susitna Borough areas. These were mandatorily incorporated on January 1, 1964.

Although given the opportunity to express opinions and suggestions for borough boundaries, the voters within the area containing the proposed Matanuska-Susitna Borough rejected incorporation along the lines provided by the LBC. They thus relinquished boundary determination to the State Legislature.

Accordingly the boundaries for the present Matanuska-Susitna Borough were defined on January 1, 1964 as:

"Palmer-Wasilla-Talkeetna Election District #7".

On February 1, 1966 the LBC recommended that the State Legislature change the boundaries of the Matanuska-Susitna, Greater Anchorage Area and the Kenai Peninsula Boroughs by describing them by metes and bounds. Until this time the areas of election districts defining these boroughs were described by means of river drainages, mountain ridges and other general terms. It was felt that such descriptions were too imprecise to accurately define the corporate limits of municipalities and such loosely defined boundaries may cause future conflicts. It was the LBC's opinion that conflicts could be avoided if the borough boundaries were described by use of precise reference points. It was at this time that the present eastern boundary of the Matanuska-Susitna Borough was described. To see how this compares to the original Election District 7 boundary, see Exhibits "A" and "B".

It is clear then that the Lake Louise area of the Matanuska-Susitna Borough was included in the Borough because it was located within the boundaries of Election District #7. The Alaska Constitutional Convention established the magnitude of the importance of boundary determination. The Alaska Constitution established the authority for the legislature to provide boundary determination. The legislature exercised this authority.

What was the level of public involvement in the Borough incorporation?

It does appear that people in general were aware of incorporation proceedings. In particular, residents in the Wasilla, Palmer and Bay City areas were involved in public hearings and expression of opinion regarding incorporation along the proposed borough boundaries. Upon reviewing testimony presented at public hearings held in Anchorage, Palmer and Wasilla on May 24 and 25, 1963 concerning the Captain Cook Borough, Matanuska-Susitna Borough and Lake George Borough proposals, it can be determined that people were aware of the activities and were holding local meetings to ascertain local opinion regarding boundaries for borough incorporation. However, the testimony presented at these meetings did not evidence any comment from individuals identified as residing within the Lake Louise area.

Have there been any boundary changes affecting Lake Louise subsequent to incorporation of the Borough?

No subsequent changes to the eastern boundary of the Matanuska-Susitna Borough (with the exception of the 1966 redefinition of borough boundaries) have been made.

Why was the Community of Cantwell excluded from the Matanuska-Susitna Borough?

Cantwell was not a part of "Palmer-Wasilla-Talkeetna Election District #7" and therefore was not included within the original boundaries of the Matanuska-Susitna Borough. However, as a result of the February 1, 1966 redescription of borough boundaries in terms of metes and bounds, the LBC recommended inclusion of the Cantwell area in the Matanuska-Susitna Borough. It was subsequently found that the citizens of Cantwell did not have notice of the LBC hearing on June 26, 1965 regarding this recommendation. The LBC thus conducted a hearing in Cantwell on July 26, 1967 and at Palmer on January 25, 1968 to consider whether the Cantwell area should remain in the Matanuska-Susitna Borough. It was found that the citizens of Cantwell and the officials of the Matanuska-Susitna Borough concurred with the recommendation that the Cantwell area was inappropriately included in the Matanuska-Susitna Borough. Exclusion of the Cantwell area would not exclude territory from the Matanuska-Susitna Borough which was included prior to February 1, 1966. The LBC determined that it would be in the best interest of Cantwell area citizens, the Matanuska-Susitna Borough and the State of Alaska for the area to be excluded from the Matanuska-Susitna Borough. Therefore, in accordance with Article X, Section 12 of the Alaska State Constitution, on January 31, 1968 the LBC transmitted to the Alaska State Legislature for consideration the recommendation that the boundaries of the Matanuska-Susitna Borough be changed to exclude the Cantwell area. It was subsequently approved.

Why was Glennallen not included in the Matanuska-Susitna Borough?

Glennallen was excluded because it is located in an election district outside the boundaries of the Matanuska-Susitna Borough Election District. Further, because it contained no special service districts (public utility or school districts), the Valdez-Cordova-Copper River Valley area (assumed to include Glennallen) was not included in the Mandatory Borough Act of 1963. No boroughs have since been established in this part of Alaska.

What is occurring with the State land disposal in the Lake Louise area?

According to Wayne Monday, Resource Manager with the Department of Natural Resources (DNR), there will be a significant land disposal effort in the Lake Louise area during the next three years. The acreage for disposal in the original report dated September 9, 1981 to the LBC on the Lake Louise Detachment accurately reflects the intended land disposals planned by DNR.

The north end of Lake Louise, including Cliff Bay and Dog Bay has been patented to the State. Approximately 270 acres of this land will be disposed this spring (1983). Tentative patent has been given to the State for the west sides of Lake Louise and Lake Susitna. It is anticipated that these lands will be patented to the State by the end of November (1982).

Additionally, the State has received tentative patent to the lands proposed for disposal on the east side of Lake Louise and Lake Susitna. It is hoped that the State will receive patent to these lands within the next twelve months.

MATANUSKA - SUSITNA BOROUGH

1960 Census
POPULATION 5,188
SQ. MILES 22,909 est.

Exhibit A

Lake Louise →

ANCHORAGE MOUNTAIN VIEW EAST CHURCH

CHURCH

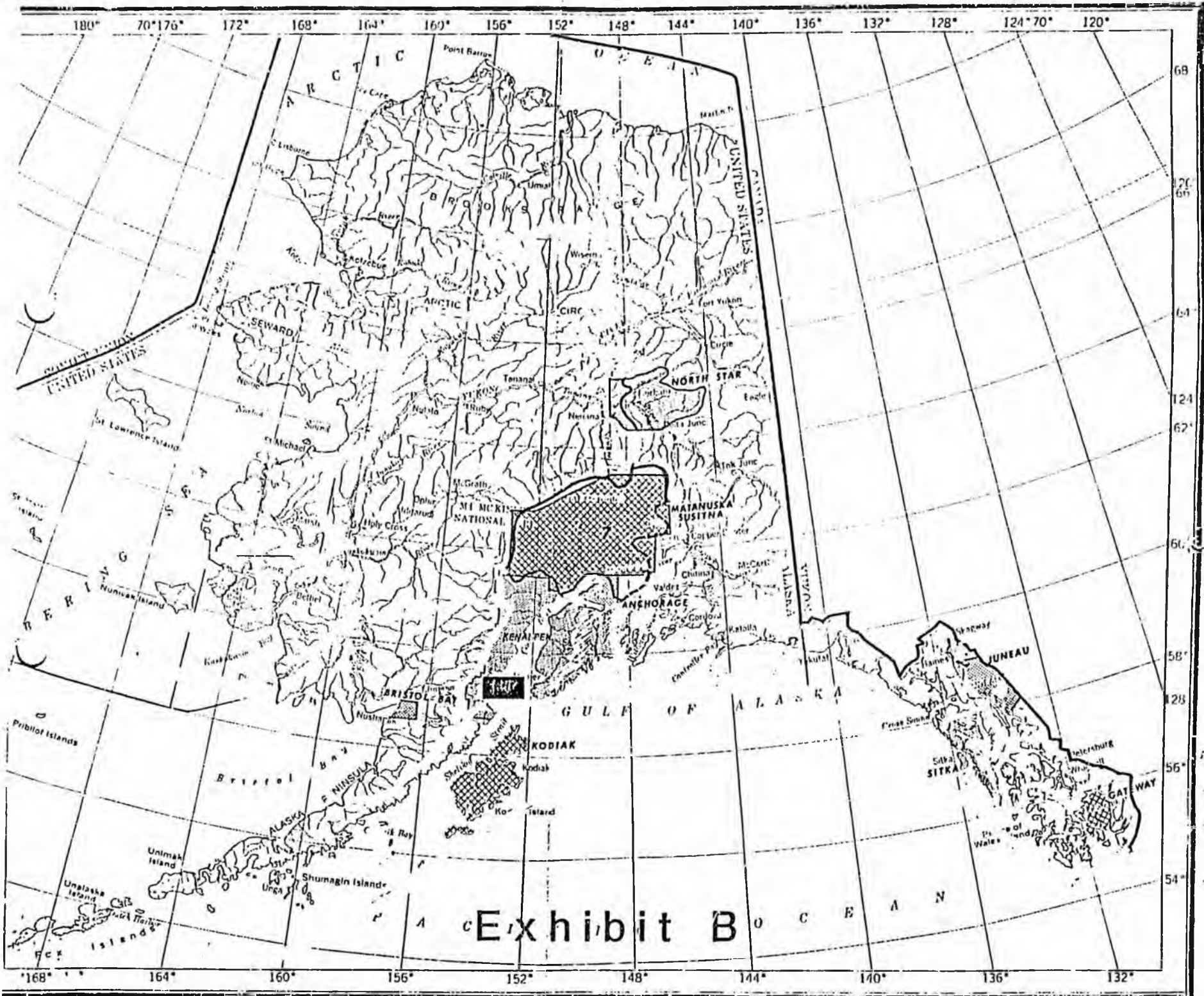
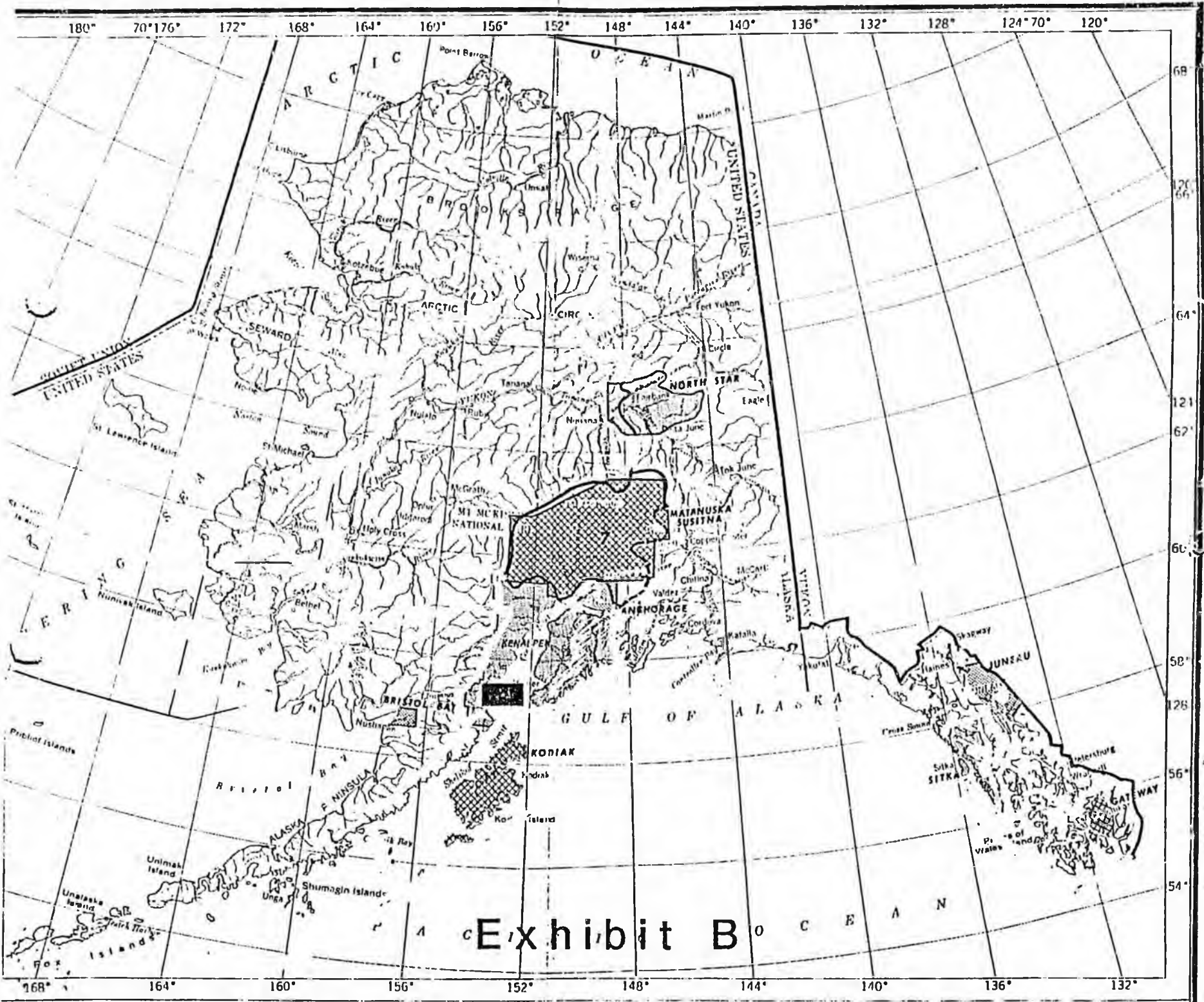


Exhibit B



STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

STATEMENT OF DECISION

Decision regarding the)
petition for the detachment)
of the Lake Louise area)
containing 432 square miles)
from the Matanuska-Susitna)
Borough)

On July 29, 1982 the Department received the Lake Louise petition to detach 432 square miles of territory from the Matanuska-Susitna Borough.

After reviewing the petition for accuracy and completeness it was forwarded to the Matanuska-Susitna Borough on August 6, 1982. In accordance with 19 AAC 10.640, the Matanuska-Susitna Borough Assembly held a public review (August 17) on the petition and returned the petition with the Borough's Answering Brief to the Department on August 20, 1982.

Pursuant to proper notice the Local Boundary Commission held a public hearing on the petition for the proposed detachment on September 25, 1982. The hearing began at 1:00 p.m. in the Evergreen Lodge at Lake Louise. Local Boundary Commission members present were: Sheila Gallagher, Sigvald Strandberg, Bert Greist, and Josephine Anderson. Testimony was presented by Paul Holland, Petitioners' Representative, Gary Thurlow, representing the Matanuska-Susitna Borough, and sixteen additional speakers.

On January 8, 1983 in Juneau, Alaska, at 4:30 p.m. the Commission held its decisional meeting on the Lake Louise detachment petition. Local Boundary Commission members present were: Sheila Gallagher, Bert Greist, Sigvald Strandberg, and Charles Bettisworth.

Upon consideration of the Lake Louise petition to detach 432 square miles of territory from the Matanuska-Susitna Borough, the September 9, 1982 Report of the Department, the November 1, 1982 Supplemental Report of the Department, and the testimony presented at the public hearing, the Local Boundary Commission hereby makes the following findings of fact:

1. The detachment of the Lake Louise area from the Matanuska-Susitna Borough would not be in the best interests of the State, the Lake Louise area, and the Matanuska-Susitna Borough.

The Borough form of government establishes the means of providing local government for an area of the State which is culturally, economically, and geographically related. If the Lake Louise territory was allowed to detach, it would become part of the unorganized borough. In essence, the detachment would remove a portion of an organized borough which has been functioning and providing services on a regional basis for the past eighteen years. The Lake Louise area would then become a part of the State's administrative responsibility. Given the fact that the Matanuska-Susitna Borough was formed by legislative action, and that the removal of the Lake Louise area would only transfer the responsibility of service delivery to the State, the Commission finds no best interest to be achieved for the State. Perhaps most significant with respect to the issue of the State's interest, the Lake Louise area is characteristic of vast areas of the eleven existing organized boroughs and unified municipalities. If this area detaches it could set a precedent that could readily be followed by similar areas.

The Matanuska-Susitna Borough would be adversely affected by the detachment of the Lake Louise area. It would reduce the assessed value by \$6,941,700 which could negatively affect the bonding capacity of the Borough.

The State of Alaska is anticipating distributing 2,635 parcels of land in the Lake Louise area over the next three years. With this potential for future growth and development in the Lake Louise area, it is possible that the community of Lake Louise will have an increasing need for borough areawide services.

- 2) The Matanuska-Susitna Borough has 20,544 square miles with a population of 19,123. Within this immense area there is a diversity of social, cultural and economic settings. More than 70% of all borough residents live outside the four largest communities (Palmer, Wasilla, Houston and Talkeetna). The rural population of the borough has many similarities in that it is distributed along the road system, it experiences high unemployment and seasonal work, and has moved to the rural areas of the Borough within the last 20 years. There are no indications that the residents of the Lake Louise community differ substantially from the majority of the Borough residents residing in the rural areas of the Borough.

- 3) The Matanuska-Susitna Borough currently levies an areawide mill rate of 4.9 mills and a nonareawide mill rate of 0.5 mills. The areawide functions are primarily concerned with the education, school bond debt service, planning, land management and taxation. The remoteness and insignificant school age population of Lake Louise has, from a practical standpoint, limited Borough services. However, that is not to say that with the future anticipated growth within the Lake Louise area that the residents and future residents would not receive services commensurate with the rest of the Matanuska-Susitna Borough and the potential for such services will encourage the area's growth.

4. Communications with the Lake Louise area are more difficult than in many other areas of the Matanuska-Susitna Borough. The community has limited telephone service in that it can only be reached through a radio patch phone service in Anchorage. This does make immediate communication between the Borough government and the community relatively difficult. However, the community of Lake Louise is accessible by road on a year round basis. This enables the community to receive scheduled mail service. Therefore, it can be concluded that although communication and transportation services to the Lake Louise area are relatively difficult they do not preclude the exchange necessary for response of an integrated local government.

THEREFORE, the Commission hereby does not approve the petition to detach the Lake Louise area containing 432 square miles of territory from the Matanuska-Susitna Borough and will recommend against such action to the First Session of the Thirteenth Legislature of the State of Alaska; and

THEREFORE, the Commission does recognize that there are areas of the unorganized borough of the State that are receiving the equivalent of municipal services without the responsibility of local tax contributions. Additionally, there are remote areas of the State's organized boroughs that are assessed taxes for the delivery of minimal services which in the unorganized borough are paid for by the State; and

THEREFORE, the Commission recommends to the First Session of the Thirteenth Legislature that it investigate the need for the formation of borough governments in areas of the State that have the economic base available to cover the cost of such government.

Decided on the 8th day of January, 1983.

STATE OF ALASKA LOCAL BOUNDARY COMMISSION

By: Sheila Gallagher Date: 2/28/83
Sheila Gallagher, Acting Chairman

By: Charles Bettisworth Date: 4/29/83
Charles Bettisworth, Member

By: _____ Date: _____
Bert Greist, Member

By: Sigvald Strandberg (DISSENTING VOTE) Date: 2/16/83
Sigvald Strandberg, Member

To: Local Boundary Commission
c/o Department of Community
and Regional Affairs
Local Government Assistance Division
225 Cordova St. Bldg. B
Anchorage, Alaska 99501

IN THE MATTER OF DETACHMENT OF TERRITORY FROM THE MATANUSKA-SUSITNA BOROUGH

A PETITION

WITH LOCAL ACTION

Pursuant to the provisions of AS 44.47.567 and 19 AAC 05.050-050 and 19 AAC 15.170-300, Alaska Administrative Code, your petitioners, the undersigned, respectfully petition to provide for the detachment of territory from the Matanuska-Susitna Borough, State of Alaska.

DESCRIPTION OF BOUNDARIES: MAP. Exhibit "A" contains a detailed written description of the boundaries of the borough from which the territory is to be detached; Exhibit "B" contains a detailed written description of the proposed boundaries of the Matanuska-Susitna Borough; Exhibit "C" is a map indicating the boundaries of the borough from which the territory is to be detached, said territory is marked in red ink on the map, all three exhibits are attached hereto and are made a part hereof.

AREA. The quantity of land contained within the borough proposed for detachment is 432 (four hundred and thirty two) square miles.

POPULATION. The estimated number of residents within the area proposed for detachment is 33 (thirty three).

ASSESSED VALUATION. The estimated value of all real and personal property located within the area proposed for detachment is as follows:

REAL PROPERTY	\$5,832,250.00
PERSONAL PROPERTY	\$103,440.00

TAXATION. The rate at which taxes are levied by the borough is as follows:

REAL PROPERTY	7.22 MILLS
PERSONAL PROPERTY	7.22 MILLS
SALES TAX	NONE

OUTSTANDING INDEBTEDNESS. Exhibit "D" is a description and full explanation of any outstanding indebtedness, bonded or otherwise, for which the area affected is wholly or partially responsible. The exhibit is attached hereto and made part hereof.

AFFIDAVIT. Exhibit "E" constitutes an affidavit indicating the source from which information contained within the petition and exhibits was acquired, stating that an estimation of the population within the area to be considered for detachment was made, specifying the date when the estimate was made and circumstances indicating its accuracy. The exhibit is attached hereto and made part hereof.

BRIEF. Exhibit "F" is a brief fully setting forth the reasons why the detachment is desired and demonstrating that the standards for detachment, as specified in 19 AAC 05.050-060, have been met. The exhibit is attached hereto and made part hereof.

SERVICE. Exhibit "G" is an affidavit stating that a copy of the petition and brief together with accompanying exhibits, have been served, by certified mail, upon the chief executive officer of the Matanuska-Susitna Borough and further stating that the petition, brief and all accompanying exhibits are available for inspection by the general public at three specific locations during the hours of 9:00 a.m. to 5:00 p.m., seven days per week.

PETITIONERS REPRESENTATIVE. The name and address of petitioners' representative designated to receive services, notice and all correspondence relating to proceedings in behalf of this petition is:

Paul S. Holland
c/o Evergreen Lodge
Star Route "C" Box 9367
via
Palmer, Alaska 99645

REGISTERED VOTERS. The number of persons who are currently registered voters resident within the area proposed for detachment is 28 (twenty eight).

WHEREFORE petitioners pray that the aforementioned territory be detached from the Matanuska-Susitna Borough in accordance with the provisions of applicable law.

DATED at Lake Louise, Alaska, this 7th day of June 1982.

