

Local  
Boundary  
Commission

4 of 4

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.



Official Business

# 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

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-Furusest-Spear (58.609 acres); a portion of this annexation was opposed by the Furusest 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.



Official Business

# 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

January 30, 1986  
Rev. 1/31/86\* & 2/4/86\*\*

#### LOCAL BOUNDARY COMMISSION HEARINGS

Before the House & Senate Community & Regional Affairs Committees

Tuesday -- February 4  
Room 17, Capitol -- 3:30 p.m.

Commission before Joint Committee  
(no public participation)

Teleconference sites on line for listening only:  
Barrow, Kotzebue, Fairbanks, Ketchikan, Pt. Hope,  
Wainwright, Anaktuvuk Pass, Angoon, St. Paul,  
Unalaska, Sitka\*\*

Thursday -- February 6  
Room 17, Capitol -- 3:30 p.m.

Public participation before Joint Committee  
on LBC issues other than North Slope/NANA

Teleconference sites on line for participation:  
Fairbanks, Ketchikan, Angoon, St. Paul, Unalaska  
Sitka\*\*

Tuesday -- February 11  
Room 17, Capitol -- 3:30 p.m.

Public participation before Joint Committee  
on North Slope/NANA issue

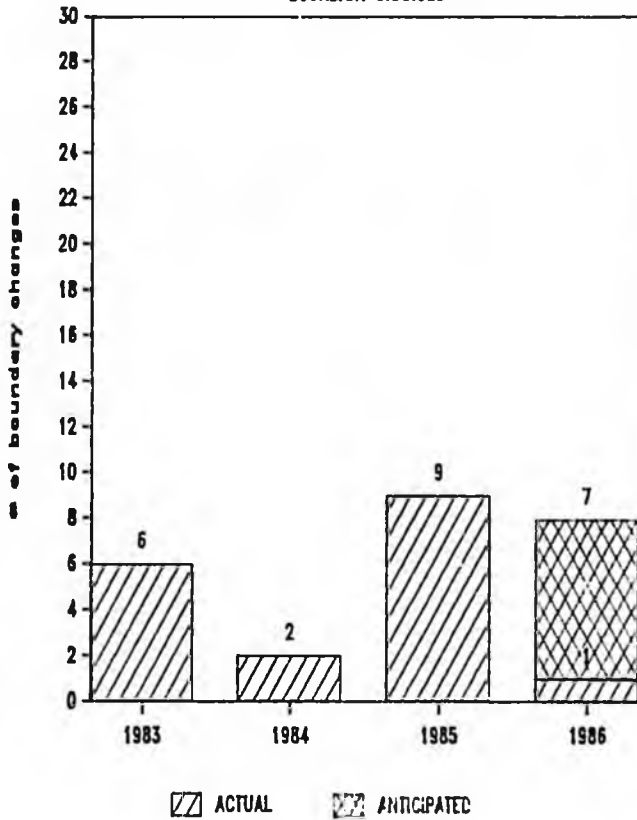
Teleconference sites on line for participation:  
Barrow, Kotzebue, Pt. Hope, Wainwright, Anaktuvuk  
Pass