SIGNATURES

↓ Paul S. Holland SRC Box 8867 Lake Louise 99645
↓ Molly Moran M: 17 Lake Louise Rd. Box 482 ^{Winnville, AK} 99645
↓ ~~Ruth P. Runyan~~ S.R.C. Box 8860 (Lake Louise) 99645
↓ ~~Carl P.~~ RY-C Box 8826 Palmer, 99645
↓ ~~D. K. H. S.~~ SRC Box 8864 (Lake Louise) 99645
↓ ~~Alma M. M.~~ SRC Box 8865 Little Lake Louise 99645
↓ Emma M. Moran Carlson SRC Box 8865 Palmer Alaska ^{Little Lake Louise}
↓ ~~Shirley H.~~ SRC Box 8864 Lake Louise - 99645
↓ Larry M. Sine SRC Box 8888-D PALMER 99645
↓ ~~U. E. C.~~ SRC Box 8866 PALMER AK 99645
↓ George F. Hopkins Box 8888c Palmer, AK 99645

✓ Paul & Helen O	Mill Valley Calif	Laurel Ave
✓ J. J. P. P.	Dusty Lake	S.R.C. Box 8867 Palmer
✓ J. J. P. P.	Dusty Lake	S.R.C. Box 8867
✓ Warren K. Emerson	Dusty Lake	S.R.C. Box 8867 Palmer
✓ Barbara E. Flouffe	Ullukine Lodge	AK PALMER 8867 AK
✓ J. J. P. P.	Ullukine Lodge	AK PALMER 8867 AK
✓ M. D. Cleland	So. Sisseton	SBADIXISIC # Anch 99509

6
1

EXHIBIT "A"

PRESENT BOUNDARIES OF THE MAT-SU BOROUGH

Beginning at the N.E. corner of Section 15, T16N, R1E, Seward Meridian, State of Alaska, said corner being at or approximately at the Alaska Railroad Bridge over the Knik River; thence south to the S.W. corner of Section 23, T16N, R1E; thence east to the N.E. corner of Section 25, T16N, R1E; thence south to the S.E. corner of T16N, R1E; thence east to the N.E. corner of T15N, R12E; thence north to the W.E. corner of Section 24, T16N, R12E; thence east to the S.E. corner of T4S, R10W; Copper River Meridian, State of Alaska; thence north to the N.W. corner of T1S, R9W, Copper River Meridian; thence west to the S.W. corner of T1N, R9W, Copper River Meridian; thence north to the N.W. corner of T4N, R9W, Copper River Meridian; thence west to the S.W. corner of T5N, R9W, Copper River Meridian; thence north to the N.W. corner of T5N, R9W, Copper River Meridian; thence east to the N.E. corner of T5N, R7W, Copper River Meridian; thence north to the N.W. corner of T8N, R6W, Copper River Meridian; thence west to the S.W. corner of T9N, R6W, Copper River Meridian; thence north to the N.W. corner of T12N, R6W, Copper River Meridian; thence west to the S.W. corner of T13N, R7E, Copper River Meridian; thence north to the S.E. corner of S.W. 1/4 of Section 32, T22S, R7E, Fairbanks Meridian, State of Alaska; thence west to the S.W. corner of T22S, R7E, Fairbanks Meridian; thence north to the N.W. corner of T17S, R7E, Fairbanks Meridian; thence west to the N.E. corner of T17S, R7W, Fairbanks Meridian; thence west along the north line of T17S, R7W, Fairbanks Meridian to its intersection with the easterly boundry of Mt. McKinley National Park; thence southwesterly along the southerly boundary line of Mt. McKinley National Park to the southwesterly corner of said park; thence west to the N.E. corner of Section 9, T31N, R14W, Seward Meridian, State of Alaska; thence south to the S.E. corner of Section 33, T31N, R14W, Seward Meridian; Thence west to the N.E. corner of T30N, R20W, Seward Meridian; thence west along the northerly line of T30N, R20W, Seward Meridian to the intersection of Longitude 153⁰ 00' 00''W; thence south along Longitude 153⁰ 00' 00''W to the intersection of the north line of T15N, R21W, Seward Meridian; thence east to

the N.E. corner of T15N, R12W, Seward Meridian; thence south to the N.W. corner of T13N, R11W, Seward Meridian; thence east to the N.E. corner of T13N, R10W, Seward Meridian; thence south to the S.E. corner of T13N, R10W, Seward Meridian, said corner being in Cook Inlet at Longitude $150^{\circ} 58' 18''$ W, Latitude $61^{\circ} 10' 00''$ N; thence southeasterly to the S.E. corner of T12N, R9W, said corner being in Cook Inlet at Longitude $150^{\circ} 46' 37''$ W, Latitude $61^{\circ} 04' 49''$ N; thence northeasterly to the N.E. corner of T12N, R7W, said corner being in Cook Inlet at Longitude $150^{\circ} 25' 01''$ W, Latitude $61^{\circ} 10' 01''$ N; thence northeasterly to the N.E. corner of Section 15, T13N, R4W, said corner being in Knik Arm at Longitude $149^{\circ} 59' 07''$ W, Latitude $61^{\circ} 13' 29''$ N; thence northeasterly to the corner of Section 35, T14N, R4W, said corner being in the Knik Arm at Longitude $149^{\circ} 55' 31''$ W, Latitude $61^{\circ} 18' 41''$ N; thence northeasterly to the N.W. corner of Section 13, T15N, R3W, said corner being in Knik Arm at Longitude $149^{\circ} 44' 45''$ W, Latitude $61^{\circ} 23' 52''$ N; thence northeasterly to the S.E. corner of Section 12, T16N, R1W, said corner being in Knik Arm on the Seward Meridian; thence east to the place of beginning.

EXHIBIT "D"

BONDED INDEBTEDNESS

The bonded indebtedness of the entire Matanuska-Susitna Borough at the present time is \$61,475,000.00. The Matanuska-Susitna Borough has no way of defining the indebtedness of any particular section of the borough. The registered voters of the Lake Louise area have, historically, voted no on all bond proposals by the Matanuska-Susitna Borough.

The total expenditures in the Lake Louise area since 1977 have been \$23,515.09. All of this money was spent on the Lake Louise landfill — which the borough has no permit to operate.

EXHIBIT "E"

AFFIDAVIT

DESCRIPTION OF BOUNDARIES: Information contained in Exhibit "A" and Exhibit "B" and accompanying map Exhibit "C" was obtained from the Matanuska-Susitna Borough.

AREA: Information on the number of square miles in the territory to be detached was obtained from the accompanying map Exhibit "C".

POPULATION: I, Paul S. Holland, (undersigned) do swear that I enumerated the people living on Lake Louise and surrounding waters on March 24th of 1982.

Paul S. Holland

ASSESSED VALUATION: Information on assessed valuation of real and personal property in the proposed area to be detached was obtained from the Matanuska-Susitna Borough.

TAXATION: Information on mill rate levied in the proposed area to be detached was obtained from the Matanuska-Susitna Borough.

OUTSTANDING INDEBTEDNESS: The outstanding indebtedness of the Matanuska-Susitna Borough is \$61,475,000.00. A statement of total bonded indebtedness of the Matanuska-Susitna Borough signed by the Borough Controller and a debt schedule effective July 1, 1982 is attached hereto and made a part hereof.

REGISTERED VOTERS: The number of registered voters in the Lake Louise area was

taken from the State of Alaska Precinct Voter Registration List for District 6
(six) Precinct 13 (thirteen).

EXHIBIT "F"

BRIEF

The social, cultural and economic characteristics of the population of Lake Louise are substantially different and are in conflict with those of the remainder of the population located in the borough. There are no jobs available on Lake Louise and the people living there are -- for the most part -- on a limited, if not fixed income. Over half of the population are seasonally employed and one quarter more are retired on a fixed income. Their primary mode of transportation, during the seven months of winter, is by snowmachine and during the remainder of the year by boat. The people living on Lake Louise and the surrounding area are very dependant on fish and game for a major portion of their food supply. The long distances to Anchorage and Palmer preclude the use of fresh meat, vegetables and fruit on the average table. Most of the residents of the area live away from the road system. A simple trip to town entails starting a snowmachine and driving a few miles to the road and then starting an automobile. There is no communication system and no mail deliveries on Lake Louise. There is no television and only one radio station that can be recieved on the lake. The one radio station that can be recieved is from Glennallen, the social and economic center of the area. Glennallen is a 100 mile round trip from the lake.

The geographic location of Lake Louise makes it extremely impractical if not impossible for the Matanuska-Susitna Borough to provide any of the services that are recieved on a regular basis in other parts of the borough. Most services that have been implemented in other areas of the borough would be rendered impractical on Lake Louise. For example: The ambulance service available at Glacier View School would be of no use what so ever on Lake Louise due to the lack of roads and the distances involved in transportation to the hospital. Aircraft are currently being used for medivac purposes. It is 170 (one hundred and seventy) miles from the north end of the Lake Louise system to

Palmer and of that 30 (thirty) miles is by water in the summer and ice in the winter. The people of Lake Louise are extremely dependant on the weather. There are two months of the year (May and October) when people living away from the road are cut off from all sources of transportation -- due to the ice.

The people of Lake Louise and the surrounding area are guides, trappers, seasonal construction workers and commercial fishermen. There are three lodges, currently in operation, on the lake and there is a heavy influx of tourist in the summer months. The area is used heavily for winter recreation as well. Approximately 60% of the lake frontage on Lake Louise is privately owned -- the publically owned land is mostly state owned. The Matanuska-Susitna Borough owns no land on the lake. The area proposed for detachment, may, at first glance, appear disproportionate to the number of people living on the Lake Louise system, however, we would like the commission to consider the isolation of this small area of the Mat-Su Borough and it's unique difference from the rest of the borough. There are no borough residents living outside the boundaries of the proposed area for detachment within 30 miles in any direction. The other residents of the Mat-Su Borough are predominately urban and can recieve the services that the borough provides quite easily.

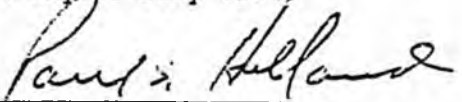
EXHIBIT "G"

AFFIDAVIT

A copy of this petition and brief together with the accompanying exhibits has been served on the chief executive officer of the Matanuska-Susitna Borough by certified mail (copy of certified mail receipt is attached).

A copy of this petition has been posted for public inspection at Evergreen Lodge, mile 17 Lake Louise Road, Wolverine Lodge, mile 17 Lake Louise Road and Lake Louise Lodge, mile 17 Lake Louise Road. These copies are available for public inspection from 9:00 a.m. till 5:00 p.m., seven days per week.

Dated at Lake Louise, Alaska this 20th day of July 1982.



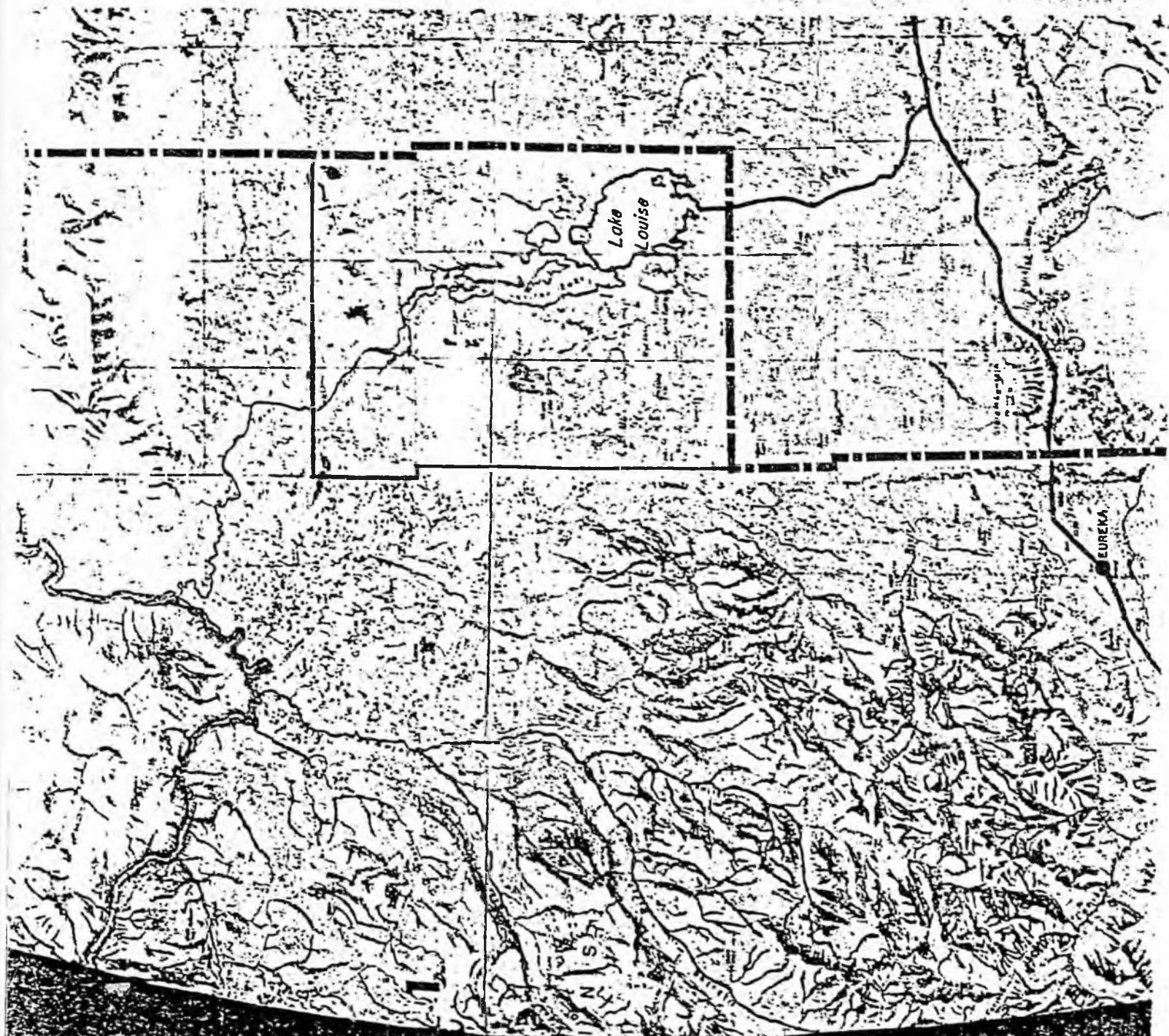
Paul S. Holland

EXHIBIT "B"

BOUNDRIES OF THE PROPOSED AREA TO BE WITHDRAWN FROM THE MAT-SU BOROUGH

Begining at N.W. corner of T 5 N, R 9 W, Copper River Meridian, State of Alaska, said corner being at or approximately at S Lake; thence North to the N.W. corner of T 8 N, R 9 W; thence West to the S.W. corner of T9N, R9W; thence north to the N.W. corner of T9N, R9W; thence East to the N.E. corner of T9N, R5W; thence South to the S.E. corner of T9N, R6W; thence East to the N.E. corner of T8N, R6W; thence South to the S.E. corner of T5N, R6W; thence West to the place of begining.

3
18
24
72
36
03 2



Lake Louise

EUREKA

N
S



Matanuska-Susitna Borough

BOX B, PALMER, ALASKA 99645 • PHONE 745-3275

DEPARTMENT OF ASSESSMENT 4801

April 5, 1982

Mr. Jim Sanders, LGS
Department of Community and
Regional Affairs
Division of Local Government
Assistance
225 Cordova, Building B
Anchorage, Alaska 99501

Dear Mr. Sanders:

As per your and Mr. Paul Holland's request, the following information represents the answers to questions forwarded to me.

1. Enclosure of Borough Map.
2. Enclosure of Legal Description for Lake Louise and Tyone Lake areas (marked in red).
3. The 1981 mill rate for the area was 7.22 mills. The anticipated mill rate for 1982 is 5.9 mills. 5.4
4. Enclosure of bonded indebtedness statement of the Matanuska-Susitna Borough signed by the Borough Controller.
5. The 1982 assessed value of this area is:
Real: \$6,838,260 (actual); Personal: \$103,440 (approx.)
6. The Matanuska-Susitna Borough does not have any land holdings or other assets within the Lake Louise and Tyone Lake area described.

I believe this answers all the questions that were forwarded to me, and if I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Steve Van Sant
Borough Assessor/
Land Management Director

cr

cc: John Musgrove
Paul Holland



Matanuska-Susitna Borough

BOX B. PALMER, ALASKA 99645 • PHONE 745-4801

DEPARTMENT OF FINANCE

April 5, 1982

TO WHOM IT MAY CONCERN:

This is to certify that the bonded indebtedness of the Matanuska-Susitna Borough at the present time is \$61,475,000. Attached is a debt schedule effective July 1, 1982 as shown in our 1983 budget.

A handwritten signature in cursive script, reading "Walter Chappel", is written over a horizontal line.

Walter Chappel
Controller

nm

Matanuska-Susitna Borough

COMMENTARY

fund 500 department DEBT SERVICE division _____ budget _____

SCHEDULE OF GENERAL OBLIGATION SCHOOL CONSTRUCTION BONDS

Issue	Amount Issued	Balance After This Payment	Principal Payment	Interest Payment	Total Payment
1964	770,000	115,000	55,000	6,413	61,413
1971 Series E	1,500,000	100,000	100,000	9,400	109,400
1971 Series F	1,500,000	-0-	300,000	15,300	315,300
1973 Series A	4,000,000	3,200,000	200,000	183,400	383,400
1973 Series B	4,000,000	2,700,000	200,000	181,500	381,500
1973 Series C	4,600,000	3,250,000	250,000	252,825	502,825
1974 Series A	6,900,000	6,000,000	200,000	409,900	609,900
1977 Series A	8,460,000	7,000,000	300,000	423,700	723,700
1978 Series A	20,860,000	19,525,000	700,000	1,368,325	2,068,325
1978 Series B	2,010,000	1,880,000	65,000	128,620	193,620
1981 Series	14,870,000	14,665,000	205,000	2,107,500	2,312,500
TOTALS	69,470,000	58,435,000	2,575,000	5,086,883	7,661,883
Wasilla Public Safety Bldg.	150,000	100,000	5,000	5,638	10,638
Lakes Fire Service Area	500,000	457,813	15,876	24,244	40,120
TOTALS	650,000	557,813	20,876	29,882	50,758

JAN 21 1986



Box 1210 802 Railroad Avenue
Cordova, Alaska 99574
Phone: (907) 424-3237
or 424-3238

"The Friendly City"

January 10, 1986

Mayor
Erling T. Johansen

Council Members

Joe Gunderson
Law L. Cochran
R. L. Van Brocklin
Dick Borer
Don Narvance
Hollis Henrichs

City Manager
Richard J. Leland

Acting City Clerk
D. Lynda Plant

Senator Edna DeVries
Pouch V
Juneau, AK 99811

Dear Senator DeVries:

Please be advised that at their regular meeting of 1/6/86, the Mayor and City Council of Cordova took action to adopt the attached Resolution 86-1. The intent of this resolution is to express the City of Cordova's support for the North Star Borough's efforts to protect its boundary.

While we respect the issues being raised on both sides of the argument with regard to the Nana Corporation's interest, our purpose is to support the larger concept of boundary protection. The specific economics of the Nana Region and the North Star Borough will need to be settled by the parties. It is the Council's feeling that the ability for the State to indiscriminately amend municipal boundaries flies in the face of municipal government and our responsibilities to our residents.

We have to count on your efforts to protect the ability of the local entity to maintain its own boundary.

Sincerely,

RICHARD J. LELAND
City Manager

Enclosure

RESOLUTION 86-1

A RESOLUTION SUPPORTING THE NORTH SLOPE BOROUGH'S EFFORTS TO PROTECT ITS BOUNDARIES

WHEREAS, the Commissioner of the Department of Community and Regional Affairs has petitioned the Local Boundary Commission to alter the North Slope Borough's boundaries, and

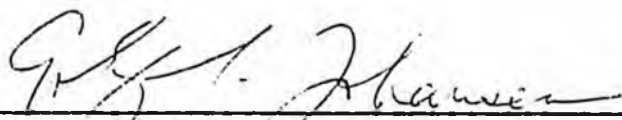
WHEREAS, the voter's of the North Slope Borough rejected a proposition to petition the Local Boundary Commission to alter the Borough's boundaries. and

WHEREAS, such action by the State to alter a municipality's boundary without its assent could have a tremendous detrimental impact on the fiscal viability and governmental integrity of all municipalities in Alaska, and

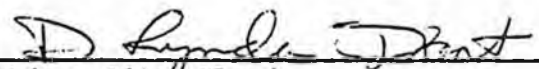
WHEREAS, such action will set a precedent which will have far reaching detrimental impacts on all municipalities in Alaska,

NOW THEREFORE BE IT RESOLVED that the Cordova City Council urges the Local Boundary Commission not to approve the boundary change requested by the Commissioner of the Department of Community and Regional Affairs.

PASSED AND APPROVED THIS 6 DAY OF January, 1986.



Mayor Erling T. Johansen



Acting City Clerk

Petition to Residents of the North Slope Borough

AND DAILY NEWS
1-18-86

We, the undersigned residents of the North Slope Borough, do strongly oppose any effort or attempt by the State of Alaska to remove lands from the North Slope Borough without the approval of our local government and people of said borough.

Iniqsrutinat North Slope Borough-m Inunisa

Uvagut ativut aglaktavut uumuna maqpiqamun inuuniaqtuaguvluta North Slope Borough-mi akilliqrupiatagikput State of Alaska ilannaqsiniqaqpan North Slope Borough-m nunaninnik, ivigaumaginaunnagu Kavamanatalu inunisalu taaptuma Borough-m.

Anaktuvuk Pass

Jacob Ahgook
Harry K. Hugo
Gilbert Lincoln
Benjamin Hopeon
Allan T. Paneak
Rebecca Hugo
Paul Hugo
Vera Lincoln
Minnie Meckiana
Bob Ahgook
Lahaman Burrow
Jenny Weis
Rhoda Ahgook
Holly Stammens
Cecilia Ding
Eben Hugo
Dorothy Hopeon
Rebecca Meckiana
Susan Hugo
Naida Paneak
Denny Hugo Sr.
Betty Meckiana
Luzanna Pauland
Raymond Paneak
Timothy Ahgook
Janita Bean
Susie Kunaknana
Jack Morry
Larry Morry
Masa Morry
Bert Simpson
R.C. Remno
Lillian Kalgalek
Nancy Ahgook
Victor Mennara
Lena Kadryna
Grace Ekak
Henry Hugo
Rodny Rulland
Eliza Ruth Patrick
Cyril Meckiana
Grun, Spocaman
Dick, Thomson
Bevally Hugo
Anna P. Hugo
Noah Ahgook
James M. Nageak
Marie Paneak
Dorcas Hugo
Ethie Lincoln
Chris P. Hugo
Efrada Ahgook
John Rulland
Jerry Sikvayugak
David Bell
Bill Michael
Terri Voss
Robin Norris
Judy Ahgook
Winona Burrow
Stan Morry
Grant Funk
Patrick Hugo
Joshua Ruffino
Steve Walla
Laura Ticket
Thomas K. Gordon
Ben Ahgook
Elizabeth Paneak
James Ahgook
Mazine Morry
Nora Taalak
Martina Morry
Lulu Simpson
Earl Williams
Dora Nukapigak
Shirley Ahgook
Don Meckiana
Ruth Rulland
Teresa Tidwell
Scott Szymd
Minnie Szymd
James R. Luke
Terry Sikvayugak
Roger Thorson
Margaret Gordon
Patrick Makiana
Richard Ahgook
Angie Nageak
Alice Ahgook
Raid Morry
Ada Lincoln
Sarah Tobuk
Anna Nageak
Rhoda Kasak
George O. Paneak
Mark Voss
Bobbie Gilbert
Jack Norris
Vickie Paneak
Lenna Gail Funk
Zachanas Hugo
Susie Paneak
Phillip Ahgook
Riley Morry
Doris Hugo
John Tidwell
Marylyn Gordon
Elizabeth Ahgook
Sarah Kunaknana
Charles Ramsay
Laura Kunaknana
Maryann Ahgook
Joe Makiana
Oliva Morry

Bernice Ipalook
Cornelia Sovellik
Charles Ahgook
Ken Elliott
Bess P. Gordon
Price Gordon
Joe Szymd
Molly Ahgook
Jack Ahgook
Mary Meckiana
Ada Hugo

Atqasuk

Johnny Ahngasuk
Herman Kignak
Tommy Shugluk
Paul Carr
Leroy Gunderson
Joni Fielder
Elizabeth Hollingworth
Mike Shugluk
Debbie Outchar
Caleb Nayukok
Walter Akpik
Perry Kignak
Thomas Brower Jr.
Joann Hopeon
Daniel Smith
Tony Soocok
Bevly Kignak
Donna Carr
Mary Gunderson
Joseph Akpik
Lucy Ita
Thomas Kenyurak
Mary Kay Bodfish
Herbert Akpik
James Allen
Jim Ivanoff
Thomas Ita Sr.
Margaret Ahngasuk
Chris Bordeaux
Robert Akpik
Alice Akpik
Betty Kignak
Ruth Ivanoff
Clara Susook
Daisy Shugluk
Gerald Kanayurak
Judy Seeslee
Fred Kanayurak
Ethie Lincoln
Chris P. Hugo
Efrada Ahgook
John Rulland
Jerry Sikvayugak
David Bell
Bill Michael
Terri Voss
Robin Norris
Judy Ahgook
Winona Burrow
Stan Morry
Grant Funk
Patrick Hugo
Joshua Ruffino
Steve Walla
Laura Ticket
Thomas K. Gordon
Ben Ahgook
Elizabeth Paneak
James Ahgook
Mazine Morry
Nora Taalak
Martina Morry
Lulu Simpson
Earl Williams
Dora Nukapigak
Shirley Ahgook
Don Meckiana
Ruth Rulland
Teresa Tidwell
Scott Szymd
Minnie Szymd
James R. Luke
Terry Sikvayugak
Roger Thorson
Margaret Gordon
Patrick Makiana
Richard Ahgook
Angie Nageak
Alice Ahgook
Raid Morry
Ada Lincoln
Sarah Tobuk
Anna Nageak
Rhoda Kasak
George O. Paneak
Mark Voss
Bobbie Gilbert
Jack Norris
Vickie Paneak
Lenna Gail Funk
Zachanas Hugo
Susie Paneak
Phillip Ahgook
Riley Morry
Doris Hugo
John Tidwell
Marylyn Gordon
Elizabeth Ahgook
Sarah Kunaknana
Charles Ramsay
Laura Kunaknana
Maryann Ahgook
Joe Makiana
Oliva Morry