# LOCAL BOUNDARY COMMISSION ACTIVITIES

1983 to 1985 and 1986 PROJECTED

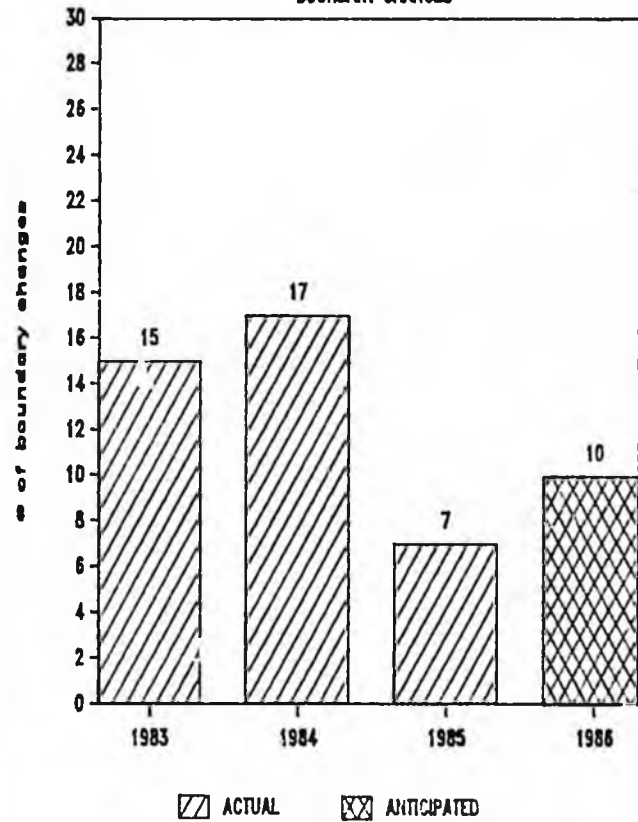
## LEGISLATIVE REVIEW

BOUNDARY CHANGES



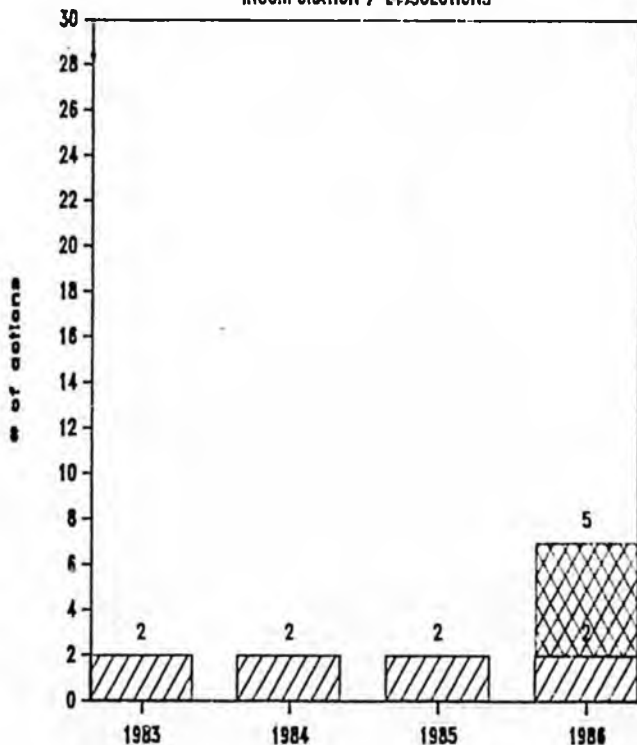
## LOCAL ACTION

BOUNDARY CHANGES

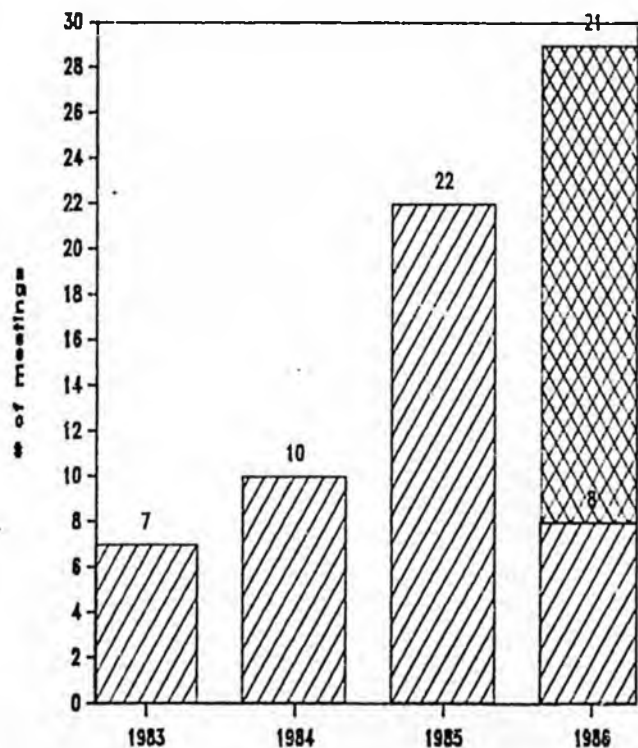


## MUNICIPAL

INCORPORATION / DISSOLUTIONS



## MEETINGS



# 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

JLneau, 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)

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

CRA 2-4-86 3:30 pm

---

---

# SHEE ATIKA, INCORPORATED

---

---

330 Seward St., Rm. 207  
SITKA, ALASKA 99835  
PHONE (907) 747-3539  
or 747-3534

February 19, 1986

FEB 24 REC'D

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

Subject: Statement of Decision; Municipal Boundaries of the City of Angoon  
Dated January 19, 1986.