Kaktovik

Mary Soplu
Nathan Gordon
Marta Pearson
Elmer Browder
Gary Lawrence
Maria Solomon
George Tapmok
Loren Ahlers
Lillian Akootchook
Thomas Panningonna
George Kaleak
Mildred Rexford
Edward Rexford
Mary Ann Gordon
Ina J. Gordon
Billy Gordon
Molly Ologak
Nora Agiak
Diane Akootchook
Anabell Coleman
Joseph Soplu
Norman Alshanna
George Agiak
Benny Akootchook
Charles M. Brower
Gayne Brower
Carolyn Pearson
Linda Browder
Robert G. Harding
Leonard Solomon
Duane Daniels
Eva K. Ahlers
Isaac Akootchook
Daniel Akootchook
Noreen Agiak
Herman Rexford
Perry Akootchook
Freddie Alshanna
M. Akootchook
Evelyn Simme
James Lampe
Sandra Lampe
Alice Agiak
Nelson Soplu
Mildred Alshanna
Mary T. Akootchook
Nancy Sosaella
Edna Soplu
Laura Galovin
Kelly Tagarook
Sandra Lawrence
George Galovin
Tommy O. Gordon
Gary Stevens
Susie Akootchook
Mary S. Akootchook
Rebecca James
Russell Tagarook
Marie Rexford

George Akootchook
John Tagarook
Corale Telesak
James Kignak
Glen Chandler
Frances Lampe
Susan Gordon
Leonard Akootchook
Annie Soplu
Ethel Gordon
Herman Alshanna
Roy Akootchook

Nulqaut

Annie Lampe
Core Telesak
Susie Nukapigak
Jeanette Bowers
Chris Bunnell
Ira Kunaknana
Walter Oysgak
Dorcas Nukapigak
Louise Kiglak
Job Kasak
David Pausanna
Joy Oysgak
Annie T. Allen
Arnold Kiglak
Beesie Eriksook
Roy Kasak
Zachariah Akpakak
Masale Hopeon
Ernie Bell
Virginia Kasak
Nannie Pausanna
Joe Nukapigak
Brad Bowers
Sarah Kunaknana
Tom Tingle
Brian Dexter
Phillip Masaleak
Rhoda Bennett
John Ahnupkana
Teresa Hopeon
Ahtungowuk
Edward Nukapigak
Brower Michael Hopeon
Norman Lampe
Ruth Gleak
Nannie Woods
Jim T. Allen
Thomas Nageak
George Gleak
Margaret Tegoseak
Helen Kasak
Margorie Ahnupkana
Thomas Shaw
Ronald Ahvakana
Diana Dexter
Lydia Sovellik
Bemie Tingle
Hannah Pausanna
Heater Gerka
Ruth Nukapigak
Loise Ahvakana
Paul Kiglak
Bertha Gleak
Lloyd Ipalook
Job Woods
Harriet Kasak
Alice Ipalook
Tulde
Joe Nukapigak

Pt. Hope

George Kignak
Elijah Rock Sr.
Rex Aken Rock Sr.
Frank Lane
Luka Koonook St.
Evelyn Hickie
Ethel Ooshee
Jack Sheaffer
Angelina Koonook
Pochon
Tony Higbee
Solomon Kiglyuk
Mabel Hank
Lloyd Vincent
Lydia Naahookpuk
Nina Ovik
David Tuckfield
Rex Tuzroyuk Jr.
Robert Dink
Roy Koonuk
Ramona Rock
Emily Lane

Charles Mumford
Laurie Kingit
Carolyn Koonook
Roostella Rexford
Carol Omnik
Isaac Atungana
Nick Hank
Joe Okotak
Ernest Frankson
Ronald Ovik Sr.
John Long Sr.
Isaac Wood III
Raymond Stone
Abel Akpik
Judy Nash
Darwin Backland
Clement Frankson
Sarah Kingit
Bernard Nash
Maude
Norman Omnik
Albert Kiglyuk
Patrick Atungana
Monie B.
Diane
Nick Timothy

Wainwright

Ida Paulit
David Bodfish Sr.
Willa Bodfish
Masamestook
Andrew Ekak
Lois Matesson
Lucy Hopeon
Martha Stewart
Rex Okakok
Debbie M. Nayakik
Fred Blair
Perry K. Okpeaha
Mike Murphy
Valene R. Tuttle
Emory Hopeon
Elmer Aveseak
Lacy Warden
James Matuseak
Howard Kirtick
Alfred R. Hopeon
Eileen Boskosky
Marie L. Simmonds
Terry Kanayurak
Isabel H. Brower
Ine Ita
Susie M. Nungasuk
Linda J. Hopeon
Lillian Nageak
Clara E. Kaleak
Lucille Adams
Ginger L. Ahvakak
Van E. Edwardson
Bernice Okpeaha
Dorothy M. Edwardson
Rose Ahtungaruk
Donald Nusunginya
Glenn Edwards
William C. Ita
Harold Nungasuk
Carl E. Hussay
Emily Ipalook
Emilio H. Guaco
Michael Stoen
Claudia Jackson
Jerry Hollingworth
Thomas Akootchook
Marie Labourne
Albert Diggs
Oliver Ahngasuk
Jaren DuBeeau
George Saganana
Dorcas Ahngasak
Clifford A. Daniels
Margaret Oysgak
Eunice Leavitt
Mildred Akpik
Jerry Coodill
David S. Fauke
John F. Aikan
George Adams
Anthony Keeler
Margaret Panigo

Bartow

Jimmy E. Ningeok Sr.
Johnny Akootchook
Joseph Naahknik
Rebecca Hopeon
Mary Avooganna
Eleanor R. Oysgak
El Tutle
Jim Allen
Johnny Elavgak Jr.
Rita M. Okpeaha
Etta Ekakok
Georgiana Oomttuk
Estelle Leavitt
James H. Seeslee
Beverly M. Ahgeak
Gladys Nungasak
Tina Kaleak
Mabel Panigo
Daniel Frantz
El Varner
Robert Lozano
Pat Tyson
William Kaleak
Kevin Riely
Larry Oomalluk
Jeanette Hopeon
Margaret Ois
Harry Ovik Sr.
Harry Meeker
Stanley Brower
Josie Brower
Guy E. Okakok

Dora E. Inuunag
Jeanette Ahtungaruk
Clarence E. Ita
Clara P. Segevan
Patrick J. Hopeon
Robert Mercier
J. Finley
Ricardo Vasquez
Jim Anderson
Ellen A...

Clarence Solomon

Abel Akpik
Willard P. Neekok
Eileen MacClean
Robert Edwardson
Raymond P. Mauleak
Harvey Mongoyak
Martha Ahvakana
Vera K. Ita
Flora Diggs
Georgiana Hopeon
Mable Kaleak
Ginger Saganana
Emma Tutle
Alden A. Numnik
Virginia Oysgak
Joshua Okpik Jr.
Sarah Atin
Lois Matesson
Lucy Hopeon
Martha Stewart
Rex Okakok
Debbie M. Nayakik
Fred Blair
Perry K. Okpeaha
Mike Murphy
Valene R. Tuttle
Emory Hopeon
Elmer Aveseak
Lacy Warden
James Matuseak
Howard Kirtick
Alfred R. Hopeon
Eileen Boskosky
Marie L. Simmonds
Terry Kanayurak
Isabel H. Brower
Ine Ita
Susie M. Nungasuk
Linda J. Hopeon
Lillian Nageak
Clara E. Kaleak
Lucille Adams
Ginger L. Ahvakak
Van E. Edwardson
Bernice Okpeaha
Dorothy M. Edwardson
Rose Ahtungaruk
Donald Nusunginya
Glenn Edwards
William C. Ita
Harold Nungasuk
Carl E. Hussay
Emily Ipalook
Emilio H. Guaco
Michael Stoen
Claudia Jackson
Jerry Hollingworth
Thomas Akootchook
Marie Labourne
Albert Diggs
Oliver Ahngasuk
Jaren DuBeeau
George Saganana
Dorcas Ahngasak
Clifford A. Daniels
Margaret Oysgak
Eunice Leavitt
Mildred Akpik
Jerry Coodill
David S. Fauke
John F. Aikan
George Adams
Anthony Keeler
Margaret Panigo

Juanita Ipalook

Kaater Segevan
Pat Wright
Charles E. Hopeon
Ty Ignatowski
Dorothy Kibber
Harry Ovik Sr.
Sherry Hopeon
Curtis Hopeon
Katie Kolas
Dorcas Sine
Ron Nalikak
Etta Ahkvagak
Daisy Edwardson
Mary Jane Brower
Ned Arey
Bertha Leavitt
Ross Ahngasak
Kunak Brower
Rebecca Adams
Tawni Taylor
Merril Naahookpuk
Emma Mongoyak
David A. Miller
Ronald Ningeok
David Weber
David Hopson

Frederick Rice
Arnold Brower Jr.
Vera Williams
Patry Aamodt
Connie M. Fischel
Dora Figgins
Caroline Ahvakana
Herman Kignak Sr.

David Stone Sr.
Nolan Solomon
Charles Johnson
Damen Eisenhower
Brad Keeler
Leonard Fielder
Kathleen N. Davis
Hugh S. Patrick
Jeri N. Ahkvagak
Roland Toovik
Forrest D. Olesman
Hazel Pebley

Johnny Leavitt
Lloyd Panigo
Patrick Okpeaha Jr.
Lewia Brower
George Burnett
Lucy Brown
Core Ansel
Clayton Lambrecht

Harley Brown
Wayne T. Bodfish
Gregg Tegaok
Arthur Segevan
Gaea Agvikuk
L. Marie Bodfish
Carolyn Akpik
Frances Hopeon
Albert Driggs Jr.
Allen Upicaboun
Leo Ahtungowuk
Willa Tukrook
Dennis Young
Karen Palmer
Chester Lampe Jr.
Steve Palmer
Alice Neekok
Billy K. Naahookok
Bill Bemmie
Savid Ahngasak
Ben Frantz

Rita Felder
Edith Naahookok
Mark T. Hamlin
Alfred Leavitt
Sally J. Brower
K.L. Smith
Marie Neekok
Price E. Brower
Ray Kalayuk
William Solomon
Terry Jones
Thomas Simmonds Sr.
Grant Kignak
Carolyn Klose
James Ansel

D. nald Tookak
I. ke Kagak
acob Kagak
Allen Ahlook
Charles Nayakik
Abraham Kagak
Hanna Ekak
Homer Bodfish
Nancy Lampe
Charlie Tuckfield
Kata Peterson
Amy Nukapigak
Ben Neekok
Ruth Pitok
Jacob Stalker Jr.
Ione Eastwood
Nels Martin
Roale Aken
Roy Hugo

Tim Scott
Evelyn Donovan
Edna Ipalook
Ida E. Ahngasak
Archie Nugeane
Arnold Brower Sr.
Thomas C. Brower III
Lenny C. Landis
Marchie Nageak
Harry Brower Jr.
Bob L. Casto
Richard Williams
Eil Solomon Sr.
Ed Burnett Jr.
Anna Jack
Martha Ipalook
Steven Harne

Lorraine Danner
Franklin Ahook
Core Diggs
Grace Anashugak
Eleanor Bodfish
Steve Ungudruk
Woodrow Avooganna
Samuel Simmonds
Nannie Kagak
Joanne Neekok
Betty Stalker
Annie Martin
Hermel Tukrook
Denny Pitok
Esther Tuckfield
Bill Tracy
Emily Ahtungowuk
Martha Tukrook





February 10, 1986

The Honorable Edna DeVries
Chairperson
Senate Community and Regional
Affairs Committee
Pouch V
Juneau, AK 99811

Dear Ms. DeVries:

Because we were not given an opportunity to testify during your February 6th teleconference hearing, we ask that you consider the following written testimony regarding the proposed annexation to the City of North Pole.

For your reference, Interior Energy Corporation (IEC) owns approximately five acres of land within Area #2. On that property we have developed a shopping mall, grocery store, service station, liquor store and bulk fuel storage facility. We respectfully request you amend the boundaries of the annexation to exclude Area #2 from the proposal for the following reasons:

- 1 - We specifically located outside the city limits of the small town of North Pole in order not to subject our customers to municipal sales tax, for which they receive no services.
- 2 - In the responding brief, the City of North Pole acknowledges declining oil revenues and federal shared revenue but states that it is "willing and able to provide municipal services to all annexed areas" after an annexation that will increase the size of the City by 40 per cent. The City also states that "sales tax revenue will replace revenue lost from other sources" because "the residents of North Pole are strongly opposed to increased property taxes".

Of the three areas to be annexed, Area #2 is the only area that will provide sales tax revenue to the City of North Pole at this time.

- 3 - The Boundary Commission states that all areas are in need of municipal services. We disagree. Our fire protection is presently provided by the nearby North Star Fire Department. In the unlikely event of a fire in our bulk fuel storage facility, the City of North Pole is not equipped to handle a fire of that nature.

The City, in its responding brief, expresses a concern for IEC's fire insurance premiums. With all due respect, what we pay for fire insurance should not be a concern of the City of North Pole.

Regarding sewer and water, IEC has gone to considerable expense to provide its own water and septic systems and does not require these services from the City of North Pole.

Regarding road maintenance services, we are located at the intersection of two State-maintained roads. Unless the City is proposing to plow our parking lot, this is not a service we will require.

- 4 - The Boundary Commission in its Findings of Fact states that "the City can provide (municipal services) more efficiently than another municipality." We would like to see the data which supports this claim. With a reported population of just over 1000 the 1985 budget for North Pole is over \$5,000,000.00.
- 5 - The Commission states that "the fuel handling facility in area #2 poses a potential public danger." How will incorporation into the City of North Pole change this? What does the Boundary Commission foresee occurring after annexation?
- 6 - Finally, as non-resident property owners (we live in Fairbanks) we are ineligible to vote in North Pole elections, have no representation on the City Council and have absolutely no say in any future bonded indebtedness the City may incur. We will, however, be forced to support the City through property and sales taxes.

We (and the 1300 individuals who signed an opposition petition) do not feel it is equitable to expect us to support a 40 per cent expansion of the City of North Pole and feel we were included in the annexation solely for the purpose of broadening the City's tax base. The only property owner in Area #2 to agree to the annexation is an Anchorage owner apparently concerned with subdividing into smaller parcels for sales.

If this area is annexed, who will represent us and our customers in exchange for the taxes we will provide for the City of North Pole? If the Legislature cannot insure against the proposed taxation without representation, then it behooves you to honor our request for exclusion from this annexation.

Sincerely
INTERIOR ENERGY CORPORATION

A handwritten signature in cursive script, appearing to read "Sunn Carpenter".

Ms. Sunn Carpenter
Senior Vice President

THE CITY OF KETCHIKAN, ALASKA

RESOLUTION NO. 85-1433

A RESOLUTION OF THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, FILING AN ANNEXATION PETITION FOR CERTAIN CONTIGUOUS PUBLIC PROPERTY (TO BE KNOWN AS THE U.S. COAST GUARD ADDITION) AS AUTHORIZED BY 19 AAC 10.470 AND A.S. 29.68.010; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Council of the City of Ketchikan finds the hereinafter described property situated contiguous to and adjoining the City of Ketchikan, to be property in need of municipal services and that annexation of said property will facilitate provision of municipal services to said property by the City of Ketchikan; and

WHEREAS, the Council of the City of Ketchikan finds and determines said property should be annexed to the City; and

WHEREAS, 19 AAC 10.470 provides for annexation of territory by petition of the governing body of the municipality whose boundaries are to be changed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, AS FOLLOWS:

Section 1: Annexation of Real Property. The State of Alaska is hereby petitioned to grant the annexation to the City of Ketchikan, Alaska, of that certain contiguous tract of land, the boundaries of said parcel of real property being more particularly described as follows:

A parcel of land within the Ketchikan Recording District, First Judicial District, State of Alaska, more particularly bounded and described as follows:

Beginning at Corner 2 of U. S. Survey 1667 Ketchikan Lighthouse Reserve as shown on the official government plat thereto;

thence S-43°58'-E a distance of 441.72 feet to the true point of beginning;
thence S-43°58'-E a distance of 2464.92 feet;
thence S-45°57'-W a distance of 998.58 feet;
thence N-34°29'-W a distance of 246.84 feet;
thence N-29°12'-W a distance of 280.50 feet;
thence N-46°06'-E a distance of 299.64 feet;
thence N-43°54'-W a distance of 250.14 feet;
thence S-46°06'-W a distance of 1399.96 feet;
thence N-40°28'-W a distance of 1927.73 feet;
thence N-51°57'-E a distance of 2149.14 feet to the true point of beginning.

The hereinabove described parcel contains 121.31 acres.

Section 2: Effective Date. This resolution shall be effective upon its passage and approval.

PASSED AND APPROVED this ____ day of _____, 1985.

Charles E. Freeman, Mayor

ATTEST:

Karen Miles, City Clerk

TO: Emil Notti
Commissioner
Department of Community and Regional Affairs
Pouch B
Juneau, Alaska 99811

RE: In the matter of the annexation of an area to the City
of Ketchikan, initiated by the Council of the City of
Ketchikan as per 19 AAC 10.470

DATE: May 28, 1985

(1) PETITION FOR ANNEXATION.

Pursuant to the provisions of AS 29.68.010 and 19 AAC 10.450-.620 the Council of the City of Ketchikan respectfully petitions for approval of a boundary change by the annexation of the territory hereinafter described to the City of Ketchikan, Alaska.

(2) NAME AND MAILING ADDRESS OF PETITIONER.

This petition is submitted by:

City of Ketchikan
334 Front Street
Ketchikan, Alaska 99901

(3) PETITIONER'S REPRESENTATIVE.

The name, telephone number, and mailing address of petitioner's representative designated by petitioner to receive service, notice and all correspondence relating to the proceedings on behalf of petitioner with regard to this petition is:

James A. Van Altvorst
City Manager
City of Ketchikan
334 Front Street
Ketchikan, Alaska 99901
(907) 225-3111 extension 335

(4) LEGAL BOUNDARY DESCRIPTION OF AREA PROPOSED TO BE ANNEXED.

The legal boundary description of the property proposed to be annexed is set forth on Exhibit A hereto.

(5) DESCRIPTION OF BOUNDARIES OF MUNICIPALITY SHOULD ANNEXATION BE EFFECTED.

The legal description of the boundaries of the City should the boundary change be effected is set forth on Exhibit B hereto.

(6) ASSESSED VALUE OF TAXABLE PROPERTY (1985).

The assessed (or estimated) value of taxable property located within the area proposed to be annexed is:

- (a) real property: -0-
- (b) personal property: -0-

(7) NUMBER OF RESIDENTS IN AREA PROPOSED TO BE ANNEXED.

The estimated total number of current residents within the area proposed to be annexed is: 32

(8) REAL AND PERSONAL PROPERTY TAX RATES (1984).

The current rates at which real and personal property are taxed within the City of Ketchikan is: 8.9 mills

(9) SALES AND USE TAX RATES.

The current rates of sales and use taxes within the City of Ketchikan are:

- (a) sales: 4%
- (b) use: 0

(10) OUTSTANDING INDEBTEDNESS.

There is no outstanding bonded indebtedness on the area proposed to be annexed.

(11) POPULATION AND AREA OF MUNICIPALITY.

- (a) The estimated current population of the City of Ketchikan to which annexation is sought is: 8,414
- b) The total area of the City is: 1,254 acres (1,673 including offshore city limits)

EXHIBITS

1. Exhibit "A" attached hereto is the legal boundary description of the property proposed to be annexed.
2. Exhibit "B" attached hereto is the legal description of the boundaries of the City should the boundary change be effected.
3. Exhibit "C" attached hereto is a map showing the present boundaries of the municipality and the boundaries of the municipality if the proposed boundary change becomes effective.
4. Exhibit "D" attached hereto is an Affidavit stating the source from which information contained in this petition and/or attached exhibits was acquired, including but not limited to, population figures, stating how an estimate of the population of the area proposed to be annexed was made and circumstances indicating its accuracy.
5. Exhibit "E" attached hereto is a certified copy of the resolution authorizing the municipality to file the petition.
6. Exhibit "F" attached hereto is the affidavit of the petitioner that service of the petition has been made in compliance with 19 AAC 10.510.
7. Exhibit "G" attached hereto is a written brief in support of the annexation as required by 19 AAC 10.500.

Dated _____

CITY OF KETCHIKAN, ALASKA

By: _____
James A. Van Altvorst
City Manager

ATTEST:

Karen Miles, City Clerk

U. S. Coast Guard Parcel

A parcel of land within the Ketchikan Recording District, First Judicial District, State of Alaska, more particularly bounded and described as follows:

Beginning at Corner 2 of U. S. Survey 1667 Ketchikan Lighthouse Reserve as shown on the official government plat thereto;

thence S-43°58'-E a distance of 441.72 feet to the true point of beginning;
thence S-43°58'-E a distance of 2464.92 feet;
thence S-45°57'-W a distance of 998.58 feet;
thence N-34°29'-W a distance of 246.84 feet;
thence N-29°12'-W a distance of 280.50 feet;
thence N-46°06'-E a distance of 299.64 feet;
thence N-43°54'-W a distance of 250.14 feet;
thence S-46°06'W a distance of 1399.96 feet;
thence N-40°28'-W a distance of 1927.73 feet;
thence N-51°57'-E a distance of 2149.14 feet to the true point of beginning.

The hereinabove described parcel contains 121.31 acres.

EXHIBIT A

City of Ketchikan - Metes and Bounds

The corporate limits of the City of Ketchikan, Alaska, a parcel of real property located in the Ketchikan Gateway Borough, First Judicial District, Alaska, more particularly bound and described as follows:

Commencing at the northeast corner of the Homer Lode, U. S. Mineral Survey 769;

thence N 29°36' E, a distance of 1200.00 feet to the true point of beginning.

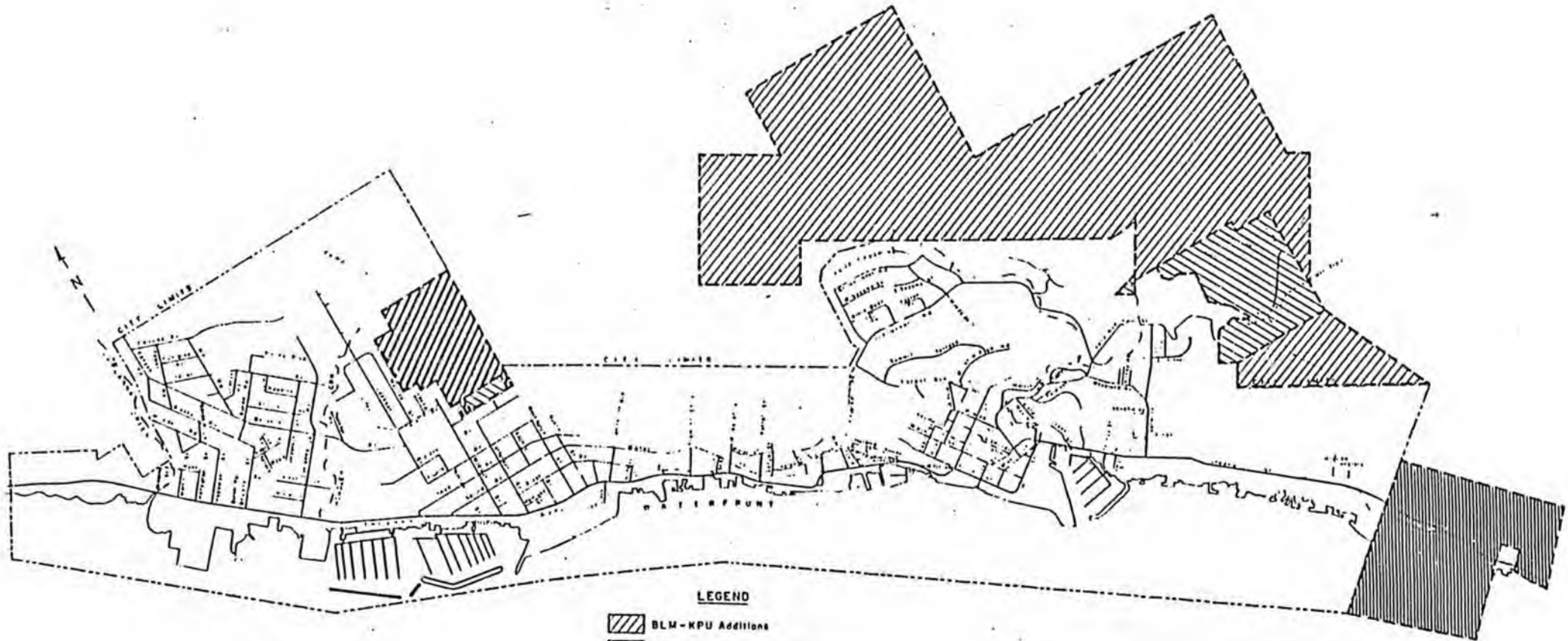
thence N 29° 36' E a distance of 9.12 feet;
thence a bearing of East, a distance of 270.60 feet;
thence southward along the centerline of Ketchikan Creek approximately 700 feet;
thence S 79°15' W a distance of 379.50 feet;
thence S 59° 34' E a distance of 255.40 feet;
thence N 23° 00' E a distance of 140.89 feet;
thence a bearing of East a distance of 461.33 feet;
thence a bearing of South a distance of 178.24 feet;
thence S 39° 10' E a distance of 115.01 feet;
thence a bearing of East a distance of 126.00 feet;
thence S 66° 29' 31" E a distance of 239.64 feet;
thence a bearing of South a distance of 87.00 feet;
thence S 6° 40' 44" W a distance of 352.94 feet;
thence S 47° 23' 23" E a distance of 355.00 feet;
thence S 29° 21' 17" E a distance of 309.00 feet;
thence N 73° 59' W a distance of 214.88 feet;
thence N 59° 18' W a distance of 57.46 feet;
thence N 38° 42' W a distance of 74.86 feet;
thence S 83° 56' W a distance of 78.15 feet;
thence S 70° 22' W a distance of 84.19 feet;
thence S 85° 26' W a distance of 81.61 feet;
thence S 67° 52' W a distance of 60.26 feet;
thence S 31° 01' W a distance of 438.88 feet;
thence S 59° 41' E a distance of 275.88 feet;
thence S 33° 28' W a distance of 348.42 feet;
thence S 56° 30' E a distance of 2649 feet;
thence S 51° 57' W a distance of 816.38 feet;
thence S-43°58'-E a distance of 2464.92 feet;
thence S-45°57'-W a distance of 998.58 feet;
thence N-34°29'-W a distance of 246.84 feet;
thence N-29°12'-W a distance of 280.50 feet;
thence N-46°06'-E a distance of 299.64 feet;
thence N-43°54'-W a distance of 250.14 feet;
thence S-46°06'W a distance of 1399.96 feet;
thence N-40°28'-W a distance of 1927.73 feet;
thence N 54° 53' 54" W a distance of 8487.96 feet;
thence N 65° 35' 45" W a distance of 2633.28 feet;
thence N 49° 25' 17" W a distance of 4796.14 feet;
thence N 29° 20' E a distance of 1502.90 feet;

854/Master
City W/ U.S.C.G. Parcel







-1-

EXHIBIT B

thence S 60° 40' E a distance of 1261.90 feet;
thence S 29° 20' W a distance of 130 feet;
thence a bearing of East a distance of 424.38 feet;
thence a bearing of South a distance of 559.55 feet;
thence a bearing of East a distance of 542.52 feet;
thence a bearing of North a distance of 208 feet;
thence N 1° 10' E a distance of 419.44 feet;
thence N 9° 49' E a distance of 604.98 feet;
thence a bearing of North a distance of 632.37 feet;
thence a bearing of East a distance of 4601.93 feet;
thence a bearing of South a distance of 1591.27 feet;
thence a bearing of West a distance of 1117.31 feet;
thence a bearing of South a distance of 300.00 feet;
thence a bearing of West a distance of 297.64 feet;
thence a bearing of South a distance of 856.12 feet;
thence S 89° 48' E a distance of 236.46 feet;
thence S 0° 12' W a distance of 100 feet;
thence S 89° 48' E a distance of 245 feet;
thence S 0° 12' W a distance of 440 feet;
thence a bearing of East a distance of 166.48 feet;
thence a bearing of South a distance of 200.58 feet;
thence S 89° 48' E a distance of 936.14 feet;
thence a bearing of North a distance of 353.55 feet;
thence S 59° 38' E a distance of 4953.69 feet;
thence N 37° 52' E a distance of 14.20 feet;
thence N 59° 26' E a distance of 163.16 feet;
thence N 58° 35' E a distance of 108.98 feet;
thence N 31° 25' W a distance of 124.93 feet;
thence N 3° 30' E a distance of 999.50 feet;
thence N 39° 25' E a distance of 170 feet;
thence N 70° 51' 48" E a distance of 343.48 feet;
thence S 73° 40' E a distance of 550 feet;
thence N 16° 20' E a distance of 20 feet;
thence S 59° 35' E a distance of 3471.29 feet
to the true point of beginning.



LEGEND

-  BLM - KPU Additions
-  Giese - Furuseth - Spear Additions
-  University of Alaska Addition
-  U.S. Coast Guard Addition
-  Existing Roads (S - Streets)
-  Platted Road (not built)

NOTE: Some roads are stairs/boardwalks

**PROPOSED 1985 ANNEXATIONS
KETCHIKAN, ALASKA**

NOT TO SCALE
For Illustrative Purposes Only

AFFIDAVIT AS TO THE SOURCE OF INFORMATION CONTAINED
IN THE CITY OF KETCHIKAN PETITION FOR THE ANNEXATION
OF U.S. COAST GUARD ADDITION, U.S.S. 1667

STATE OF ALASKA)
) SS:
FIRST JUDICIAL DISTRICT)

I, James A. Van Altvorst, being duly sworn, hereby declare and say:

The information contained in the City of Ketchikan's petition for the annexation of U.S. Coast Guard Addition Addition, U.S.S. 1667, was obtained from the records of the Ketchikan Gateway Borough Tax Assessor, the Ketchikan Gateway Borough Planning Department and the City of Ketchikan Public Works Department. Population estimates were derived from the most current municipal population estimate certified by the State of Alaska, Department of Community and Regional Affairs and by telephone confirmation from U.S.C.G. Ketchikan base officials.

DATED AND EXECUTED at Ketchikan, Alaska, the ___ day of _____, 1985.

James A. Van Altvorst
City Manager

SUBSCRIBED AND SWORN to before me this ___ day of _____, 1985.

NOTARY PUBLIC FOR ALASKA
My Commission Expires: _____

(SEAL)

EXHIBIT D

AFFIDAVIT THAT COPIES OF THE CITY OF KETCHIKAN'S
PETITION FOR THE ANNEXATION OF U.S. COAST GUARD
ADDITION HAVE BEEN SERVED IN ACCORDANCE WITH 19 AAC
10.510

STATE OF ALASKA)
) SS:
FIRST JUDICIAL DISTRICT)

I, James A. Van Altvorst, being duly sworn, hereby declare and say:

A copy of the City of Ketchikan's petition and brief for the annexation of U.S. Coast Guard Addition, U.S.S. 1667, together with accompanying exhibits has been served by certified mail upon the Ketchikan Gateway Borough, 344 Front Street, Ketchikan, Alaska 99901, the sole municipality in the territory proposed for annexation. The petition, exhibits and brief have been made available for inspection by the general public at the Office of the City Clerk, 334 Front Street, Ketchikan, Alaska 99901.

In addition a copy of the City of Ketchikan's petition, brief and supporting exhibits has been served on the owner of record of the U.S. Coast Guard Addition, U.S. Coast Guard, Seventeenth District, Box 3-5000, Juneau, AK 99802.

DATED AND EXECUTED at Ketchikan, Alaska, the ___ day of _____, 1985.

James A. Van Altvorst
City Manager

SUBSCRIBED AND SWORN to before me this ___ day of _____, 1985.

NOTARY PUBLIC FOR ALASKA
My Commission Expires: _____

(SEAL)

EXHIBIT F



**City of
Ketchikan**

334 Front Street
Ketchikan, Alaska 99901
907-225-3111

May 29, 1985

Commissioner Emil Notti
Department of Community and
Regional Affairs
State of Alaska
Pouch B
Juneau, Alaska 99811

Dear Commissioner Notti:

Re: Brief in support of the annexation of the U. S. Coast Guard Addition, USS 1667, to the City of Ketchikan, Alaska.

In accordance with the requirements of 19 AAC 10.500, the City's petition for annexation of the captioned property, legally described in the petition attached hereto, must be accompanied by a written brief supporting the boundary change. The proposed annexation of this property exceeds the minimum standards for the annexation of contiguous territory as set out by 19 AAC 10.070.

1. The territory is in need of municipal services which the City of Ketchikan can provide more effectively than other municipalities. Half of the facilities and most of the Base territory lie outside the boundaries of the City. There is a mutual assistance agreement between the City and the Base, but annexation would facilitate the provision of fire protection services to the majority of the Base which lies outside the City.

2. This annexation is also necessary to accomplish a valid public purpose in that it will enable approximately thirty-two residents of the Base to participate in the democratic process which guides the City's direction and growth.

The Borough provides no additional services to this area other than those provided all residents of the Borough (including the City); specifically, planning and zoning, animal control, taxation, and schools. Therefore, there are no tangible assets that would require transfer to city control as a result of this proposed annexation.

In consideration of the preceding, the City of Ketchikan submits that the U. S. Coast Guard Addition described in these documents properly

LT2/150c

EXHIBIT G

belongs within the municipal limits of Ketchikan and hereby petitions
the local Boundary Commission to support this annexation.

Dated: _____

James A. Van Altvorst
City Manager

ATTEST:

Karen Miles, CMC
City Clerk

LT2/150c

THE CITY OF KETCHIKAN, ALASKA

RESOLUTION NO. 85-1431

A RESOLUTION OF THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, FILING AN ANNEXATION PETITION FOR CERTAIN PRIVATE PROPERTY AND PUBLIC PARK RESERVES (TO BE KNOWN AS THE GISSE-FURUSETH-SPEAR ADDITIONS) AS AUTHORIZED BY 19 AAC 10.470 and A.S. 29.68.010; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Council of the City of Ketchikan finds the hereinafter described properties situated contiguous to and adjoining the City of Ketchikan, to be properties likely to experience future growth and development and that annexation of said properties will enable the City of Ketchikan to plan for and control that development; and

WHEREAS, the Council of the City of Ketchikan finds the said properties to be receiving certain City services without commensurate property tax contributions; and

what services

WHEREAS, the Council of the City of Ketchikan finds and determines said properties should now be annexed to the City; and

WHEREAS, 19 AAC 10.470 provides for annexation of territory by petition of the governing body of the municipality whose boundaries are to be changed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, AS FOLLOWS:

Section 1: Annexation of Real Property. The State of Alaska is hereby petitioned to grant the annexation to the City of Ketchikan, Alaska, of these certain contiguous tracts of land, the boundaries of said parcels of real property being more particularly described as follows:

Furuseth Addition

The parcel of land known as Tract E, U. S. Survey 1229, as shown on recorded plat #84-6, Ketchikan Recording District, First Judicial District, State of Alaska, more particularly bounded and described as follows:

Beginning at the southeastern most corner of Tract E, said corner being in common with the northeastern most corner of Lot 12A, Block 6, U. S. Survey 1229, this being the point of beginning;

- thence N-89°48'-W a distance of 299.83 feet;
- thence North a distance of 15 feet;
- thence N-89°48'-W a distance of 175.27 feet;
- thence along a curve concave to the South (Radius=30 feet) an arc distance of 23.24 feet;
- thence along a curve concave to the North (Radius=30 feet) an arc distance of 77.38 feet;
- thence N-89°48'-W a distance of 100.42 feet;
- thence North a distance of 200.00 feet;
- thence S-89°48'-E a distance of 650.00 feet;
- thence South a distance of 200.00 feet to the point of beginning.

The hereinabove described parcel of land contains 2.879 acres more or less.

Gisse-Furusetth Addition

That portion of U. S. Survey 2635, Ketchikan Recording District, First Judicial District, State of Alaska, more particularly bounded and described as follows:

Beginning at corner 7 of U. S. Survey 2635 as shown on recorded plat #77-43, said corner being a B.L.M. monument, and being in common with the eastern most corner of U.S. Survey 1381, this point being the point of beginning;

thence N-59°41'00"-W a distance of 275.88 feet;
thence N-31°01'00"-E a distance of 438.88 feet;
thence N-64°52'00"-E a distance of 60.26 feet;
thence N-85°26'00"-E a distance of 81.61 feet;
thence N-70°22'00"-E a distance of 84.19 feet;
thence N-83°56'00"-E a distance of 78.15 feet;
thence S-38°42'00"-E a distance of 74.86 feet;
thence S-59°18'00"-E a distance of 57.46 feet;
thence S-73°59'00"-E a distance of 129.34 feet;
thence N-29°21'17"-W a distance of 309.00 feet;
thence N-47°23'23"-W a distance of 355.00 feet;
thence N-6° 4'44"-E a distance of 352.94 feet;
thence North a distance of 87.00 feet;
thence N-66°29'31"-W a distance of 239.64 feet;
thence West a distance of 126.00 feet;
thence N-39°10'00"-W a distance of 115.01 feet;
thence North a distance of 178.24 feet;
thence East a distance of 1311.97 feet;
thence South a distance of 147.18 feet;
thence East a distance of 460.35 feet;
thence South a distance of 1623.60 feet;
thence West a distance of 1483.68 feet to the point of beginning.

The hereinabove described parcel of land contains 55.26 acres, more or less.

Spear Addition

That parcel of land known as Tract A, U. S. Survey 2635, Ketchikan Recording District, First Judicial District, State of Alaska, more particularly bounded and described as follows:

Beginning at corner 1 of U.S.S. 2635 according to the official government plat thereof;

thence S-21°47'-W a distance of 34.65 feet;
thence East a distance of 116.94 feet;
thence S-23°00'00"-W a distance of 140.89 feet;
thence N-59°34'-W a distance of 255.40 feet;
thence N-79°15'-E a distance of 174.24 feet
to the point of beginning.

The hereinabove described parcel of land contains 0.47 acres, more or less.

Section 2: Effective Date. This resolution shall be effective upon its passage and approval.

PASSED AND APPROVED this ____ day of _____, 1985.

Charles E. Freeman, Mayor

ATTEST:

Karen Miles, City Clerk

TO: Emil Notti
Commissioner
Department of Community and Regional Affairs
Pouch B
Juneau, Alaska 99811

RE: In the matter of the annexation of an area to the City
of Ketchikan, initiated by the Council of the City of
Ketchikan as per 19 AAC 10.470

DATE: May 28, 1985

(1) PETITION FOR ANNEXATION.

Pursuant to the provisions of AS 29.68.010 and 19 AAC 10.450-.620 the Council of the City of Ketchikan respectfully petitions for approval of a boundary change by the annexation of the territory hereinafter described to the City of Ketchikan, Alaska.

(2) NAME AND MAILING ADDRESS OF PETITIONER.

This petition is submitted by:

City of Ketchikan
334 Front Street
Ketchikan, Alaska 99901

(3) PETITIONER'S REPRESENTATIVE.

The name, telephone number, and mailing address of petitioner's representative designated by petitioner to receive service, notice and all correspondence relating to the proceedings on behalf of petitioner with regard to this petition is:

James A. Van Altvorst
City Manager
City of Ketchikan
334 Front Street
Ketchikan, Alaska 99901
(907) 225-3111 extension 335

(4) LEGAL BOUNDARY DESCRIPTION OF AREA PROPOSED TO BE ANNEXED.

The legal boundary description of the property proposed to be annexed is set forth on Exhibit A hereto.

(5) DESCRIPTION OF BOUNDARIES OF MUNICIPALITY SHOULD ANNEXATION BE EFFECTED.

The legal description of the boundaries of the City should the boundary change be effected is set forth on Exhibit B hereto.

(6) ASSESSED VALUE OF TAXABLE PROPERTY (1985).

The assessed (or estimated) value of taxable property located within the area proposed to be annexed is:

- (a) real property: \$1,152,150.00 (assessed value).
- (b) personal property: -0-

(7) NUMBER OF RESIDENTS IN AREA PROPOSED TO BE ANNEXED.

The estimated total number of current residents within the area proposed to be annexed is: 4

(8) REAL AND PERSONAL PROPERTY TAX RATES (1984).

The current rates at which real and personal property are taxed within the City of Ketchikan is: 8.9 mills

(9) SALES AND USE TAX RATES.

The current rates of sales and use taxes within the City of Ketchikan are:

- (a) sales: 4%
- (b) use: 0

(10) OUTSTANDING INDEBTEDNESS.

Ratio of general bonded debt to assessed value is 4.01%. There are no service districts or other bonded debt sources. Given the above stated assessed value the outstanding bonded indebtedness of this property is \$46,201.21. Total Borough general bonded debt is \$23,019,000 (1984) and total City general debt is \$10,840,000 as of April 1985.

(11) POPULATION AND AREA OF MUNICIPALITY.

- (a) The estimated current population of the City of Ketchikan to which annexation is sought is: 8,414
- b) The total area of the City is: 1,254 acres (1,673 including offshore city limits)

EXHIBITS

1. Exhibit "A" attached hereto is the legal boundary description of the property proposed to be annexed.
2. Exhibit "B" attached hereto is the legal description of the boundaries of the City should the boundary change be effected.
3. Exhibit "C" attached hereto is a map showing the present boundaries of the municipality and the boundaries of the municipality if the proposed boundary change becomes effective.
4. Exhibit "D" attached hereto is an Affidavit stating the source from which information contained in this petition and/or attached exhibits was acquired, including but not limited to, population figures, stating how an estimate of the population of the area proposed to be annexed was made and circumstances indicating its accuracy.
5. Exhibit "E" attached hereto is a certified copy of the resolution authorizing the municipality to file the petition.
6. Exhibit "F" attached hereto is the affidavit of the petitioner that service of the petition has been made in compliance with 19 AAC 10.510.
7. Exhibit "G" attached hereto is a written brief in support of the annexation as required by 19 AAC 10.590.

Dated _____

CITY OF KETCHIKAN, ALASKA

By: _____
James A. Van Altvorst
City Manager

ATTEST:

Karen Miles, City Clerk

MH/854

Glisse-Furuseth Addition

That portion of U. S. Survey 2635, Ketchikan Recording District, First Judicial District, State of Alaska, more particularly bounded and described as follows:

Beginning at corner 7 of U. S. Survey 2635 as shown on recorded plat #77-43, said corner being a B.L.M. monument, and being in common with the eastern most corner of U.S. Survey 1381, this point being the point of beginning;

thence N-59°41'00"-W a distance of 275.88 feet;
thence N-31°01'00"-E a distance of 438.88 feet;
thence N-64°52'00"-E a distance of 60.26 feet;
thence N-85°26'00"-E a distance of 81.61 feet;
thence N-70°22'00"-E a distance of 84.19 feet;
thence N-83°56'00"-E a distance of 78.15 feet;
thence S-38°42'00"-E a distance of 74.86 feet;
thence S-59°18'00"-E a distance of 57.46 feet;
thence S-73°59'00"-E a distance of 129.34 feet;
thence N-29°21'17"-W a distance of 309.00 feet;
thence N-47°23'23"-W a distance of 355.00 feet;
thence N-6°40'44"-E a distance of 352.94 feet;
thence North a distance of 87.00 feet;
thence N-66°29'31"-W a distance of 239.64 feet;
thence West a distance of 126.00 feet;
thence N-39°10'00"-W a distance of 115.01 feet;
thence North a distance of 178.24 feet;
thence East a distance of 1311.97 feet;
thence South a distance of 147.18 feet;
thence East a distance of 460.35 feet;
thence South a distance of 1623.60 feet;
thence West a distance of 1483.68 feet to the point of beginning.

The hereinabove described parcel of land contains 55.26 acres, more or less.

Spear Addition

That parcel of land known as Tract A, U. S. Survey 2635, Ketchikan Recording District, First Judicial District, State of Alaska, more particularly bounded and described as follows:

Beginning at corner 1 of U.S.S. 2635 according to the official government plat thereof;

thence S-21°47'-W a distance of 34.65 feet;
thence East a distance of 116.94 feet;
thence S-23°00'00"-W a distance of 140.89 feet;
thence N-59°34'-W a distance of 255.40 feet;
thence N-79°15'-E a distance of 174.24 feet
to the point of beginning.

The hereinabove described parcel of land contains 0.47 acres, more or less.

EXHIBIT A

Furuseth Addition

The parcel of land known as Tract E, U. S. Survey 1229, as shown on recorded plat #84-6, Ketchikan Recording District, First Judicial District, State of Alaska, more particularly bounded and described as follows:

Beginning at the southeastern most corner of Tract E, said corner being in common with the northeastern most corner of Lot 12A, Block 6, U. S. Survey 1229, this being the point of beginning;

thence N-89°48'-W a distance of 299.83 feet;
thence North a distance of 15 feet;
thence N-89°48'-W a distance of 175.27 feet;
thence along a curve concave to the South (Radius=30 feet) an arc distance of 23.24 feet;
thence along a curve concave to the North (Radius=30 feet) an arc distance of 77.38 feet;
thence N-89°48'-W a distance of 100.42 feet;
thence North a distance of 200.00 feet;
thence S-89°48'-E a distance of 650.00 feet;
thence South a distance of 200.00 feet to the point of beginning.

The hereinabove described parcel of land contains 2.879 acres more or less.

MH/8415

EXHIBIT A

City of Ketchikan - Metes and Bounds

The corporate limits of the City of Ketchikan, Alaska, a parcel of real property located in the Ketchikan Gateway Borough, First Judicial District, Alaska, more particularly bound and described as follows:

Commencing at the northeast corner of the Homer Lode, U. S. Mineral Survey 769;

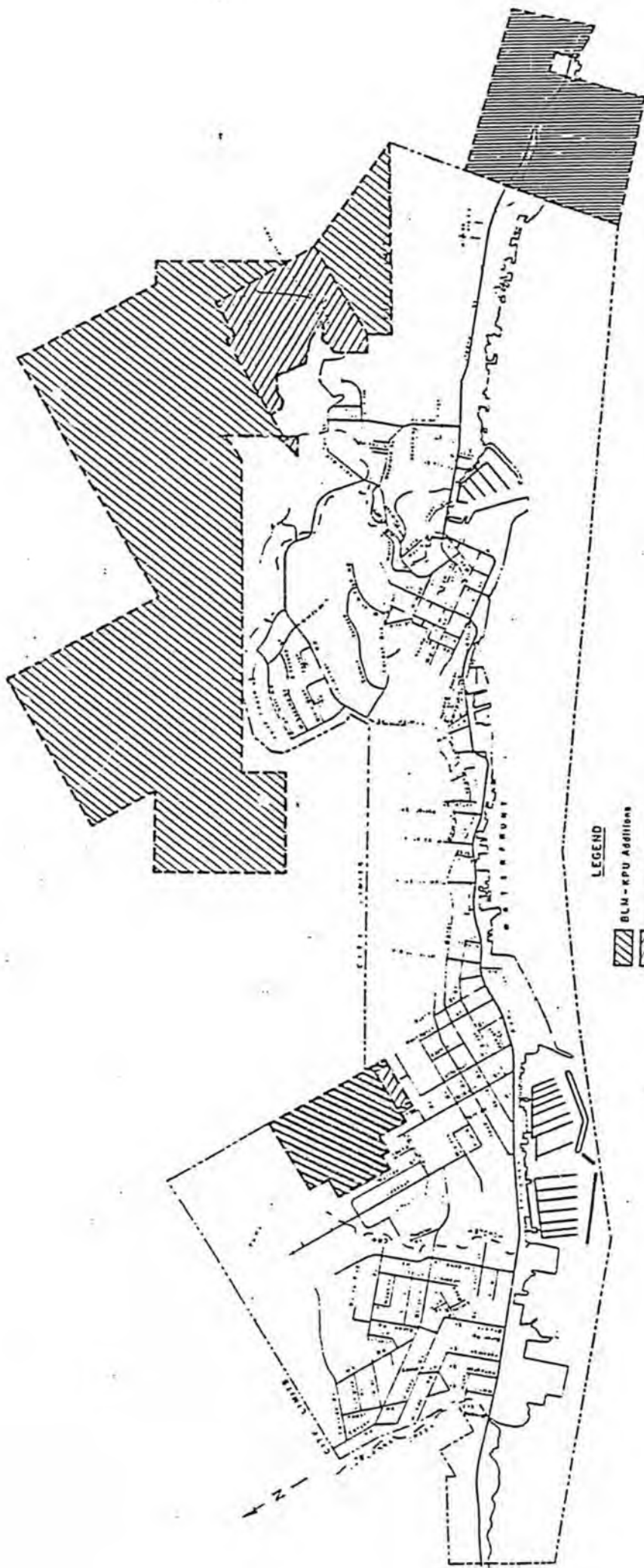
thence N 29°36' E, a distance of 1200.00 feet to the true point of beginning.

thence N 29° 36' E a distance of 9.12 feet;
thence a bearing of East, a distance of 270.60 feet;
thence southward along the centerline of Ketchikan Creek approximately 700 feet;
thence S 79°15' W a distance of 205.26 feet;
thence S 21° 47' W a distance of 34.65 feet;
thence a bearing of East a distance of 1890.24 feet;
thence a bearing of South a distance of 147.18 feet;
thence a bearing of East a distance of 460.35 feet;
thence a bearing of South a distance of 1623.60 feet;
thence a bearing of West a distance of 1483.68 feet;
thence S 33° 28' W a distance of 348.42 feet;
thence S 56° 30' E a distance of 2649 feet;
thence S 51° 57' W a distance of 2965.52 feet;
thence N 54° 53' 54" W a distance of 8487.96 feet;
thence N 65° 35' 45" W a distance of 2633.28 feet;
thence N 49° 25' 17" W a distance of 4796.14 feet;
thence N 29° 20' E a distance of 1502.90 feet;
thence S 60° 40' E a distance of 1261.90 feet;
thence S 29° 20' W a distance of 130 feet;
thence a bearing of East a distance of 424.38 feet;
thence a bearing of South a distance of 559.55 feet;
thence a bearing of East a distance of 542.52 feet;
thence a bearing of North a distance of 208 feet;
thence N 1° 10' E a distance of 419.44 feet;
thence N 9° 49' E a distance of 604.98 feet;
thence a bearing of North a distance of 632.37 feet;
thence a bearing of East a distance of 4601.93 feet;
thence a bearing of South a distance of 1501.27 feet;
thence a bearing of West a distance of 1117.31 feet;
thence a bearing of South a distance of 300.00 feet;
thence a bearing of West a distance of 297.64 feet;
thence a bearing of South a distance of 856.12 feet;
thence S 89° 48' E a distance of 236.46 feet;
thence S 0° 12' W a distance of 100 feet;
thence S 89° 48' E a distance of 245 feet;
thence S 0° 12' W a distance of 440 feet;
thence a bearing of East a distance of 166.48 feet;
thence a bearing of South a distance of 200.58 feet;
thence S 89° 48' E a distance of 81.65 feet;

EXHIBIT B

854/Master
City w/Gisse-Furuseth-Spear







thence a bearing of North a distance of 200.00 feet;
thence S 89° 48' E a distance of 650.00 feet;
thence a bearing of South a distance of 200.00 feet;
thence S 89° 48' E a distance of 37.31 feet;
thence a bearing of North a distance of 311.43 feet;
thence S 59° 38' E a distance of 4953.69 feet;
thence N 37° 52' E a distance of 14.20 feet;
thence N 59° 26' E a distance of 163.16 feet;
thence N 58° 35' E a distance of 108.98 feet;
thence N 31° 25' W a distance of 124.93 feet;
thence N 3° 30' E a distance of 999.50 feet;
thence N 39° 25' E a distance of 170 feet;
thence N 70° 51' 48" E a distance of 343.48 feet;
thence S 73° 40' E a distance of 550 feet;
thence N 16° 20' E a distance of 20 feet;
thence S 59° 35' E a distance of 3471.29 feet
to the true point of beginning.