Dear Senator DeVries:

February 6, 1986 Mr. Nelson Frank and myself participated in a Public Hearing pertaining to annexation to the City of Angoon. The Hearing got off to a late start at 3:50 PM and was monopolized by individuals testifying to provisions of fact and law regarding a proposed Ketchikan annexation. At 5:10 PM the moderator announced that testimony relative to the remaining issues, including the City of Angoon must be kept short, and one person from each community would be allowed to speak. Mr. Frank, representing Shee Atika, was allowed to testify at approximately 3:27 PM and was cut short by the moderator at approximately 3:30. Therefore, this letter is submitted to provide additional testimony and concern pertaining to the statement of decision issued by the Local Boundary Commission relative to the proposed annexation of properties into the City of Angoon.

Shee Atika recommends and concedes that the lands in Section 32, T. 50 S., R. 68 E.; Sections 5, 8, W $\frac{1}{2}$  of 9, N $\frac{1}{2}$  of 16, N $\frac{1}{2}$  of 17, T. 51 S., R. 68 E.; and the area of Killisnoo Island T. 51 S., R. 67 E. could be justifiably annexed into the City of Angoon. We vehemently oppose annexation of additional lands located on Admiralty Island. This opposition is based upon provisions of Alaska Statute 29.68; protection is provided in the Alaska National Interest Land Conservation Act of 1980 (ANILCA), and the lack of demonstrated need and purpose to annex the remaining lands at this time. We feel it has been clearly demonstrated that the City of Angoon would accrue no measurable benefits, but would incur extensive liability from the proposed extensive annexation. In fact, the report and recommendations of the Department of Community & Regional Affairs supports our position pertaining to the lack of necessity for the massive annexation as proposed by the City of Angoon in their petition of August 7, 1985, and the subsequent recommendations and decision by the Local Boundary Commission.

Clearly, the property proposed for annexation is rural in character (not urban), is primarily composed of Federal lands, and there has not adequately

been demonstrated that annexation would provide additional protection and or benefit to the residents of the State of Alaska, or even the City of Angoon. In the findings of fact, it was pointed out that:

- 1) The area most likely to be impacted by development in the near future is Killisnoo Island.
- 2) Development rights to the lands 660 feet above mean high tide in Mitchell, Kanalku, and Favorite Bay are regulated subject to public law 96-487, Section 506 point (a) (3) (C), which strictly limits development and activities on this land.
- 3) Any law enforcements services necessary in Hood Bay currently fall under the jurisdiction of the State of Alaska and the U.S. Forest Service. Finding affect number 7 implies the desire for exclusive subsistence use by the City of Angoon. State subsistence regulations and provisions of ANILCA clearly rule contrary to this necessity.
- 4) The U.S. Forest Service Admiralty Monument is the largest land holder within the area proposed for annexation. Federal ownership precludes any additional tax base pertaining to these lands.
- 5) Most of the territory proposed for annexation contains very steep slopes and is fairly remote. Growth is likely to occur on Killisnoo Island.
- 6) "Growth" maybe attributed to a "spilling over" of present city population. A "spilling over effect" infers, as has been demonstrated by recent population census, that a eminent population growth is not anticipated.
- 7) Fire services are provided by the Federal Government for all federal lands and for Kootznoowoo corporate lands and Mitchell, Kanalku, and Favorite Bay.
- 8) Findings of fact indicate the city may be called upon to provide emergency services and rescue and police protection to the Killisnoo Harbor area. The very findings of fact indicate that this is a nonconclusive statement and has not proven to be a demonstrated need.
- 9) The potential for private or public development in the territory will determine the need by the city to exercise municipal planning authority. Again, the word "potential" indicates that the need has not been demonstrated but maybe necessary at some undefined point in the future.
- 10) The petitioner list anticipated development as cold storage facilities, roads, etc.. Considering the proposed development would take place within the Admiralty Island National Monument, a Federal Environmental Impact Statement would be required prior to any such development. Additionally, the economic basis has not been established or demonstrated to a degree necessary to support such development.