**PROPOSED 1985 ANNEXATIONS
KETCHIKAN, ALASKA**

NOT TO SCALE
For Illustrative Purposes Only

LEGEND

-  BLM - KPU Additions
-  Grist - Furutakh - Spear Additions
-  University of Alaska Addition
-  U.S. Coast Guard Addition
-  Existing Roads (S-Stairs)
-  Paved Road (not built)

NOTE: Some roads are stairs/boards/paths

AFFIDAVIT AS TO THE SOURCE OF INFORMATION CONTAINED
IN THE CITY OF KETCHIKAN PETITION FOR THE ANNEXATION
OF GISSE-FURUSETH-SPEAR ADDITIONS, U.S.S. 2635 AND
U.S.S. 1220

STATE OF ALASKA)
) SS:
FIRST JUDICIAL DISTRICT)

I, James A. Van Altvorst, being duly sworn, hereby declare and say:

The information contained in the City of Ketchikan's petition for the annexation of Gisse-Furuseth-Spear Additions, U.S.S. 2635 and U.S.S. 1220, was obtained from the records of the Ketchikan Gateway Borough Tax Assessor, the Ketchikan Gateway Borough Planning Department and the City of Ketchikan Public Works Department. Population estimates were derived from the most current municipal population estimate certified by the State of Alaska, Department of Community and Regional Affairs and by telephone survey of the Spear residence conducted by the City of Ketchikan Public Works Department May 23, 1985.

DATED AND EXECUTED at Ketchikan, Alaska, the ____ day of _____, 1985.

James A. Van Altvorst
City Manager

SUBSCRIBED AND SWORN to before me this ____ day of _____, 1985.

NOTARY PUBLIC FOR ALASKA
My Commission Expires:_____

(SEAL)

EXHIBIT D

AFFIDAVIT THAT COPIES OF THE CITY OF KETCHIKAN'S
PETITION FOR THE ANNEXATION OF GISSE-FURUSETH-SPEAR
ADDITIONS HAVE BEEN SERVED IN ACCORDANCE WITH 19 AAC
10.510

STATE OF ALASKA)
) SS:
FIRST JUDICIAL DISTRICT)

I, James A. Van Altvorst, being duly sworn, hereby declare and say:

A copy of the City of Ketchikan's petition and brief for the annexation of Gisse-Furusetth-Spear Additions, U.S.S. 2635 and U.S.S. 1220, together with accompanying exhibits has been served by certified mail upon the Ketchikan Gateway Borough, 344 Front Street, Ketchikan, Alaska 99901, the sole municipality in the territory proposed for annexation. The petition, exhibits and brief have been made available for inspection by the general public at the Office of the City Clerk, 334 Front Street, Ketchikan, Alaska 99901.

In addition a copy of the City of Ketchikan's petition, brief and supporting exhibits has been served on the following owners of record of the Gisse-Furusetth-Spear Additions: Clarence and Virginia Gisse, 3378 Tide Creek Deer Island, OR 97054; Hans Furusetth Estate, Attn: Edward King, 307 Bawden, Ketchikan, AK 99901; William Spear, 1322 Park (Box 5421), Ketchikan, AK 99901; Ketchikan Gateway Borough, 344 Front Street, Ketchikan, AK 99901; and U.S. Forest Service, 313 Federal Building, Ketchikan, AK 99901.

DATED AND EXECUTED at Ketchikan, Alaska, the ___ day of _____, 1985.

James A. Van Altvorst
City Manager

SUBSCRIBED AND SWORN to before me this ___ day of _____, 1985.

NOTARY PUBLIC FOR ALASKA
My Commission Expires: _____

(SEAL)

EXHIBIT F

May 29, 1985

Commissioner Emil Notti
Department of Community and
Regional Affairs
State of Alaska
Pouch B
Juneau, Alaska 99811

Dear Commissioner Notti:

Re: Brief in support of the annexation of the Gisse-Furuseh-Spear Additions, USS 2635 and USS 1220 to the City of Ketchikan, Alaska.

In accordance with the requirements of 19 AAC 10.500, the City's petition for annexation of the captioned property, legally described in the petition attached hereto, must be accompanied by a written brief supporting the boundary change. The proposed annexation of this property exceeds the minimum standards for the annexation of contiguous territory as set out by 19 AAC 10.070.

1. There is a reasonable likelihood that future growth and development will occur within this territory. The three-acre Furuseh property on Sixth Avenue (below the college) is adjacent to residential development and to City street access, sewer, and water. The fifty-eight acre Gisse-Furuseh area has been platted for development for a number of years. Annexation of these areas will enable the City to plan for and to control this development. The half-acre Spear property has already been developed. It is bordered on three sides by the City boundary and is adjacent to planned residential development. Also within the Gisse-Furuseh area are five small park reserves. Three belong to the Ketchikan Gateway Borough, one to the City of Ketchikan, and one to the U.S. Forest Service. They are platted to be adjacent to residential housing and are appropriate for annexation to the boundary of the City of Ketchikan.

2. The Spear residents and the Furuseh (Sixth Avenue) and Gisse-Furuseh property owners within this territory receive the benefit of City government without commensurate property tax contributions. These properties utilize City streets as the only access to their properties, and they benefit from City police and fire services due to their proximity to municipal residents and property owners. It would be an ethical problem and an economic hazard to not respond to calls to protect life and property in these areas.

LT2/150

EXHIBIT G

3. The territory is in need of municipal services which the City of Ketchikan can provide more effectively than other municipalities. The roads into these areas are all extensions of streets of the City of Ketchikan and can only be reached from the City. When sewer and water services become necessary, only the City of Ketchikan will be in a position to efficiently provide them. The Ketchikan Gateway Borough does not provide police and fire services to these areas, and City police and fire services are provided (formally) up to their borders. The State police provide police services outside the City, but it is not efficient for them to serve properties that are on short, dead-end roads above the City. These properties are not served by the rural fire districts that lie north and south of the City.

4. The land in this territory is contiguous to the City of Ketchikan and will be virtually surrounded by the City's boundaries should other proposed annexation petitions by the City of Ketchikan be approved.

5. This annexation, in the instance of the Spear residents, is necessary to accomplish a valid public purpose in that it will enable them to participate in the democratic process which guides the City's direction and growth.

The Borough provides no additional services to this area other than those provided all residents of the Borough (including the City); specifically, planning and zoning, animal control, taxation, and schools. Therefore, there are no tangible assets that would require transfer to city control as a result of this proposed annexation.

In consideration of the preceding, the City of Ketchikan submits that the Gisse-Furuseth-Spear additions described in these documents properly belongs within the municipal limits of Ketchikan and hereby petitions the local Boundary Commission to support this annexation.

Dated: _____

James A. Van Altvorst
City Manager

ATTEST:

Karen Miles, CMC
City Clerk

LT2/150



**City of
Ketchikan**

334 Front Street
Ketchikan, Alaska 99901
907-225-3111

August 21, 1985

Commissioner Emil Notti
Department of Community and Regional Affairs
Local Boundary Commission
949 East 36th, Suite 400
Anchorage, Alaska 99508

Attn: Gene Kane, Staff Assistant

Dear Commissioner Notti:

Re: Supplemental brief in support of the annexation of the
Gisse-Furusest-Spear Additions to the City of Ketchikan, Alaska

During the August 14 public meeting held in Ketchikan by the Department of Community and Regional Affairs Gene Kane requested that the City of Ketchikan submit additional information in support of the City's annexation petitions. In regard to the above stated petition the following points are also of significance in meeting and exceeding the minimum standards of 19 AAC 10.070:

1. In the initial brief it was stated that future growth and development is likely to occur within this territory since the Gisse-Furusest Addition is platted for development (has been since 1977), the Spear property is developed and the Furusest (Sixth Avenue) property is adjacent to residential development. In addition to these indicators should be added the following:

a. The bypass route (as surveyed) will pass only a few hundred feet above the Gisse-Furusest Addition and then cut through its southeast quarter, thus providing highway access to this property.

b. U.S. Borax President Dr. Carl Randolph stated last week that Quartz Hill mine construction is set for "late this decade," which he believes indicates major construction will probably occur in 1988. Quartz Hill will mean a great increase in housing demand. Current housing inventories may largely be filled as a result of the vessel maintenance facility currently under construction.

COMMISSIONER EMIL NOTTI
AUGUST 21, 1985
PAGE 2

c. The Glisse-Furuseth Addition is adjacent to the Ketchikan Gateway Borough's landfill/dump site state land selection for which the Borough has management authority. This area is proposed to be annexed under the BLM-KPU Additions. Adjacent to this Borough land selection is the Borough's North Saxman land selection. The Ketchikan City Council on July 18, 1985, directed staff to investigate costs and other conditions regarding annexation of the area south of the City limits to the Saxman City limits. The North Saxman land selection will likely be included in next year's annexation petitions. All three of these areas are on the same table of land which would be served by the bypass. The bypass (as surveyed) goes through the Borough's landfill and North Saxman land selections. Much of Ketchikan's growth will likely occur on this table of developable land.

2. In the initial brief it was stated that the Spear Addition residents (the Spear family) receive the benefit of City street access (to reach their property) and the benefit of City police and fire services due to their proximity to developed property inside the City. Not mentioned was the fact that the Spear's residence receives the City's fire insurance class 4 protection rating based on the assumption that City fire crews will respond to a fire on their property despite the fact that they pay no City property taxes. It would be extremely difficult for the Spears to obtain fire insurance for a residence where no fire service is provided. A fire was reported at the Spear's residence this year and City fire crews responded.

The Spear Addition is also served by City utilities (e.g. water, garbage collection) which are on a fee for service basis for City residents. The Spear's are billed as if they were City residents. The Spear's also receive City sewer services which are currently paid through taxes.

3. As indicated in the initial brief, the City of Ketchikan believes this territory is in need of municipal services. Not mentioned in the initial brief is the difference between the fire protection rating of the City and the rural fire districts on the Island. The fire protection ratings of the rural areas are class 8 or 9 (10 being no protection) and the rating in the City is class 4.

COMMISSIONER EMIL NOTTI
AUGUST 21, 1985
PAGE 3

In consideration of the preceding brief and of this supplemental brief, the City of Ketchikan submits that the Gisse-Furuseh-Spear Additions properly belong within the municipal limits of Ketchikan and requests that the Local Boundary Commission support this annexation.

Sincerely,



James A. Van Altvorst
City Manager

xc: Peter Freer, CRA, Juneau
Dave Crow, Borough Manager

JVA:ly/856 c

BEFORE THE STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

IN THE MATTER OF THE ANNEXATION)
BY THE CITY OF KETCHIKAN, ALASKA,)
OF THE GISSE-FURUSETH-SPEAR) REPLY BRIEF
ADDITIONS.)
_____)

The Estate of Hans J. Furuseth has filed an answering brief (Exhibit A) with the Department of Community and Regional Affairs in opposition to the City of Ketchikan's annexation petition for the Gisse-Furuseth-Spear Additions (legally described in the petition attached as Exhibit B). This brief is filed pursuant to 19 AAC 10.560.

Review of Answering Brief

I. Background

The respondent's synopsis of the background of this annexation effort is basically accurate but incomplete. On May 8, 1985 City staff contacted Mr. Edward King, attorney for the Furuseth Estate, to determine whether the Furuseth Estate would be opposed to annexation of the Gisse-Furuseth property (or Addition) to the City of Ketchikan. Mr. King indicated that the property owners would be opposed to annexation. It was then decided that Legislative Review Annexation would be necessary. On June 20, 1985 the City Council took comments on proposed annexations, including those of Mr. King, and the City Council decided to approve the resolution petitioning the state for annexation of these properties. On August 6, 1985 the Department of Community and Regional Affairs (hereinafter "CRA") transmitted to the City of Ketchikan notification of substantial compliance (and acceptance) according to 19 AAC 10.520. On August 14, 1985 CRA held a public meeting in Ketchikan. Notice of the meeting was advertised in the Ketchikan Daily News and was prominently posted. In attendance were staff members of CRA and the City of Ketchikan. No other person attended. CRA requested additional information in their notification of compliance and as a result of the public meeting. The City submitted a response dated August 15, 1985 and a supplemental brief dated August 21, 1985. On

August 21, 1985 the City published in the Ketchikan Daily News notice of the filing of annexation petitions as required under 19 AAC 10.530. On October 7, 1985 the City received the answering brief filed by the respondent.

II. Discussion

The respondent's discussion of the appropriateness of the petition is inaccurate and the City disagrees with the respondent's interpretation of the regulations, the respondent's perception of the petition's content, and with the respondent's assessment of the Estate property's developability and its use of City services.

The respondent claims that the petition should be returned under 19 AAC 10.520 for failure to contain the brief required by 19 AAC 10.500 or the information described in 19 AAC 10.080 indicating the City's capability or willingness to extend services to the respondent's property (Furuseh Addition, and Gisse-Furuseh Addition). There is no defect in form or content under 19 AAC 10.500 since the City's petition (including the respondent's copy submitted as an exhibit in the answering brief) contains an Exhibit G which is labeled as a "Brief in support of the Annexation of the Gisse-Furuseh-Spear Additions." There is no defect regarding 19 AAC 10.080. The CRA under 19 AAC 10.520 reviews, returns and or accepts petitions based on the content requirements of petitions stated in 19 AAC 10.470-500. The notice published by the City pursuant to 19 AAC 10.530 procedurally indicated that the petition had already been accepted by CRA under 19 AAC 10.520. Section 19 AAC 10.080, concerning the capability and willingness of a city to extend municipal services, is to be considered by the Local Boundary Commission in their determinations regarding annexation, but this information need not be included in the petition document.

A. The Furuseth Addition

The respondent claims that there is no reasonable likelihood that the Furuseth Addition will be developed in the future and the respondent claims that neither property receives services from the City of Ketchikan. The brief submitted by the City of Ketchikan as part of the petition states in regard to criterion No. 5 (19 AAC 10.070) that, "The three-acre Furuseth property on Sixth Avenue (below the college) is adjacent to residential development and to City street access, sewer, and water." Concerning criterion No. 8 it states that this property does "utilize City streets as the only access" and that it does "benefit from City police and fire services" due to its "proximity to municipal residents and property owners". Besides these two criteria, the brief also referred to criteria No. 4 and No. 1 with regard to the Furuseth Addition. The property is in need of municipal services that only the City can provide (Criterion No. 4) in that (besides protection by police and fire services) the development of the property will require connection to adjacent sewer and water. The most important factor in relation to the Furuseth Addition, however, is that if the University of Alaska Addition petition of annexation is approved the Furuseth Addition will be surrounded by the City of Ketchikan city limits and meet Criterion No. 1.

Also in the City of Ketchikan, not City of Anchorage or Fairbanks

Land offer was for is already in the city

B. The Gisse-Furuseth Addition

The respondent also claims that there is no reasonable likelihood that the Gisse-Furuseth Addition will be developed in the future and the respondent claims that neither property receives City services. The brief submitted by the City of Ketchikan as part of the petition states in regard to criterion No. 5 (19 AAC 10.070) that, "The fifty-eight acre Gisse-Furuseth area has been platted for development for a number of years" and that "Annexation of these areas will enable the City to plan for and to control this development." One reason why the Ketchikan City Council approved the annexation petition resolutions was due to the respondent's presentation in which the respondent disclosed that a purchase offer had been made for a small part of this area and that the potential buyers intended to develop the property. The

likelihood of future growth and development within this proposed Addition was also discussed at the CRA's public meeting held in Ketchikan on August 14, 1985.

In the City's supplemental brief (dated August 21, 1985), requested by CRA, the following information was provided concerning the likelihood of development of the Gisse-Furuseth Addition:

- a. The bypass route (as surveyed) will pass only a few hundred feet above the Gisse-Furuseth Addition and then cut through its southeast quarter, thus providing highway access to this property. when

- b. U.S. Borax President Dr. Carl Randolph stated last August that Quartz Hill mine construction is set for "late this decade," which he thought indicated major construction would probably occur in 1988. Quartz Hill will mean a great increase in housing demand. Current housing inventories may largely be filled as a result of the Ketchikan Shipyard currently under construction. 2
0

- c. The Gisse-Furuseth Addition is adjacent to the Ketchikan Gateway Borough's landfill/dump site state land selection for which the Borough has management authority. This area is proposed to be annexed under the BLM-KPU Additions. Adjacent to this Borough land selection is the Borough's North Saxman land selection. The Ketchikan City Council on July 18, 1985, directed staff to investigate costs and other conditions regarding annexation of the area south of the City limits to the Saxman City limits. The North Saxman land selection will likely be included in next year's annexation petitions. All three of these areas are on the same table of land which would be served by the bypass. The bypass (as surveyed) goes through the Borough's landfill and North Saxman land

selections. Much of Ketchikan's growth will likely occur on this table of developable land.

The respondent's brief states that there is "no indication that the present landfill site will be abandoned in the reasonably near future", and implies that the landfill is an obstacle to the marketing and development of the Gisse-Furuseeth Addition. The City of Ketchikan has acquired property for a new landfill at Ward Cove and is in the process of obtaining approval of the site as a landfill. During 1986 the landfill and incinerator facility is scheduled to be designed and construction initiated. It is anticipated that the current landfill will be closed out during mid-1987. No

In regard to criterion No. 8 (19 AAC 10.070) the petition brief stated that the Gisse-Furuseeth properties "utilize City streets as the only access to their properties" and that "they benefit from City police and fire services due to their proximity to municipal residents and property owners." In the respondent's answering brief the respondent claims that the property is not presently provided road service. Ketchikan Lakes Road and the Dump Hill Road provide road access through much of the Gisse-Furuseeth property. This developed access is maintained by the City without tax support from the benefited property owners and this access increases the value of the Gisse-Furuseeth properties. The City utilizes these roads to provide police and fire protection to the City's primary water facility (approximately 80% of City supply) and the City's sanitary landfill facility which, in effect, extends police and fire protection to the Gisse-Furuseeth properties.

The City's petition brief also referred to criterion No. 4 with regard to the Gisse-Furuseeth Addition. The Gisse-Furuseeth properties are in need of municipal services which the City of Ketchikan can provide more effectively than other municipalities (criterion No. 4). When sewer and water services become necessary, only the City of Ketchikan will be in a position to effectively provide them. The City of Ketchikan's

police and fire services are extended to this area on an informal basis. The Ketchikan Gateway Borough does not provide police or fire services and these properties are not served by the rural fire districts that lie north and south of the City. The State police do provide police services outside the City but it is not efficient for them to serve properties on short, dead-end roads above the City.

WFO
SAYS

In addition to the above criterions the City's petition brief referred to criterion No. 1 regarding the Gisse-Furuseth Addition, "The land in this territory is contiguous to the City of Ketchikan and will be virtually surrounded by the City's boundaries should other proposed annexation petitions by the City of Ketchikan be approved."

N.

C. Capability and Willingness to Extend Services

The question of the City's capability and willingness to extend full municipal services to the Gisse-Furuseth-Spear Additions was posed at the CRA public meeting in Ketchikan on August 14, 1985. The City indicated that, should the property be annexed and the owners decide to develop it, the City of Ketchikan was capable and willing to extend City services (e.g. sewer, water and paved streets) to the property through an LID on a reasonable schedule. This did not appear to be a problem with the CRA staff and it was not included as an item in the supplemental brief requested by CRA. The City of Ketchikan has sufficient unutilized bonding capacity to finance bonds for an LID to provide for development of the Gisse-Furuseth-Spear Additions. The Ketchikan City Council also demonstrated their intention to provide this area with City services when they approved the resolution to file the petition for annexation of this property to the City of Ketchikan.

III. Conclusion

The City of Ketchikan asserts that the respondent's answering brief has inaccurately portrayed the City of Ketchikan's petition, misapplied or misinterpreted state annexation regulations, underestimated the

developability of the Furuseth and Gisse-Furuseth additions, and ignored or underestimated the services presently provided these properties by the City. The City of Ketchikan maintains that the Gisse-Furuseth-Spear Additions are:

- reasonably likely to experience future development,
- receiving certain services of the City of Ketchikan without commensurate property tax contributions,
- In need of these and other municipal services that only the City of Ketchikan can provide effectively, and
- to be surrounded or all but surrounded by the City of Ketchikan city limits should other proposed annexation petitions of the City of Ketchikan be approved.

The City of Ketchikan also maintains that it is capable of extending, and willing to extend full municipal services to the Gisse-Furuseth-Spear Additions within a reasonable time period.

In consideration of the preceding, the City of Ketchikan submits that the Gisse-Furuseth-Spear Additions described in the petition documents do properly belong within the municipal limits of Ketchikan and reaffirms its petition of the Local Boundary Commission to support this annexation.

Dated at Ketchikan, Alaska, this 5th day of November,
1985.

CITY OF KETCHIKAN



James A. Van Altvorst, City Manager

ATTEST:



Karen Miles, CMC

City Clerk

MH/857

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811



Official Business

February 4, 1986

Joint Senate/House C&RA Committee Meeting

Report from Local Boundary Commission

Summary of LBC Decisions made during 1985 that require Legislative Review:

- 1) City of Angoon annexation -- requested 87 sq. miles, LBC approved 30 sq miles. Opposed annexation: Shee Atika, Inc.; Alaska Pump; several property owners.
- 2) City of Ketchikan annexations -- BLM-KPU (515.62 acres); Gisse-Furuseh-Spear (58.609 acres); a portion of this annexation was opposed by the Furuseh Estate; the University of Alaska (48.30 acres); and the U. S. Coast Guard (121 acres proposed, 86 acres approved).
- 3) City of North Pole -- requested 730 acres, LBC approved 730 acres; Area #2 of the annexation opposed by the Interior Energy Corp.
- 4) City of St. Paul -- requested 194 sq. miles, LBC approved 194 sq. miles. Opposed annexation: Aleut Community of St. Paul Island (IRA), and the Tanadusix Corporation.
- 5) City of Unalaska -- requested 1294 sq. miles, LBC approved 189 sq. miles. Opposed by Ounalashka Corp.
- 6) Detachment of territory from the North Slope Borough for purposes of forming a Northwest Arctic Borough.