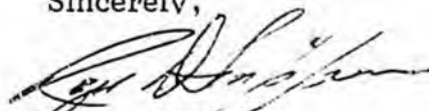
The Honorable Edna DeVries

- 11) Item 20 of the findings of fact indicates a desire for exclusive subsistence use by the City of Angoon. ANILCA and ANCSA provide for guaranteed subsistence use. However, Exclusive use of subsistence resources by anyone community has not been awarded by provision of Federal or State Law.
- 12) Item 23 of the findings of fact states that "there is a reasonable likelihood of future growth and development will occur within the vicinity of Angoon. However, it is anticipated that this development will be limited to Killisnoo Island, Killisnoo Harbor, Hood Bay, and Favorite Bay." Quite clearly, it should be noted that Killisnoo Island in Favorite Bay are the primary development regions anticipated for the municipality of Angoon long before the necessity for any regulated development of Hood Bay.

Additionally, it should be noted from the petition by the City of Angoon that a tax basis within municipality is not available to support the anticipated additional services to these outline areas. Therefore, this implies that all services must be provided with the aid of Federal and State Funds, and are thus dependant upon continued appropriation of said funds to maintain the existing level of service let alone to consider expanding service to other areas.

For the above reasons, Shee Atika, Incorporated is opposed to the proposed boundary adjustments and recommendations by the Local Boundary Commission pertaining to the municipality to Angoon. Legally, logically, and based upon defined and demonstrated need, we find that the commission has erred in it's statement of decision and we recommend that the decision be reconsidered with full consideration giving to recommendations from the Department of Community & Regional Affairs, balanced with the demonstrated necessity for municipal Boundary adjustment, while discounting the perceptions of certain municipal residents who feel the regulation and annexation may be necessary and prudent.

Sincerely,



Roger D. Snippen  
President/C.E.O.

RDS/eaw

cc The Honorable Peter Goll, Chairperson/Senator  
House Community and Regional Affairs Committee  
Pouch V  
Juneau, AK 99811

The Honorable Richard I. Eliason, Senator  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Helen Clough, Monument Manager  
Tongass National Forest  
Admiralty Monument  
P.O. Box 2097  
Juneau, AK 99803

The Honorable Edna DeVries

cc Elizabeth Cudra, Attorney  
Robertson, Monagle, Eastaugh & Bradley  
P.O. Box 1211  
Juneau, AK 99802

The Honorable Edward J. Gamble, Sr  
Mayor, City of Angoon  
P.O. Box 189  
Angoon, AK 99820

Mr. J.A. Rynearson, Vice President  
Alaska Pulp Corporation  
P.O. Box 1050  
Sitka, AK 99835

LAW OFFICES OF  
ZIEGLER, CLOUDY, KING & PETERSON

307 BAWDEN STREET  
KETCHIKAN, ALASKA 99901

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

AREA CODE 907  
225-9401

A. M. ZIEGLER  
(1915-1972 (DECEASED))

February 20, 1986

The Honorable Edna B. DeVries  
Chairman, Senate Committee on  
Community and Regional Affairs  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Re: Estate of Hans J. Furuseth  
Our File 15.023.17

Dear Senator DeVries:

It was our hope that a member of the Ketchikan delegation to the Alaska State Legislature would introduce a resolution in favor of the Furuseth Estate. However, I have recently been apprised of the fact that the deadline for private bills has past. I am therefore now writing you to request that your committee introduce a resolution opposing the proposed annexation. Annexation at this time will only serve to increase the Estate's property taxes from approximately \$8,000.00 per year to approximately \$40,000.00, while the property will not receive a corresponding benefit in the form of city services for several years.

Thank you again for your help in this matter and for considering our request, please contact me if you have any questions.

Very truly yours,

ZIEGLER, CLOUDY, KING & PETERSON

By *Trevor N. Stephens*  
Trevor N. Stephens

TNS:sb

LAW OFFICES OF  
ZIEGLER, CLOUDY, KING & PETERSON

307 BAWDEN STREET  
KETCHIKAN, ALASKA 99901

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

AREA CODE 907  
225-9401

A. H. ZIEGLER  
(1915-1972 (DECEASED))

FEB 21 1986

February 19, 1986

The Honorable Edna B. DeVries  
Chairman, Senate Committee on  
Community and Regional Affairs  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Re: Estate of Hans J. Furuseth  
Our File 15.023.17

Dear Senator DeVries:

I would like to take this opportunity to thank you and the other members of the Senate and House Community and Regional Affairs Committees for the opportunity to testify in opposition to the City of Ketchikan's annexation of the Gisse-Furuseth property. Should a resolution be introduced in support of our position it is our hope that the committees will view it favorably.