Policy Issues to be Discussed:

- I. Dissolution of organized cities
- II. Impact of Federal Voting Rights Act as it relates to matters which come before the Local Boundary Commission.

February 4, 1986

Memo to Senator DeVries
from Yvonne

Re: LBC Hearings

I have contacted the following persons and advised them of the schedule of hearings on the LBC report:

- Ed Gamble, Mayor
- Angoon annexation: City of Angoon/ Shee Atika (Roger Snippen);
Alaska Lumber & Pump (Mary, & Ken Hammond)
Senator Eliason.
- Ketchikan annexations: City of Ketchikan (Russ Walker, Attorney);
Trevor Stephens, Attorney for Estate of Hans
J. Furuseth
- North Pole annexation: City of North Pole (Shelly Dugan, Clerk);
Interior Energy Corp. (Sunny Carpenter)
Senator Coghill
- St. Paul annexation: City of St. Paul (Phyllis Mercurieff, City
Clerk); Phyllis advised that all the managers
for the Aleut Community and Tanadusix were in
Seattle for planning meetings -- but said that
she would notify their offices.
Representative Herrmann.
- Unalaska annexation: City of Unalaska (Nancy Gross, City Mgr);
Ounalashka Corp (Cathy Grimnes)
Representative Herrmann.
- North Slope Borough detachment: City of Kotzebue (Leo Schaefer, Jr.,
City Manager); North Slope Borough (Harold Curran,
Dave Webber, attorneys -- Shiela Gallagher, attorney)
Kent Dawson, Representative Adams, Senator Ferguson

Perhaps you might want to suggest that the President of the Senate form a "task force" composed of one LBC member, one Dept C&RA manager, one House member, one Senate member, and a representative from the League -- to work on specific policy matters within the purview of the Local Boundary Commission. Such policy matters might include: (a) remuneration for chmn or all members of LBC due to complexity of issues before LBC (b) Dissolution of organized governments (c) organization within the unorganized borough.

Senator DeVries
LBC
DRAFT
File

FEBRUARY 10, 1986

BY: HAROLD J. CURRAN
NORTH SLOPE BOROUGH ATTORNEY

CHAIRPERSONS EDNA DEVRICE, PETER GOLL AND MEMBERS OF THE SENATE AND HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEES. I AM HAROLD CURRAN, THE NORTH SLOPE BOROUGH ATTORNEY - THE NORTH SLOPE BOROUGH MAYOR, GEORGE AHMAOGAK, SR. HAS DIRECT ME TO PRESENT THE BOROUGH'S VIEWS AND THE VIEWS OF ITS RESIDENTS TO YOU TODAY.

I HAVE BEEN THE NORTH SLOPE BOROUGH ATTORNEY SINCE 1981, THE SAME YEAR I MOVED FROM ANCHORAGE TO BARROW. I SPEAK TO YOU TODAY NOT ONLY AS THE NORTH SLOPE BOROUGH ATTORNEY, BUT AS A MEMBER OF THE NORTH SLOPE BOROUGH GOVERNMENT AND AS A LONGTIME RESIDENT OF THE NORTH SLOPE.

ON NOVEMBER 22, 1985, THE COMMISSIONER OF COMMUNITY AND REGIONAL AFFAIRS PETITIONED THE LOCAL BOUNDARY COMMISSION TO DETACH IN EXCESS OF 2 MILLION ACRES FROM THE NORTH SLOPE BOROUGH'S JURISDICTION ON THE CONDITION THAT A NANA REGION BOROUGH BE FORMED, INCLUDING THE DETACHED AREA. THIS IS THE ONLY TIME A PETITION HAS BEEN FILED BY THE OFFICE OF THE COMMISSIONER.

LESS THAN 60 DAYS LATER, ON JANUARY 19, 1985, THE LOCAL BOUNDARY COMMISSION APPROVED THE PETITION WITHOUT MODIFICATION.

DURING THIS EXPEDITED REVIEW THE OFFICIALS AND RESIDENTS OF THE NORTH SLOPE BOROUGH HAVE PROGRESSIVELY FELT CONCERN, DISAPPOINTMENT AND FRUSTRATION.

IN OCTOBER OF LAST YEAR THE NORTH SLOPE BOROUGH RECEIVED NOTICE THAT THE COMMISSIONER WAS CONSIDERING A PETITION THROUGH A NEWSPAPER ARTICLE ON THE SUBJECT. THE COMMISSIONER HAD MET WITH REPRESENTATIVES OF THE NANA REGION WITHOUT NOTICE TO THE NORTH SLOPE BOROUGH OR A REQUEST OF THE NORTH SLOPE BOROUGH FOR ANY INFORMATION CONCERNING THE DECISION.

THE NORTH SLOPE BOROUGH REQUESTED THE COMMISSIONER TO OPEN UP HIS DECISION MAKING PROCESS AND MAKE IT PUBLIC. HE PERSONALLY MET WITH NSB OFFICIALS AND CONSIDERED THE BOROUGH'S INPUT, BUT DID NOT PUBLICLY NOTICE MEETINGS OR HIS DECISIONS.

DURING NOVEMBER AND DECEMBER THE LOCAL BOUNDARY COMMISSION ADDRESSED THE ISSUE OF AN EXPEDITED REVIEW OF THE PETITION. THE NORTH SLOPE BOROUGH OPPOSED AN ACCELERATED SCHEDULE BECAUSE IT UNDERMINES ADEQUATE TIME FOR BRIEFING AND CONSIDERING ALL ISSUES. THE COMMISSION RECOGNIZES THESE CONCERNS IN ITS REQUIREMENT THAT IF A MUNICIPALITY REQUESTS THAT ITS BOUNDARIES BE ALTERED, SUCH A PETITION BE SUBMITTED BY JULY 1 OF THE YEAR IN WHICH THE PETITION IS TO BE DECIDED. THE PURPOSE OF THE REGULATION IS TO ALLOW ADEQUATE TIME TO CONSIDER A PETITION BEFORE IT IS SUBMITTED TO THE LEGISLATURE. THE LOCAL BOUNDARY COMMISSION IGNORED THE

REASONING SUPPORTING ITS RULE AND ALLOWED THE REVIEW TO BE ACCELERATED.

DURING THE SAME TIME PERIOD THE NORTH SLOPE BOROUGH STRENUOUSLY OBJECTED TO THE THE CONFLICT OF INTEREST OF LOCAL BOUNDARY COMMISSIONER BERT GRIEST WHO IS A SHAREHOLDER, EMPLOYEE AND BOARDMEMBER OF NANA. IT ALSO OPPOSED ASSISTANT ATTORNEY GENERAL JOHN RUBINI'S REPRESENTATION OF BOTH THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS AS PETITIONER AND THE LOCAL BOUNDARY COMMISSION AS A SUPPOSEDLY IMPARTIAL TRIBUNAL. THE LOCAL BOUNDARY COMMISSION, AFTER NOVEMBER 22 AND DECEMBER 9 HEARINGS, REFUSED TO ELIMINATE THESE CONFLICTS.

DUE TO THE COMMISSION'S REFUSAL TO RESPOND TO THE OBVIOUS CONFLICT OF INTEREST OF COMMISSIONER BERT GRIEST AND OF ASSISTANT ATTORNEY JOHN RUBINI, THE NORTH SLOPE BOROUGH FILED A LAWSUIT ON JANUARY 30, 1986.

UPON FILING, BERT GRIEST EXCUSED HIMSELF. AFTER HEARING, ON JANUARY 10, 1986, JUDGE PAUL JONES, WHO SITS IN KOTZEBUE, ENJOINED JOHN RUBINI FROM CONTINUING HIS OBVIOUS CONFLICT OF INTEREST AND DUAL REPRESENTATION.

ALL OF US TAKE PRIDE IN A FUNDAMENTAL PREMISE OF AMERICAN GOVERNMENT CALLED DUE PROCESS WHICH GUARANTEES FAIR PLAY AND PROHIBITS THE OBVIOUS COMPROMISE OF THAT FAIRNESS. THE ACTIONS OF

THE BOUNDARY COMMISSION FORCED THE NORTH SLOPE BOROUGH TO SEEK RELIEF IN COURT TO GUARANTEE IT RECEIVE MINIMAL IMPARTIALITY.

THE FACT THAT THE NORTH SLOPE BOROUGH WAS FORCED TO SEEK JUDICIAL RELIEF FOR THIS OBVIOUS WRONG SUPPORTS A NORTH SLOPE CONVICTION THAT THE LOCAL BOUNDARY COMMISSION'S DECISION WAS PREDETERMINED.

IN FURTHER SUPPORT OF THAT CONVICTION I OFFER THE FOLLOWING FACTS.

NANA APPROACHED THE NORTH SLOPE BOROUGH AS EARLY AS 1983, ASKING THE NORTH SLOPE BOROUGH TO PETITION THE BOUNDARY COMMISSION FOR DETACHMENT OF UP TO 488,000 ACRES OF LAND INCLUDING RED DOG MINE. NANA ALSO ASKED THAT THE NORTH SLOPE BOROUGH SUSPEND ITS TAXING AND ZONING AUTHORITY UNTIL THE AREA WAS DETACHED. INITIALLY, THERE WAS NO REQUEST THAT THE DETACHMENT BE CONDITIONED ON THE FORMATION OF A NANA REGION BOROUGH. THE NORTH SLOPE BOROUGH WAS ALSO INFORMED THAT IF IT DID NOT PETITION THE LOCAL BOUNDARY COMMISSION FOR DETACHMENT THAT NANA WOULD GET THE STATE TO PETITION AND DETACH IN EXCESS OF 2 MILLION ACRES OF AREA.

SUCH A DETACHMENT ONLY BENEFITS NANA AS OWNER OF RED DOG MINE AND ITS SELECTED DEVELOPER COMINCO BECAUSE IT WOULD REMOVE THE COST OF BOROUGH REGULATION AND TAXATION. IT WOULD ALSO

NEGATIVELY IMPACT SUBSISTENCE RESOURCES AND THEIR USERS IN BOTH THE NANA REGION AND THE NORTH SLOPE BOROUGH. NANA OFFERED NO VIABLE SUBSTITUTE FOR THESE CONCERNS, AND TO DATE HAS NOT PROPOSED A BOROUGH EXERCISING THE FULL RANGE OF SERVICES PROVIDED BY THE NORTH SLOPE BOROUGH.

FOR THESE REASONS, NANA'S REPRESENTATIONS TO THE LOCAL BOUNDARY COMMISSION THAT THE PURPOSE OF THE DETACHMENT IS TO ESTABLISH A LOCAL GOVERNMENT, AND TO PROTECT SUBSISTENCE DOES NOT RING TRUE. ALSO, THE SUCCESS OF NANA TO GET OVER TWO MILLION ACRES DETACHED, ON AN EXPEDITED SCHEDULE, AS THREATENED DEMONSTRATES NANA'S POLITICAL POWER IN THE STATE, AND IN ITS OWN REGION. IT IS USING THIS POWER TO BENEFIT THE DEVELOPMENT.

THE LBC'S DECISION FURTHER DEMONSTRATED BIAS. I WILL NOT ATTEMPT TO LIST ALL THE INCONSISTENCIES OF THE DECISION BUT THE FOLLOWING IS AN ILLUSTRATIVE HIGHLIGHT.

THE LBC DETERMINED THAT THE TAX BASE IN THE AREA TO BE DETACHED (PRESENTLY RED DOG MINE) IS ESSENTIAL TO THE FORMATION OF A NANA AREA BOROUGH BECAUSE IT WILL PROVIDE A POSITIVE FLOW OF TAX REVENUE.

WHEN LOOKING AT THE LOSS OF THE TAX REVENUES TO THE NORTH SLOPE BOROUGH, THE LBC STATED, "THE LOSS OF A SMALL PORTION OF THE TAX BASE MAY BE SUBSTANTIALLY IF NOT TOTALLY NEUTRALIZED BY THE AVOIDED COSTS OF BEING RELIEVED FROM THE OBLIGATIONS TO

PROVIDE EXTENSIVE SERVICES IN AND TO THE DETACHED TERRITORY." I ASK YOU, HOW CAN RED DOG MINE BE A TAX BASE FOR A NEW BOROUGH AND ON THE SAME FACTS BE A TAX LIABILITY FOR THE NSB?

YOU HAVE THE AUTHORITY TO INTRODUCE A JOINT RESOLUTION THAT, UPON PASSAGE, VETOES THE LOCAL BOUNDARY COMMISSION'S DECISION. THIS ACTION WOULD FORCE A NEW HEARING AND POSSIBLY GUARANTEE A FAIR HEARING.

I SAY A NEW HEARING BECAUSE I BELIEVE THAT THE LOCAL BOUNDARY COMMISSION, AFTER A FAIR HEARING, COULD RENDER A DECISION THAT IS EQUITABLE AND DEFENSIBLE IN COURT. PASSAGE OF THE RESOLUTION WILL NOT STOP THE DRIVE FOR A NANA BOROUGH. FINALLY, THE NORTH SLOPE BOROUGH SUPPORTS THE FORMATION OF A NANA BOROUGH AFTER A FAIR HEARING AND DECISION. FOR THESE REASONS THE NORTH SLOPE BOROUGH URGES THE INTRODUCTION AND PASSAGE OF SUCH A JOINT RESOLUTION.

WHILE I URGE PASSAGE, IF THAT IS NOT POSSIBLE, AT A MINIMUM THE LEGISLATURE SHOULD PROVIDE THE NSB WITH COMPENSATION FOR ITS LOST TAX REVENUES. SUCH ACTION WILL BENEFIT THE STATE, THE NSB AND THE PROPOSED NANA BOROUGH.

THE ONLY SECURITY TO HOLDERS OF MUNICIPAL BONDS IS THE MUNICIPALITY'S TAX BASE. THE LBC'S DECISION TO REDUCE THE NORTH SLOPE BOROUGH'S TAX BASE WITHOUT PROVIDING COMPENSATION SETS A PRECEDENT THAT ALLOWS UNILATERAL REDUCTION OF THE BOND HOLDERS

SECURITY. THIS LOGICALLY IMPACTS THE MARKET VALUE OF ALL ALASKAN MUNICIPAL BONDS. THE STATE'S PAYMENT OF A PROPORTIONATE SHARE OF THE NORTH SLOPE BOROUGH'S BONDED INDEBTEDNESS DUE TO ITS LOST TAX REVENUES WILL REDUCE THIS IMPACT ON THE ALASKAN MUNICIPAL BOND MARKET. THIS SERVES THE BOROUGH AND STATEWIDE INTEREST OF MAINTAINING THE INTEGRITY OF THE MUNICIPAL BOND MARKET.

OVER THE NEXT TEN YEARS THE PROJECTED REVENUE LOSS TO THE NORTH SLOPE BOROUGH RESULTING FROM DETACHMENT IS IN EXCESS OF \$33,000,000. A STATE APPROPRIATION TO MAY A PROPORTIONATE SHARE OF THE NSB'S BONDED INDEBTEDNESS WILL NOT APPROACH THIS FIGURE.

WITH THE PRESENT PRICE OF OIL, A NORTH SLOPE BOROUGH REQUEST FOR \$33,000,000 FROM THE STATE IS NOT REALISTIC. AS A RESULT, MAYOR AHMAOGAK HAS ASKED THAT I RAISE A SEPARATE ISSUE -- MUNICIPAL LANDS ENTITLEMENT. THE NORTH SLOPE BOROUGH HAS RECEIVED NO MUNICIPAL LANDS AND IS PRESENTLY PROHIBITED FROM SELECTING ANY MUNICIPAL LANDS. LEGISLATION ALLOWING NORTH SLOPE BOROUGH SELECTION OF SUCH LANDS WILL ADDRESS THE NORTH SLOPE BOROUGH'S LOSS WITHOUT DIRECTLY COMPENSATING IT.

A LEGISLATIVE SOLUTION THAT PROVIDES ADEQUATE COMPENSATION WILL, IN EFFECT, AMEND THE LBC'S DECISION, REMOVING MUCH OF ITS SUBSTANTIVE UNFAIRNESS. THIS WILL ELIMINATE MANY OF THE REASONS FOR THE BOROUGH'S PURSUIT OF A LEGAL REMEDY.

IT WILL ALSO ENABLE MAYOR AHMAOGAK TO GO TO HIS ELECTORATE AND RESTORE THEIR CONFIDENCE IN THE MUNICIPAL BOUNDARY PROCESS.

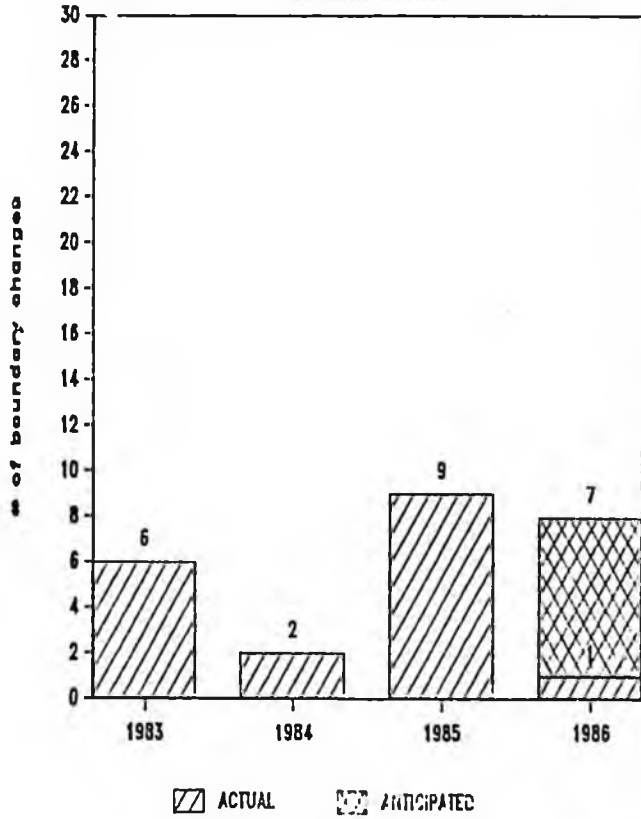
I APPRECIATE THE OPPORTUNITY TO ADDRESS YOU TODAY. I HAVE NOT INTENDED TO OFFEND ANY INDIVIDUAL OR BODY, BUT HAVE MERELY TRIED TO INFORM YOU OF THE NORTH SLOPE BOROUGH'S POSITION, WITH ILLUSTRATIVE EXAMPLES.

I WILL BE GLAD TO ANSWER ANY QUESTIONS WHICH YOU MAY HAVE.

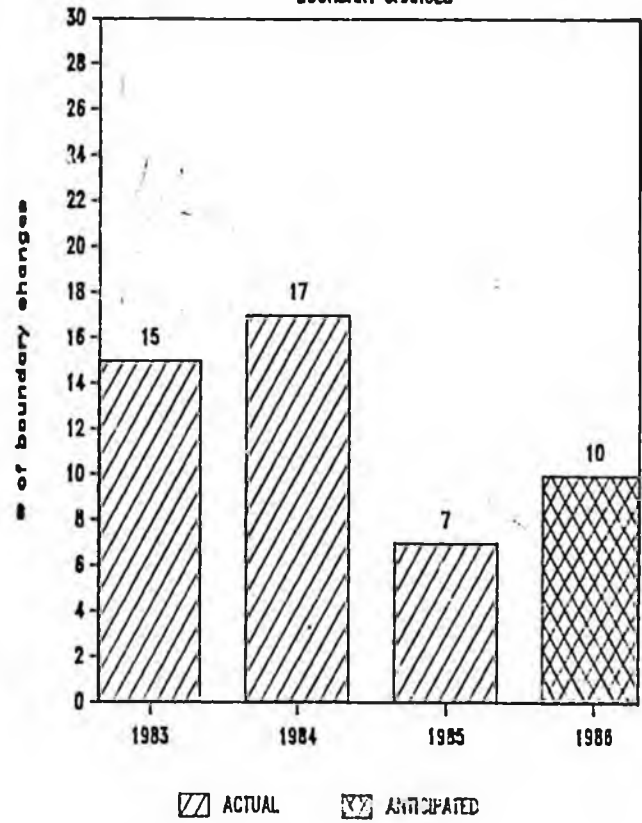
LOCAL BOUNDARY COMMISSION ACTIVITIES

1983 to 1985 and 1986 PROJECTED

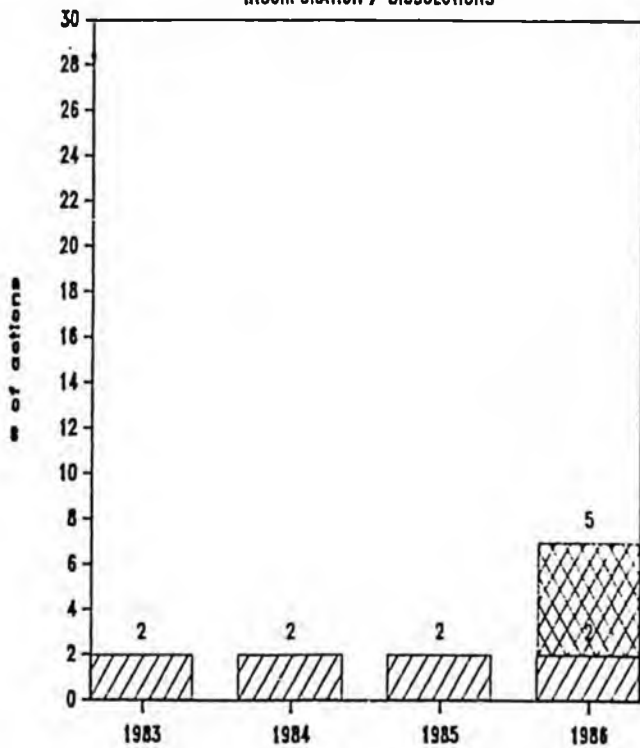
LEGISLATIVE REVIEW
BOUNDARY CHANGES



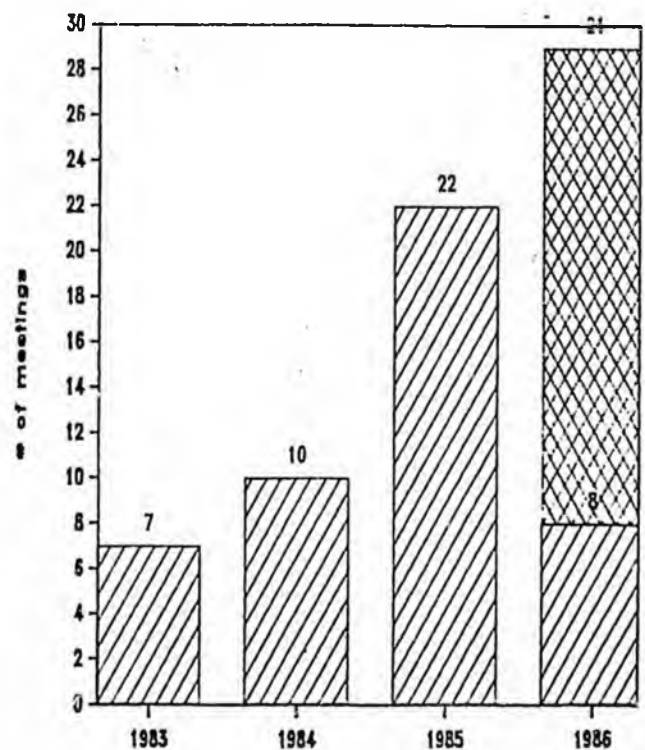
LOCAL ACTION
BOUNDARY CHANGES



MUNICIPAL
INCORPORATION / DISSOLUTIONS



MEETINGS



Sen. DeVries

Alaska State Legislature

Senate

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer



Official Business

Committee on Community and Regional Affairs

Pouch V

Juneau, Alaska 99811

February 11, 1986 -- Rm 17, Capitol

Joint Senate/House C&RA Committee Meeting, Rep Goll, Chairing

Public Hearing on the North Slope Borough detachment issue

Teleconference sites on line for listening and comment:
Barrow, Kotzebue, Anaktuvuk Pass, Atkasuk, Nuiqsut, Point
Hope, Point Lay, Wainwright, Tahatala (?), Fairbanks (at their
request), Wrangell (for LBC Member Jo Anderson)

---CONFERENCE MODERATOR REQUESTS TIME AT BEGINNING OF MEETING
TO POLL EACH SITE IN ORDER TO ASCERTAIN NUMBER OF PERSONS
WISHING TO TESTIFY --- It is hoped that each person wishing
to testify will be able to---in view of the fact that tele-
conference bridge will be needed for another teleconference
at 5:30p; and further, teleconference facilities are not
available for continuing this hearing tomorrow.