In addition, and independent of the merits of our particular case, we would request that the Alaska Legislature at some point seriously review the annexation by legislative review procedure. The current statutes and regulations make it very difficult, if not impossible, to successfully defend against an annexation petition. In fact, they have created a process in which petitions receive city council and local boundary commission approval in rubber stamp fashion.

The following facts from the Gisse-Furuseth case demonstrate many of the shortcomings of and deficiencies in the present system:

1. The city council directs the city staff to prepare annexation petitions;
2. Property owner receives first notice of proposed annexation only three days prior to date on which the city council is to consider the petition;

ZIEGLER, CLOUDY, KING & PETERSON

The Honorable Edna P. DeVries  
February 19, 1986  
Page 2

3. City council approves the petition it had requested without any facts being submitted in its support;

4. Community and Regional Affairs holds public hearing, property owner not provided with personal notice, no members of the public are present,

5. Local Boundary Commission holds public hearing, only three board members present, property owner's representative appears, testifies, and provides witness testimony opposing annexation, the city provides no witnesses and no factual support for its petition. Local Boundary Commission defers decision until its December meeting;

6. January 22, Local Boundary Commission presents approved petitions to the Legislature, starting 45 day period; and,

7. February 3, 1986, property owner receives local boundary commission's formal written decision, notifying the property owner that petition had been approved and that they could appear at a February 6, legislative hearing.

8. February 6, 1986, representative of property owner appears before Joint House and Senate Committee on Community and Regional Affairs. Property owner presents testimony as to the parcel's topography, marketability, and the extreme adverse economic impact of annexation. City again reasserts its general conclusions without providing factual support demonstrating a need to annex this property now. Fifteen minutes is allotted for in-person testimony, representative is present before the Joint Committee for nearly an hour and a half.

In light of the above, I respectfully submit the following recommended changes to the relevant regulations:

1. That timely personal notice be provided to all affected property owners of any and all hearings or meeting conducted by city or state elected, appointed, or administrative bodies concerning the annexation;

ZIFGLER, CLOUDY, KING & PETERSON

The Honorable Edna B. DeVries  
February 18, 1986  
Page 3

2. The Legislature evaluate its role as the only non-judicial body reviewing Local Boundary Commission decisions. With the State experiencing an economic slump due to declining oil revenues and depressed timber markets it is conceivable that similar property owner contests will increase in the near future. Under the present procedures the legislative committees do not appear to have the time and pertinent information to thoroughly review many Local Boundary Commission decisions;

3. express burden of proof standard should be formulated for the Local Boundary Commission and city councils. Where a city proposes to annex Parcel A, and Parcel A's owner opposes annexation, Parcel A should be presumed unannexable and the burden must be on the city to factually prove that it is annexable under the regulations;

4. An abuse of discretion standard of review for the Local Boundary Commission in reviewing the city council's action on a petition. The hearing before the Local Boundary Commission should be on the record from the city council meeting rather than de novo. This approach would require the city to factually support its petition from the very beginning, and will prevent unfair surprise to a contesting property owner at the Local Boundary Commission and legislative hearings;

5. An abuse of discretion standard of review for the Legislature in reviewing Local Boundary Commission action. The legislative hearing should be on the record from the Local Boundary Commission hearing rather than de novo. This standard will simplify and streamline public testimony and the Legislature's scope of inquiry, and prevent unfair surprise to a contesting party, for example, we learned for the first time at the legislative hearing that the Gisse-Furuseth parcel was considered annexable because it was "urban," without notice of this allegation we were unable to prepare a response; and,

6. The Local Boundary Commission must be required to give timely notice of its decisions and of the property owner's right to appear before the Legislature.

ZIEGLER, CLOUDY, KING & PETERSON

The Honorable Edna B. DeVries  
February 19, 1986  
Page 4

Thank you again for the opportunity to present our case and  
for your consideration of the points raised herein.