KBRW Radio, Barrow -- will be taping teleconference.

AGENDA

- I. Public Hearing
- II. Committee Discussion/Action

Attached material:

- 1) Data on proposed Chugiak-Eagle River Borough
- 2) Data on petition for detachment from the Matanuska-Susitna
Borough
- 3) Ltr w/attached Resolution from City of Cordova
- 4) Copy of Petition from North Slope Borough residents
- 5) Ltr from Interior Energy Corp in opposition to North Pole
annexation



Alaska State Legislature

House of Representatives

Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4833

JOINT HOUSE/SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEES

Local Boundary Commission Decision
North Slope Borough Detachment
February 11, 1986
3:30 p.m.

A G E N D A

Witnesses to Testify in Juneau:

Harold Curran, Chief Attorney
North Slope Borough

Dennis Roper, Special Assistant
Mayor's Office North Slope Borough

Willie Hensley
NANA Corporation

Witness to Testify from Kotzebue:

Marie Green
Maniluk Corporation

Teleconference sites which may have testimony relating to the North Slope Borough detachment decision:

Anaktuvuk Pass, Atkasuk, Barrow, Nuiqsut, Point Hope, Wainwright and Kotzebue.

Teleconference facilities are not available past 5:30 p.m. this afternoon nor are they available Wednesday, February 12th. Testimony must be completed during the two hour hearing today in order to be timely.

The Local Boundary Commission has requested the last 10 minutes of the hearing in order to present any position summary or concluding testimony.

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

MUNICIPAL & REGIONAL ASSISTANCE DIVISION

February 10, 1986

Rec'd 4:15 p.m.
2/10/86 JJA

The Honorable Edna DeVries
Chairman
Senate Community and Regional Affairs Committee
Pouch V
Juneau, AK 99811

Dear Senator DeVries:

At the Joint House-Senate Community and Regional Affairs Committees on February 4, certain members of the Committees expressed an interest in the previous efforts to detach territory from the former Greater Anchorage Area Borough to create the Chugiak-Eagle River Borough. Interest was also expressed in the proposed detachment of Lake Louise from the Matanuska-Susitna Borough.

As requested, I have enclosed copies of relevant documents relating to these two actions. The documents consist of the following:

- ° The April 15, 1975 State Supreme Court Opinion determining that the formation of the Chugiak-Eagle River Borough through a special act of the legislature is not valid because it was a special and local act prohibited by Article 2, Section 19 of the Constitution.
- ° The subsequent Petition for the Detachment of the Greater Chugiak-Eagle River Area from the Greater Anchorage Area Borough and the Petition for the Incorporation of the Proposed Chugiak-Eagle River Borough.
- ° The Report of the Department of Community and Regional Affairs on the proposed detachment and incorporation of the Chugiak-Eagle River Borough.
- ° The March, 1976 Statement of Decision of the Local Boundary Commission rejecting the petition for detachment of the Chugiak-Eagle River Area.
- ° The June 7, 1982 Petition for the Detachment of the Lake Louise Area from the Matanuska-Susitna Borough.

- POUCH BH
JUNEAU, ALASKA 99811
PHONE: (907) 465-4707
- 949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 561-8586
- P.O. BOX 348
BETHEL, ALASKA 99559
PHONE: (907) 543-3475
- P.O. BOX 41
NOME, ALASKA 99762
PHONE: (907) 843-5457
- P.O. BOX 280
KOTZEBUE, ALASKA 99752
PHONE: (907) 442-2675
- 1514 CUSHMAN STREET, ROOM 201
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-7126
- P.O. BOX 10041
DILLINGHAM, ALASKA 99576
PHONE: (907) 842-2245

The Honorable Edna DeVries
February 10, 1986
Page Two

- The September 9, 1982 initial report and the November 1, 1982 supplemental report of the Department of Community and Regional Affairs on the petition for the detachment of Lake Louise.
- The January 9, 1983 Statement of Decision of the Local Boundary Commission rejecting the petition for detachment of Lake Louise.

If you desire additional information, please advise me.

Sincerely,



Marty Rutherford
Director

Enclosure

LOCAL BOUNDARY COMMISSION

In re the petition for detachment)
of the Chugiak-Eagle River area)
from the Greater Anchorage Area)
Borough, and the petition for)
incorporation of a second class)
borough in the Chugiak-Eagle River)
area.)

STATEMENT OF DECISION

Whereas, in July, 1975, petitions requesting detachment from the Greater Anchorage Area Borough and subsequent incorporation of a second class Chugiak-Eagle River Borough were submitted to the Department of Community and Regional Affairs in accordance with Title 29 of the Alaska Statutes; and

Whereas, the Department in September, 1975, found the petitions in the proper form with the requisite content and accompanying exhibits; and

Whereas, upon receipt of the sufficient petition the Local Boundary Commission scheduled a public hearing with notice as prescribed by law; and

Whereas, the Local Boundary Commission held a public hearing at the Chugiak High School on October 29, 1975; and

Whereas, the Local Boundary Commission held a public decisional meeting in Anchorage on December 11, 1975, to review the record of the Chugiak-Eagle River petitions;

Now, therefore, the Local Boundary Commission makes the following findings of fact and enters its decision pursuant thereto:

(1) The proposed petition fails to meet statutory and regulatory standards for detachment and incorporation contained in AS 29.18.030 and AAC 19.15.230 in that the area is an integral part of the municipality of Anchorage culturally, socially and economically.

- (a) The Glenn Highway, which will ultimately be four-lane between Anchorage and Eagle River joins the two areas. Traffic counts obtained from the State Department of Highways were submitted to the Commission and reflect that between Eagle River and the Glenn Highway entrances to the Fort Richardson military installation there were 19,400 average daily trips, and between Muldoon Road and Anchorage there were 18,100 average daily trips. These figures indicate a great deal of traffic between Anchorage and Eagle River-Chugiak.
- (b) In addition to private transportation, figures from the Anchorage Municipal transit system regarding the Eagle River-Anchorage route indicate that in two weeks in 1975, 1158 persons rode the bus between Eagle River and Anchorage. Testimony was introduced at the hearing which indicates that many persons in the Eagle River area work and shop in Anchorage. The traffic figures bear this out. The area is in fact an 'exurban' area or a 'bedroom community' of Anchorage.
- (c) The proposed borough further reflects its bedroom status in that there are almost no social or cultural activity centers in the area. The testimony on record reflects that many residents of Eagle River-Chugiak come to Anchorage for movies, theatre, music and other activities of a like nature. This further reinforces the integration of the area with Anchorage.

(2) There are no natural boundaries separating the area from the remainder of the Anchorage municipality. There is a distance of 15 miles between the downtown Anchorage area and the population center of the proposed borough. The only barrier is one of land use, the military

military reservation is not a barrier. In addition, the Glenn Highway runs through the military reservation joining the two areas, furthering the fact of contiguity of the two areas.

(3) The detachment will be inimical to the interest of the State in that the constitutional mandate of a minimum of local government units and tax levying jurisdictions would be violated. The Commission finds that the entire Anchorage area is an integrated area and that the existing borough embraces an area and population with common interests to the maximum degree possible as required by the Constitution.

The record does not reflect that the interests and needs of the Eagle River-Chugiak area differ sufficiently from metropolitan Anchorage to create a separate borough.

(4) The area is not stable enough to support organized borough government in that the Eagle River-Chugiak tax base is not large enough to support necessary services without the support of the larger tax base of the entire Anchorage area. This is based upon the following facts submitted to the Commission.

(a) The assessed valuation for the 1975-6 tax year is \$134,598,035. The population is 8,402. As previously held, the area is a bedroom community of Anchorage with little business development in the Eagle River-Chugiak area. The Eagle River area receives schools, planning and zoning, tax assessment and collection, animal control, sewers, health protection and transportation services from the Anchorage Municipality. The larger tax base of Anchorage has helped provide bond monies for schools in the area. Higher levels of some services are being provided to Eagle River-Chugiak residents than to other areas of Anchorage, i.e., health center and library.

(b) Under the budgets prepared by the then Chugiak-Eagle River Borough, the tax rates would have been 18.96 mills

(Eagle River) and 17.20 mills (Chugiak) as compared to the current rates of 12.61 mills and 11.40 mills. Many residents of the area testified to their belief that the area could not afford a separate government.

(c) A review of Chugiak-Eagle River Service Areas elections since 1966 reflects that only 2 issues passed, fire protection for Eagle River and Chugiak, whereas, the residents turned down an earlier fire issue, roads and drainage, parks and recreation, and as late as March 1974, police protection. The Commission construes these facts as indicating an unwillingness and/or inability to support needed municipal functions.

(5) The Eagle River-Chugiak area is guaranteed representation on the assembly of the Municipality of Anchorage and the charter of the new unified government provides for the creation of Community Councils.

(6) The Service Area concept provided for in Alaska Statutes is retained in the new charter and affords the residents of the Eagle River-Chugiak area an opportunity to request the addition of new services or to increase the level of existing services in the area.

(7) There have been no significant changes other than increase in population in the area since incorporation under the provisions of Chapter 52 SLA 1963, and accordingly, the Commission finds there is no justification for modifying the original boundaries of the Greater Anchorage Area Borough set by the Legislature.

The Commission is aware of the Goat Creek Detachment, the conformance of the Greater Anchorage Area Borough boundaries to metes and bounds description and the correction to the southern boundary description of the Greater Anchorage Area Borough.

In accordance with the above findings, the Local Boundary Commission rejects the detachment petition and therefore does not consider the petition for incorporation of the proposed borough as that issue is moot.

Dated at Anchorage, Alaska, this 15th day of March, 1976.

LOCAL BOUNDARY COMMISSION

Approved:

s/ Sigvald J. Strandberg
Sigvald J. Strandberg, Chairman

s/ Sheila G. Jones
Sheila G. Jones

s/ _____
Josephine Anderson

s/ _____
Oliver Leavitt

Dissent:

s/ _____
Gary Ackerman

JAN 23 RECD

LAW OFFICES OF
ZIEGLER, CLOUDY, KING & PETERSON

307 BAWDEN STREET
KETCHIKAN, ALASKA 99901

AREA CODE 907
225-9401

A. H. ZIEGLER
1915-1972 (DECEASED)

ROBERT H. ZIEGLER, SR.
C. L. CLOUDY
EDWARD G. KING
JOHN W. PETERSON
CRYSTAL SOMMERS BRAND
ANNE M. PRESTON

January 21, 1986

VIA EXPRESS MAIL

Senator Edna DeVries
Alaska State Legislature
Pouch V (MS - 3100)
Juneau, Alaska 999811

Re: Estate of Hans J. Furuseth
Our File 15.023.17

Dear Senator DeVries:

Thank you very much for taking the time yesterday to discuss the Furuseth annexation matter. Enclosed herewith please find the materials which we have forwarded to Senator Ziegler and Representatives Taylor and Sund. We believe that they accurately reflect our position and the relevant facts.

We look forward to hearing from Yvonne Alford in the very near future regarding the Legislative Hearing date. Thank you again for your time and interest.

Very truly yours,

ZIEGLER, CLOUDY, KING & PETERSON

By *Trevor N. Stephens*
Trevor N. Stephens

TNS:em

Enclosures:

Answering Brief
05/30/85 Petition
08/21/85 Notti ltr
KTN Reply Brief

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

BEFORE THE LOCAL BOUNDARY COMMISSION

ESTATE OF HANS J. FURUSETH,)	
)	
Respondent,)	
)	
v.)	ANSWERING BRIEF
)	
CITY OF KETCHIKAN,)	
)	
Appellee.)	

The Ketchikan City Council has voted to petition the Local Boundary Commission in an effort to annex certain properties owned by respondent. This brief is filed pursuant to the requirements of 19 AAC 10.550.

I
BACKGROUND

In April of 1983 the Ketchikan City Council directed staff to begin preparations for the annexation of certain properties adjacent to the City limits. On January 16, 1984, Ketchikan's Assistant City Manager presented an annexation report to the Mayor and City Council which identified the properties to be annexed and recommended that the Council direct the staff to prepare the necessary ordinances, petitions, and supporting

ZIEGLER, CLOUDY, KING & PETERSON
Phone (907) 225-9401
307 Bowden Street
Ketchikan, Alaska 99901

1 papers. On February 2, 1984, the City Council directed staff to
2 proceed with the preparation of these documents.

3 The Estate of Hans J. Furuseth owns properties located
4 at USS 1229, Tract E (hereinafter "Furuseth Addition") and
5 USS 2635, Tracts C and D, and Lots 1-54 (hereinafter "Gisse-
6 Furuseth Property"); more particularly described in attached
7 Exhibit A.

8 This office represents the Furuseth Estate. On June 3,
9 1985, we received a letter from Ketchikan's City Manager inform-
10 ing us for the first time that the City Council, at its June 6
11 meeting, would be considering a resolution to annex the
12 above-described Furuseth properties.

13 On June 4 we requested that the City Council defer
14 consideration of this resolution until its June 20 meeting in
15 light of the fact that we had been afforded only three (3) days'
16 notice of the June 6 meeting and that the attorney handling the
17 Estate was to be out of town on business. The City Council
18 agreed to defer consideration of the annexation resolution until
19 June 20.

20 I appeared before the City Council on June 20 and
21 outlined our opposition to the proposed annexation. The City
22 Council nonetheless approved the resolution.

23 The resolution, No. 85-1431 (Exhibit A), listed the
24 following two (2) justifications for the annexation of both the
25 Furuseth Addition and the Gisse-Furuseth Property:

26 1. The property is "likely to experience
27 future growth and development and that annexation . . .
28 will enable the city . . . to plan for and control that
29 development."

30 2. The "properties [are] receiving certain
31 services without commensurate property tax contribu-
32 tions."

1 The Furuseth Addition contains 2.879 acres near Sixth
2 Avenue, adjacent to residential areas, and near to City water,
3 sewer and street services. The Gisse-Furuseth Property contains
4 55.26 acres, is located on the northwest boundary of the
5 Ketchikan Sanitary Landfill, and is not in close proximity to
6 residential areas. The Gisse-Furuseth Property was platted some
7 time ago but is presently undeveloped.
8
9

10 II

11 DISCUSSION
12

13 Article 10 § 12 of Alaska's Constitution, AS 44.47.567,
14 and AS 29.68.010 provide two basic procedures by which the City
15 Council can attempt to annex adjacent land: boundary changes by
16 local action (19 AAC 10.670-730); and, boundary changes by
17 legislative review (19 AAC 10.450-620). The Ketchikan City
18 Council has elected to pursue the legislative review approach.
19

20 This procedure requires the City Council to submit a
21 petition conforming to the requirements of 19 AAC 10.480-.500, to
22 the Local Boundary Commission. The Commission reviews the
23 petition under the criterion outlined in 19 AAC 10.520. If the
24 petition is in proper form the Commission may order local public
25 hearings concerning the annexation under 19 AAC 10.540. If the
26 Commission finds in favor of the annexation the proposed change
27 is to be presented to the legislature during the first ten (10)
28 days of a regular session. If the legislature fails to act on
29 that proposal within forty-five (45) days the annexation is
30 automatically approved.

31 19 AAC 10.550 provides a party opposing annexation an
32 opportunity to submit an answering brief to the Commission prior
to public hearings on the issue. 19 AAC 10.550(c) reads:

1 (c) The answering brief shall indicate the
2 factual information thought to be incorrectly
3 or incompletely presented in the petition or
4 the petitioner's brief and shall demonstrate
5 the manner in which the proposed boundary
6 change fails to satisfy the appropriate
7 standards prescribed in this chapter. The
8 brief shall include a discussion of the
9 considerations set forth in 19 AAC 10.500.

6 (Emphasis added).

7 The standards referred to in 19 AAC 10.550(c) are
8 listed at 19 AAC 10.070(a):

9 19 AAC 10.070. ANNEXABLE TERRITORY.

10 (a) Territory which is contiguous to a city
11 may be annexed to that city if one or more of
12 the following standards are met:

13 (1) the contiguous territory is
14 totally surrounded by the city's
15 boundaries;

16 (2) the land in the territory is
17 wholly owned by the city;

18 (3) the territory is urban in
19 character;

20 (4) the territory is in need of
21 municipal services which the city
22 can provide more efficiently than
23 another municipality;

24 (5) there is a reasonable likeli-
25 hood that future growth and devel-
26 opment will occur within the
27 territory and that annexation of
28 the territory will enable the city
29 to plan for and control that
30 development;

31 (6) the health, welfare, or safety
32 of city residents is endangered by
conditions existing or developing
in the territory and annexation
will enable the city to remove or
relieve those conditions;

(7) the extension into the terri-
tory of city services or facilities
is necessary to enable the city to
provide adequate service to city
residents, and it is impossible or
impractical for the city to extend
the facilities or services unless
the territory is within the city's
boundaries;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

(8) residents or property owners within the territory receive or may be reasonably expected to receive, directly or indirectly, the benefit of city government without commensurate property tax contributions, whether city services are rendered or received inside or outside the territory;

(9) the annexation is otherwise necessary to accomplish a valid public purpose.

(Emphasis added).

19 AAC 10.500 governs the required contents of the City Council's brief:

19 AAC 10.500. BRIEFS.

The petition must be accompanied by a written brief. the brief shall fully set forth the reasons supporting the boundary change and shall demonstrate that the boundary change meets the applicable standards established in this chapter for annexation or detachment. The commission will, in its discretion, require additional information which it determines will be useful for evaluation of the petition.

(Emphasis added).

19 AAC 10.080(a) governs the application of the above standards, and reads as follows:

19 AAC 10.080. APPLICATION OF STANDARDS.

(a) The commission will not approve an annexation unless the annexing city demonstrates to the satisfaction of the commission that it is capable of extending, and is willing to extend, services to the annexed area as follows:

(1) full municipal services shall be extended to the annexed area immediately unless

(A) the annexation is pursuant to 19 AAC 10.735 - 19 AAC 10.790; or,

(B) the immediate extension of full municipal services to the annexed area is impossible because of lack of necessary facilities, in

1 which case the annexing
2 city shall satisfy the
3 commission that it will
4 provide the services
5 within a reasonable time;

6

7 (Emphasis added).

8 The copy of the City Council's petition we have re-
9 ceived does not contain a document identifying itself as a
10 "brief." However, Resolution 85-1431 (Exhibit A) which is
11 attached to the petition identifies 19 AAC 10.070(a)(5) and (8)
12 as the standards justifying the annexation of both the Furueth
13 Addition and the Gisse-Furueth Property.

14 Neither the resolution nor the petition make reference
15 to the City's plans concerning the extension of services to
16 either parcel of property.

17 A. THE FURUETH ADDITION

18 The Furueth Addition currently receives no City
19 services. The property is, however, located in relatively close
20 proximity to Sixth Avenue and residential areas. The City can
21 thus make a colorable claim that 19 AAC 10.070(a)(5), and perhaps
22 (a)(8), justify its annexation.

23 However, as discussed above, the City Council's peti-
24 tion and accompanying documents do not demonstrate that the City
25 is capable and willing to immediately extend City services to
26 this property. The City Council has also failed to claim and
27 show that this property qualifies for the 19 AAC 10.080(a)(1)
28 exceptions.

29 19 AAC 10.520 addresses this situation as follows:

30 19 AAC 10.520. REVIEW OF PETITION.

31 (a) The department will review the petition
32 and brief and determine whether they

1 (1) are in substantially the
2 proper form; and,

3 (2) contain the factual informa-
4 tion required by this chapter.

5 (b) If the department determine that the
6 petition or brief is deficient as to form or
7 content it will return the defective petition
8 or brief for correction or completion. If
9 the department determines that the petition
10 and brief are in substantial compliance with
11 these regulations, it will notify the peti-
12 tioner that the petition and brief have been
13 accepted.

14 (Emphasis added). The City Council has failed to meet the
15 petition content requirements as outlined in 19 AAC 10.500 and 19
16 AAC 10.080, therefore, 19 AAC 10.520(b) requires that the commis-
17 sion return the defective petition for correction or completion.

18 B. THE GISSE-FURUSETH PROPERTY.

19 The portion of the petition concerning the
20 Gisse-Furusetth Property contains the same "form and content"
21 defect discussed above.

22 In addition, unlike the Furusetth Addition, the 19
23 AAC 10.070(a)(5) and (8) standards relied on by the City Council
24 are clearly inapplicable to the Gisse-Furusetth Property. Ad-
25 dressing (a)(5) first, the City Council cannot show a "reasonable
26 likelihood that future growth and development will occur" on this
27 property. The property is comprised of some fifty-five (55)
28 acres of trees and muskeg situated adjacent to the City's pres-
29 ently operating Sanitary Landfill, and is not in close proximity
30 to residential areas. Also, Ketchikan has been experiencing a
31 very depressed economy for some time. There is no indication
32 that an economic recovery is likely in the reasonably near
future. There is also no indication that the present landfill
site will be abandoned in the reasonably near future.

1 These factors have combined to make it economically
2 impossible for the Estate to develop, lease, or sell this proper-
3 ty. Thus, there is absolutely no "reasonable likelihood that
4 future growth and development will occur" on the Gisse-Furuseth
5 Property.

6 Turning to (8)(A), the Estate has not and is not and
7 can not be "reasonably expected to receive, directly or indirect-
8 ly, the benefit of city government without commensurate property
9 tax contributions."

10 The property is not presently receiving sewer, water or
11 road services. As discussed above, the City's petition does not
12 indicate a willingness or ability to provide such services to
13 property located so far from existing residential and commercial
14 areas. Thus the property is not and will not be receiving City
15 services while escaping tax liability.

16 The net effect of annexation, then, would be to triple
17 taxes on a piece of property which is not receiving City services
18 and will not be receiving City services in the reasonably near
19 future. The City has no plans to extend such services and it is
20 economically impossible for the Estate to finance the services.

21 The City Council has thus failed to identify a standard
22 under 19 AAC 10.070(a) which actually justifies the annexation of
23 the Gisse-Furuseth Property. The Commission, therefore, should
24 deny the City's Council's petition to annex the Gisse-Furuseth
25 Property.

26
27
28 III

29 CONCLUSION

30
31 The petition should be returned to the Ketchikan City
32

1 Council with directions that it correct or complete the petition
2 by indicating the City's capability and willingness to extend
3 services to both the Furuseth Addition and the Gisse-Furuseth
4 Property.

5 The portion of the petition concerning the Gisse-
6 Furuseth Property should in any event be denied because the two
7 (2) standards listed by the City Council as justifying the
8 annexation are clearly inapplicable, given the location and
9 condition of the property, as well as Ketchikan's economic
10 condition.

11 Dated at Ketchikan, Alaska, this 7th day of October,
12 1985.

13
14 ZIEGLER, CLOUDY, KING & PETERSON

15
16 By EDWARD G. KING
17 Edward G. King

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
ZIEGLER, CLOUDY, KING & PETERSON
Phone (907) 225-9401
307 Bowden Street
Ketchikan, Alaska 99901

TNS:EGK:em
15.023.17
E1TNS

THE CITY OF KETCHIKAN, ALASKA

RESOLUTION NO. 85-1431

A RESOLUTION OF THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, FILING AN ANNEXATION PETITION FOR CERTAIN PRIVATE PROPERTY AND PUBLIC PARK RESERVES (TO BE KNOWN AS THE GISSE-FURUSETH-SPEAR ADDITIONS) AS AUTHORIZED BY 19 AAC 10.470 and A.S. 29.68.010; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Council of the City of Ketchikan finds the hereinafter described properties situated contiguous to and adjoining the City of Ketchikan, to be properties likely to experience future growth and development and that annexation of said properties will enable the City of Ketchikan to plan for and control that development; and

WHEREAS, the Council of the City of Ketchikan finds the said properties to be receiving certain City services without commensurate property tax contributions; and

what service

WHEREAS, the Council of the City of Ketchikan finds and determines said properties should now be annexed to the City; and

WHEREAS, 19 AAC 10.470 provides for annexation of territory by petition of the governing body of the municipality whose boundaries are to be changed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, AS FOLLOWS:

Section 1: Annexation of Real Property. The State of Alaska is hereby petitioned to grant the annexation to the City of Ketchikan, Alaska, of these certain contiguous tracts of land, the boundaries of said parcels of real property being more particularly described as follows:

Furuseth Addition

The parcel of land known as Tract E, U. S. Survey 1229, as shown on recorded plat #84-6, Ketchikan Recording District, First Judicial District, State of Alaska, more particularly bounded and described as follows:

Beginning at the southeastern most corner of Tract E, said corner being in common with the northeastern most corner of Lot 12A, Block 6, U. S. Survey 1229, this being the point of beginning;

- thence N-89°48'-W a distance of 299.83 feet;
- thence North a distance of 15 feet;
- thence N-89°48'-W a distance of 175.27 feet;
- thence along a curve concave to the South (Radius=30 feet) an arc distance of 23.24 feet;
- thence along a curve concave to the North (Radius=30 feet) an arc distance of 77.38 feet;
- thence N-89°48'-W a distance of 100.42 feet;
- thence North a distance of 200.00 feet;
- thence S-89°48'-E a distance of 650.00 feet;
- thence South a distance of 200.00 feet to the point of beginning.