Very truly yours,

ZIEGLER, CLOUDY, KING & PETERSON

By *Trevor N. Stephens*  
Trevor N. Stephens

TNS:sb

cc: Senator Frank Ferguson  
Senate Committee on Community  
and Regional Affairs  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Senator John B. Coghill  
Senate Committee on Community  
and Regional Affairs  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Senator Vic Fischer  
Senate Committee on Community  
and Regional Affairs  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

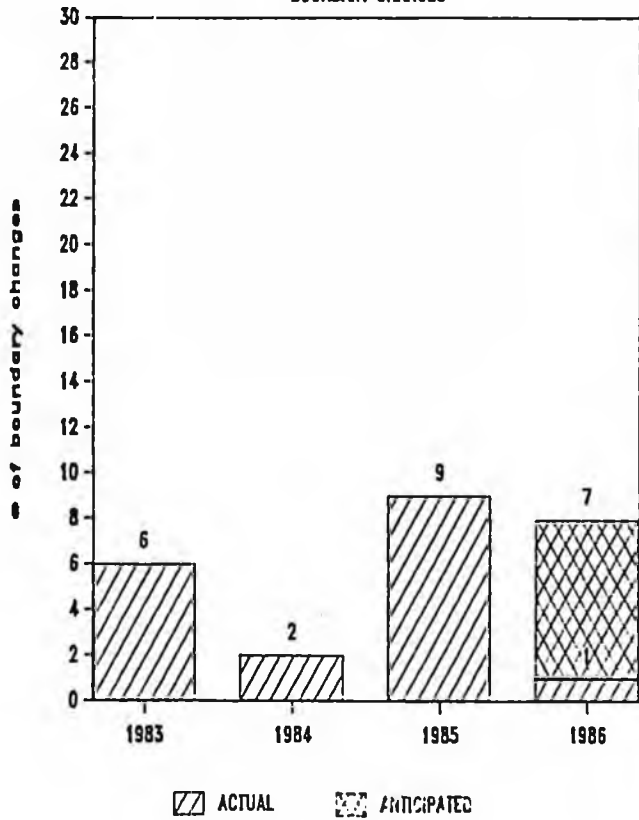
Senator Arliss Sturgulewski  
Senate Committee on Community  
and Regional Affairs  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Senator Robert H. Ziegler, Jr.  
Senate Committee on Community  
and Regional Affairs  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