The hereinabove described parcel of land contains 2.879 acres more or less.

Gisse-Furuseth Addition

That portion of U. S. Survey 2635, Ketchikan Recording District, First Judicial District, State of Alaska, more particularly bounded and described as follows:

Beginning at corner 7 of U. S. Survey 2635 as shown on recorded plat #77-43, said corner being a B.L.M. monument, and being in common with the eastern most corner of U.S. Survey 1381, this point being the point of beginning;

thence N-59°41'00"-W a distance of 275.88 feet;
thence N-31°01'00"-E a distance of 438.88 feet;
thence N-64°52'00"-E a distance of 60.26 feet;
thence N-85°26'00"-E a distance of 81.61 feet;
thence N-70°22'00"-E a distance of 84.19 feet;
thence N-83°56'00"-E a distance of 78.15 feet;
thence S-38°42'00"-E a distance of 74.86 feet;
thence S-59°18'00"-E a distance of 57.46 feet;
thence S-73°59'00"-E a distance of 129.34 feet;
thence N-29°21'17"-W a distance of 309.00 feet;
thence N-47°23'23"-W a distance of 355.00 feet;
thence N-6°40'44"-E a distance of 352.94 feet;
thence North a distance of 87.00 feet;
thence N-66°29'31"-W a distance of 239.64 feet;
thence West a distance of 126.00 feet;
thence N-39°10'00"-W a distance of 115.01 feet;
thence North a distance of 178.24 feet;
thence East a distance of 1311.97 feet;
thence South a distance of 147.18 feet;
thence East a distance of 460.35 feet;
thence South a distance of 1623.60 feet;
thence West a distance of 1483.68 feet to the point of beginning.

The hereinabove described parcel of land contains 55.26 acres, more or less.

Spear Addition

That parcel of land known as Tract A, U. S. Survey 2635, Ketchikan Recording District, First Judicial District, State of Alaska, more particularly bounded and described as follows:

Beginning at corner 1 of U.S.S. 2635 according to the official government plat thereof;

thence S-21°47'-W a distance of 34.65 feet;
thence East a distance of 116.94 feet;
thence S-23°00'00"-W a distance of 140.89 feet;
thence N-59°34'-W a distance of 255.40 feet;
thence N-79°15'-E a distance of 174.24 feet
to the point of beginning.

The hereinabove described parcel of land contains 0.47 acres, more or less.

Section 2: Effective Date. This resolution shall be effective upon its passage and approval.

PASSED AND APPROVED this ____ day of _____, 1985.

Charles E. Freeman, Mayor

ATTEST:

Karen Miles, City Clerk

TO: Emil Notti
Commissioner
Department of Community and Regional Affairs
Pouch B
Juneau, Alaska 99811

RE: In the matter of the annexation of an area to the City of Ketchikan, initiated by the Council of the City of Ketchikan as per 19 AAC 10.470

DATE: May 28, 1985

(1) PETITION FOR ANNEXATION.

Pursuant to the provisions of AS 29.68.010 and 19 AAC 10.450-.620 the Council of the City of Ketchikan respectfully petitions for approval of a boundary change by the annexation of the territory hereinafter described to the City of Ketchikan, Alaska.

(2) NAME AND MAILING ADDRESS OF PETITIONER.

This petition is submitted by:

City of Ketchikan
334 Front Street
Ketchikan, Alaska 99901

(3) PETITIONER'S REPRESENTATIVE.

The name, telephone number, and mailing address of petitioner's representative designated by petitioner to receive service, notice and all correspondence relating to the proceedings on behalf of petitioner with regard to this petition is:

James A. Van Altvorst
City Manager
City of Ketchikan
334 Front Street
Ketchikan, Alaska 99901
(907) 225-3111 extension 335

(4) LEGAL BOUNDARY DESCRIPTION OF AREA PROPOSED TO BE ANNEXED.

The legal boundary description of the property proposed to be annexed is set forth on Exhibit A hereto.

(5) DESCRIPTION OF BOUNDARIES OF MUNICIPALITY SHOULD ANNEXATION BE EFFECTED.

The legal description of the boundaries of the City should the boundary change be effected is set forth on Exhibit B hereto.

(6) ASSESSED VALUE OF TAXABLE PROPERTY (1985).

The assessed (or estimated) value of taxable property located within the area proposed to be annexed is:

- (a) real property: \$1,152,150.00 (assessed value).
- (b) personal property: -0-

(7) NUMBER OF RESIDENTS IN AREA PROPOSED TO BE ANNEXED.

The estimated total number of current residents within the area proposed to be annexed is: 4

(8) REAL AND PERSONAL PROPERTY TAX RATES (1984).

The current rates at which real and personal property are taxed within the City of Ketchikan is: 8.9 mills

(9) SALES AND USE TAX RATES.

The current rates of sales and use taxes within the City of Ketchikan are:

- (a) sales: 4%
- (b) use: 0

(10) OUTSTANDING INDEBTEDNESS.

Ratio of general bonded debt to assessed value is 4.01%. There are no service districts or other bonded debt sources. Given the above stated assessed value the outstanding bonded indebtedness of this property is \$46,201.21. Total Borough general bonded debt is \$23,019,000 (1984) and total City general debt is \$10,840,000 as of April 1985.

(11) POPULATION AND AREA OF MUNICIPALITY.

- (a) The estimated current population of the City of Ketchikan to which annexation is sought is: 8,414
- b) The total area of the City is: 1,254 acres (1,673 including offshore city limits)

EXHIBITS

1. Exhibit "A" attached hereto is the legal boundary description of the property proposed to be annexed.
2. Exhibit "B" attached hereto is the legal description of the boundaries of the City should the boundary change be effected.
3. Exhibit "C" attached hereto is a map showing the present boundaries of the municipality and the boundaries of the municipality if the proposed boundary change becomes effective.
4. Exhibit "D" attached hereto is an Affidavit stating the source from which information contained in this petition and/or attached exhibits was acquired, including but not limited to, population figures, stating how an estimate of the population of the area proposed to be annexed was made and circumstances indicating its accuracy.
5. Exhibit "E" attached hereto is a certified copy of the resolution authorizing the municipality to file the petition.
6. Exhibit "F" attached hereto is the affidavit of the petitioner that service of the petition has been made in compliance with 19 AAC 10.510.
7. Exhibit "G" attached hereto is a written brief in support of the annexation as required by 19 AAC 10.500.

Dated _____

CITY OF KETCHIKAN, ALASKA

By: _____
James A. Van Altvorst
City Manager

ATTEST:

Karen Miles, City Clerk

MH/854

Gisse-Furuseth Addition

That portion of U. S. Survey 2635, Ketchikan Recording District, First Judicial District, State of Alaska, more particularly bounded and described as follows:

Beginning at corner 7 of U. S. Survey 2635 as shown on recorded plat #77-43, said corner being a B.L.M. monument, and being in common with the eastern most corner of U.S. Survey 1381, this point being the point of beginning;

thence N-59°41'00"-W a distance of 275.88 feet;
thence N-31°01'00"-E a distance of 438.88 feet;
thence N-64°52'00"-E a distance of 60.26 feet;
thence N-85°26'00"-E a distance of 81.61 feet;
thence N-70°22'00"-E a distance of 84.19 feet;
thence N-83°56'00"-E a distance of 78.15 feet;
thence S-38°42'00"-E a distance of 74.86 feet;
thence S-59°18'00"-E a distance of 57.46 feet;
thence S-73°59'00"-E a distance of 129.34 feet;
thence N-29°21'17"-W a distance of 309.00 feet;
thence N-47°23'23"-W a distance of 355.00 feet;
thence N-6°40'44"-E a distance of 352.94 feet;
thence North a distance of 87.00 feet;
thence N-66°29'31"-W a distance of 239.64 feet;
thence West a distance of 126.00 feet;
thence N-39°10'00"-W a distance of 115.01 feet;
thence North a distance of 178.24 feet;
thence East a distance of 1311.97 feet;
thence South a distance of 147.18 feet;
thence East a distance of 460.35 feet;
thence South a distance of 1623.60 feet;
thence West a distance of 1483.68 feet to the point of beginning.

This hereinabove described parcel of land contains 55.26 acres, more or less.

Spear Addition

That parcel of land known as Tract A, U. S. Survey 2635, Ketchikan Recording District, First Judicial District, State of Alaska, more particularly bounded and described as follows:

Beginning at corner 1 of U.S.S. 2635 according to the official government plat thereof;

thence S-21°47'-W a distance of 34.65 feet;
thence East a distance of 116.94 feet;
thence S-23°00'00"-W a distance of 140.89 feet;
thence N-59°34'-W a distance of 255.40 feet;
thence N-79°15'-E a distance of 174.24 feet
to the point of beginning.

The hereinabove described parcel of land contains 0.47 acres, more or less.

EXHIBIT A

Furuseth Addition

The parcel of land known as Tract E, U. S. Survey 1229, as shown on recorded plat #84-6, Ketchikan Recording District, First Judicial District, State of Alaska, more particularly bounded and described as follows:

Beginning at the southeastern most corner of Tract E, said corner being in common with the northeastern most corner of Lot 12A, Block 6, U. S. Survey 1229, this being the point of beginning;

thence N-89°48'-W a distance of 299.83 feet;
thence North a distance of 15 feet;
thence N-89°48'-W a distance of 175.27 feet;
thence along a curve concave to the South (Radius=30 feet) an arc distance of 23.24 feet;
thence along a curve concave to the North (Radius=30 feet) an arc distance of 77.38 feet;
thence N-89°48'-W a distance of 100.42 feet;
thence North a distance of 200.00 feet;
thence S-89°48'-E a distance of 650.00 feet;
thence South a distance of 200.00 feet to the point of beginning.

The hereinabove described parcel of land contains 2.879 acres more or less.

MH/8415

EXHIBIT A

City of Ketchikan - Metes and Bounds

The corporate limits of the City of Ketchikan, Alaska, a parcel of real property located in the Ketchikan Gateway Borough, First Judicial District, Alaska, more particularly bound and described as follows:

Commencing at the northeast corner of the Homer Lode, U. S. Mineral Survey 769;

thence N 29°36' E, a distance of 1200.00 feet to the true point of beginning.

thence N 29° 36' E a distance of 9.12 feet;
thence a bearing of East, a distance of 270.60 feet;
thence southward along the centerline of Ketchikan Creek approximately 700 feet;
thence S 79°15' W a distance of 205.26 feet;
thence S 21° 47' W a distance of 34.65 feet;
thence a bearing of East a distance of 1890.24 feet;
thence a bearing of South a distance of 147.18 feet;
thence a bearing of East a distance of 460.35 feet;
thence a bearing of South a distance of 1623.60 feet;
thence a bearing of West a distance of 1483.68 feet;
thence S 33° 28' W a distance of 348.42 feet;
thence S 56° 30' E a distance of 2649 feet;
thence S 51° 57' W a distance of 2965.52 feet;
thence N 54° 53' 54" W a distance of 8487.96 feet;
thence N 65° 35' 45" W a distance of 2633.28 feet;
thence N 49° 25' 17" W a distance of 4796.14 feet;
thence N 29° 20' E a distance of 1502.90 feet;
thence S 60° 40' E a distance of 1261.90 feet;
thence S 29° 20' W a distance of 130 feet;
thence a bearing of East a distance of 424.38 feet;
thence a bearing of South a distance of 559.55 feet;
thence a bearing of East a distance of 542.52 feet;
thence a bearing of North a distance of 208 feet;
thence N 1° 10' E a distance of 419.44 feet;
thence N 9° 49' E a distance of 604.98 feet;
thence a bearing of North a distance of 632.37 feet;
thence a bearing of East a distance of 4601.93 feet;
thence a bearing of South a distance of 1591.27 feet;
thence a bearing of West a distance of 1117.31 feet;
thence a bearing of South a distance of 300.00 feet;
thence a bearing of West a distance of 297.64 feet;
thence a bearing of South a distance of 856.12 feet;
thence S 89° 48' E a distance of 236.46 feet;
thence S 0° 12' W a distance of 100 feet;
thence S 89° 48' E a distance of 245 feet;
thence S 0° 12' W a distance of 440 feet;
thence a bearing of East a distance of 166.48 feet;
thence a bearing of South a distance of 200.58 feet;
thence S 89° 48' E a distance of 81.65 feet;

EXHIBIT B

854/Master
City w/Gisse-Furuseth-Spear

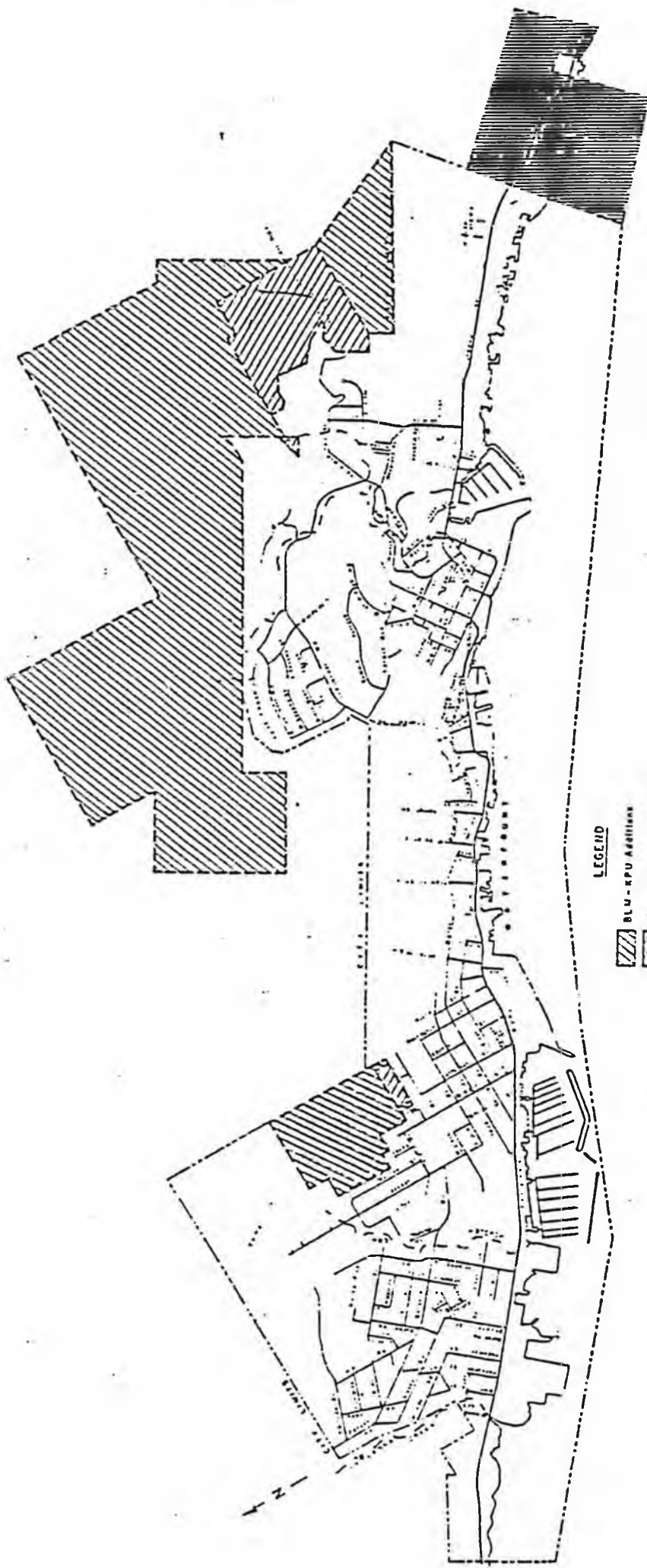
-1-

Ketchikan Metes and Bounds

thence a bearing of North a distance of 200.00 feet;
thence S 89° 48' E a distance of 650.00 feet;
thence a bearing of South a distance of 200.00 feet;
thence S 89° 48' E a distance of 37.31 feet;
thence a bearing of North a distance of 311.43 feet;
thence S 59° 38' E a distance of 4953.69 feet;
thence N 37° 52' E a distance of 14.20 feet;
thence N 59° 26' E a distance of 163.16 feet;
thence N 58° 35' E a distance of 108.98 feet;
thence N 31° 25' W a distance of 124.93 feet;
thence N 3° 30' E a distance of 999.50 feet;
thence N 39° 25' E a distance of 170 feet;
thence N 70° 51' 48" E a distance of 343.48 feet;
thence S 73° 40' E a distance of 550 feet;
thence N 16° 20' E a distance of 20 feet;
thence S 59° 35' E a distance of 3471.29 feet
to the true point of beginning.

854/Master
City w/Gisse-Furuseh-Spear

-2-



PROPOSED 1985 ANNEXATIONS
 RETCHIKAN, ALASKA

NOT TO SCALE
 For Illustrative Purposes Only

LEGEND

- BLM - KFU Additions
 - Olso - Furuseth - Spear Additions
 - University of Alaska Additions
 - U.S. Coast Guard Additions
 - Existing Roads (S-Stairs)
 - Platted Road (not built)
- HOTEL: Some roads are platted/underbuilt

AFFIDAVIT AS TO THE SOURCE OF INFORMATION CONTAINED
IN THE CITY OF KETCHIKAN PETITION FOR THE ANNEXATION
OF GISSE-FURUSETH-SPEAR ADDITIONS, U.S.S. 2635 AND
U.S.S. 1220

STATE OF ALASKA)
) SS:
FIRST JUDICIAL DISTRICT)

I, James A. Van Altvorst, being duly sworn, hereby declare and say:

The information contained in the City of Ketchikan's petition for the annexation of Gisse-Furuseth-Spear Additions, U.S.S. 2635 and U.S.S. 1220, was obtained from the records of the Ketchikan Gateway Borough Tax Assessor, the Ketchikan Gateway Borough Planning Department and the City of Ketchikan Public Works Department. Population estimates were derived from the most current municipal population estimate certified by the State of Alaska, Department of Community and Regional Affairs and by telephone survey of the Spear residence conducted by the City of Ketchikan Public Works Department May 23, 1985.

DATED AND EXECUTED at Ketchikan, Alaska, the ___ day of _____, 1985.

James A. Van Altvorst
City Manager

SUBSCRIBED AND SWORN to before me this ___ day of _____, 1985.

NOTARY PUBLIC FOR ALASKA
My Commission Expires:_____

(SEAL)

EXHIBIT D

AFFIDAVIT THAT COPIES OF THE CITY OF KETCHIKAN'S
PETITION FOR THE ANNEXATION OF GISSE-FURUETH-SPEAR
ADDITIONS HAVE BEEN SERVED IN ACCORDANCE WITH 19 AAC
10.510

STATE OF ALASKA)
) SS:
FIRST JUDICIAL DISTRICT)

I, James A. Van Altvorst, being duly sworn, hereby declare and say:

A copy of the City of Ketchikan's petition and brief for the annexation of Gisse-Furusetth-Spear Additions, U.S.S. 2635 and U.S.S. 1220, together with accompanying exhibits has been served by certified mail upon the Ketchikan Gateway Borough, 344 Front Street, Ketchikan, Alaska 99901, the sole municipality in the territory proposed for annexation. The petition, exhibits and brief have been made available for inspection by the general public at the Office of the City Clerk, 334 Front Street, Ketchikan, Alaska 99901.

In addition a copy of the City of Ketchikan's petition, brief and supporting exhibits has been served on the following owners of record of the Gisse-Furusetth-Spear Additions: Clarence and Virginia Gisse, 3578 Tide Creek, Deer Island, OR 97054; Hans Furusetth Estate, Attn: Edward King, 707 Bawden, Ketchikan, AK 99901; William Spear, 1322 Park (Box 5421), Ketchikan, AK 99901; Ketchikan Gateway Borough, 344 Front Street, Ketchikan, AK 99901; and U.S. Forest Service, 313 Federal Building, Ketchikan, AK 99901.

DATED AND EXECUTED at Ketchikan, Alaska, the ___ day of _____, 1985.

James A. Van Altvorst
City Manager

SUBSCRIBED AND SWORN to before me this ___ day of _____, 1985.

NOTARY PUBLIC FOR ALASKA
My Commission Expires: _____

(SEAL)

EXHIBIT F

May 29, 1985

Commissioner Emil Notti
Department of Community and
Regional Affairs
State of Alaska
Pouch B
Juneau, Alaska 99811

Dear Commissioner Notti:

Re: Brief in support of the annexation of the Gisse-Furuseth-Spear Additions, USS 2635 and USS 1220 to the City of Ketchikan, Alaska.

In accordance with the requirements of 19 AAC 10.500, the City's petition for annexation of the captioned property, legally described in the petition attached hereto, must be accompanied by a written brief supporting the boundary change. The proposed annexation of this property exceeds the minimum standards for the annexation of contiguous territory as set out by 19 AAC 10.070.

1. There is a reasonable likelihood that future growth and development will occur within this territory. The three-acre Furuseth property on Sixth Avenue (below the college) is adjacent to residential development and to City street access, sewer, and water. The fifty-eight acre Gisse-Furuseth area has been platted for development for a number of years. Annexation of these areas will enable the City to plan for and to control this development. The half-acre Spear property has already been developed. It is bordered on three sides by the City boundary and is adjacent to planned residential development. Also within the Gisse-Furuseth area are five small park reserves. Three belong to the Ketchikan Gateway Borough, one to the City of Ketchikan, and one to the U.S. Forest Service. They are platted to be adjacent to residential housing and are appropriate for annexation to the boundary of the City of Ketchikan.
2. The Spear residents and the Furuseth (Sixth Avenue) and Gisse-Furuseth property owners within this territory receive the benefit of City government without commensurate property tax contributions. These properties utilize City streets as the only access to their properties, and they benefit from City police and fire services due to their proximity to municipal residents and property owners. It would be an ethical problem and an economic hazard to not respond to calls to protect life and property in these areas.

LT2/150

EXHIBIT G

3. The territory is in need of municipal services which the City of Ketchikan can provide more effectively than other municipalities. The roads into these areas are all extensions of streets of the City of Ketchikan and can only be reached from the City. When sewer and water services become necessary, only the City of Ketchikan will be in a position to efficiently provide them. The Ketchikan Gateway Borough does not provide police and fire services to these areas, and City police and fire services are provided (formally) up to their borders. The State police provide police services outside the City, but it is not efficient for them to serve properties that are on short, dead-end roads above the City. These properties are not served by the rural fire districts that lie north and south of the City.

4. The land in this territory is contiguous to the City of Ketchikan and will be virtually surrounded by the City's boundaries should other proposed annexation petitions by the City of Ketchikan be approved.

5. This annexation, in the instance of the Spear residents, is necessary to accomplish a valid public purpose in that it will enable them to participate in the democratic process which guides the City's direction and growth.

The Borough provides no additional services to this area other than those provided all residents of the Borough (including the City); specifically, planning and zoning, animal control, taxation, and schools. Therefore, there are no tangible assets that would require transfer to city control as a result of this proposed annexation.

In consideration of the preceding, the City of Ketchikan submits that the Gisse-Furuseth-Spear additions described in these documents properly belongs within the municipal limits of Ketchikan and hereby petitions the local Boundary Commission to support this annexation.

Dated: _____

James A. Van Altvorst
City Manager

ATTEST:

Karen Miles, CMC
City Clerk

LT2/150