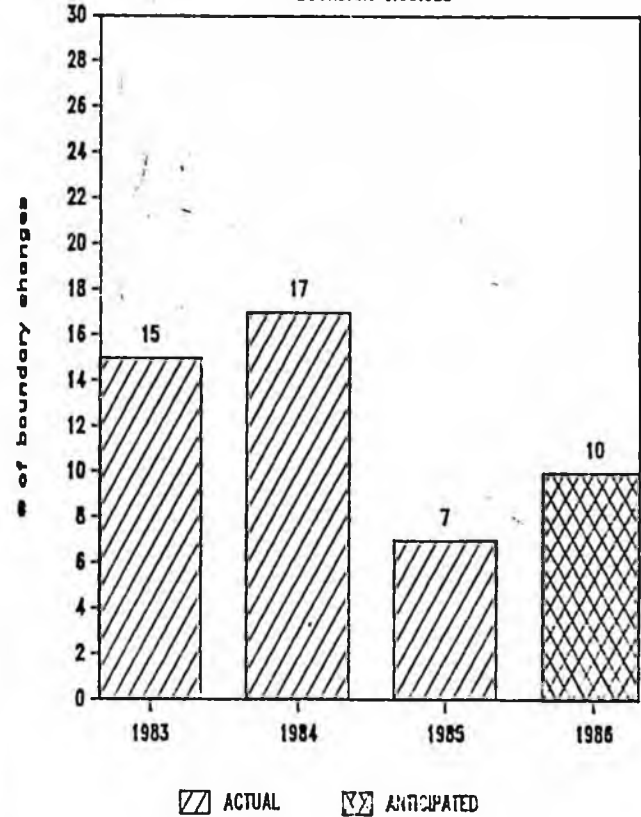
# LOCAL BOUNDARY COMMISSION ACTIVITIES

1983 to 1985 and 1986 PROJECTED

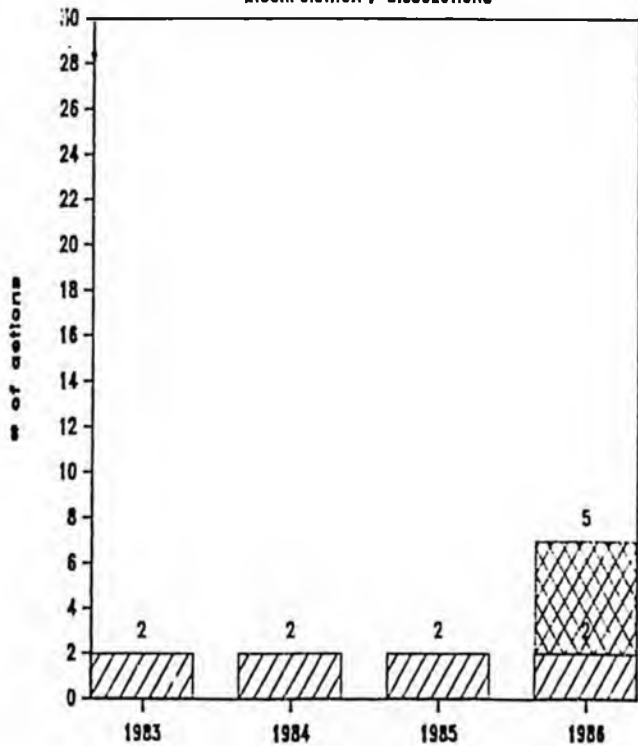
LEGISLATIVE REVIEW  
BOUNDARY CHANGES



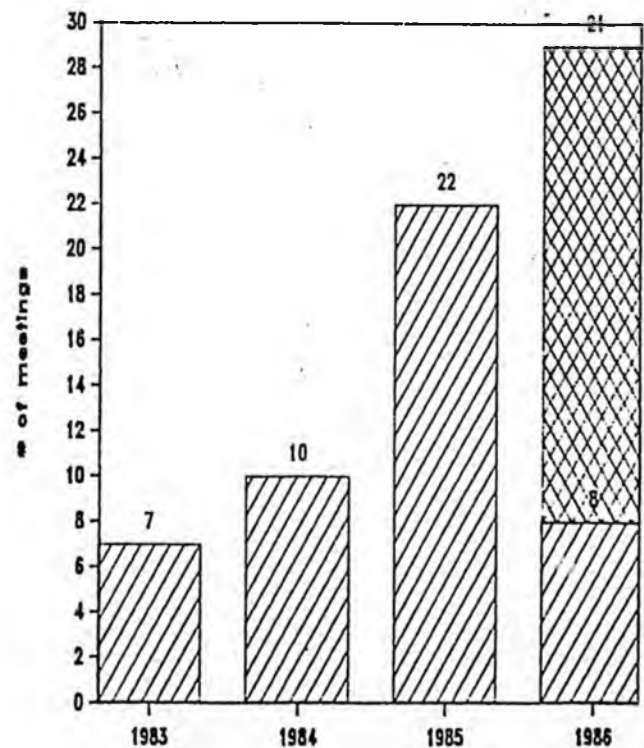
LOCAL ACTION  
BOUNDARY CHANGES



MUNICIPAL  
INCORPORATION / DISSOLUTIONS



MEETINGS



BILL SHEFFIELD, GOVERNOR

**DEPT. OF COMMUNITY & REGIONAL AFFAIRS**

**MUNICIPAL & REGIONAL ASSISTANCE DIVISION**

January 30, 1986

To all interested parties  
(see attached Distribution list)

RE: ANNEXATION TO THE CITY OF NORTH POLE

Attached is a copy of the formal Statement of Decision of the Local Boundary Commission approving, without modification, the petition of the City of North Pole for the annexation of the above-referenced territory.

On January 22, 1986, the Local Boundary Commission submitted its recommendation for the annexation of this territory to the State Legislature. State law provides that the recommended boundary change will become effective "45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house".

The House and Senate Community and Regional Affairs Committees are scheduled to jointly consider this and other municipal boundary changes recommended by the Commission on February 4, 6 and 11. The Committees are scheduled to meet in the afternoon on each of those days at 3:30 p.m. and will continue to 5:00 p.m. of each day. The February 4 meeting will be limited to discussions between the Committees and the Local Boundary Commission. The meeting of February 6 will be limited to public testimony on recommended boundary changes other than one involving the proposed detachment of territory from the North Slope Borough. The meeting of February 11 will be limited to public testimony on the recommendation for detachment of territory from the North Slope Borough.

The meetings will be held in the House Community and Regional Affairs' Committee Chambers, Room #17 on the first floor of the Capitol Building in Juneau. Representative Peter Goll, Chairman of the House Community and Regional Affairs Committee, has indicated that teleconference hearings may be held on certain of the boundary change proposals, depending on the desire of the communities involved.

- POUCH BH  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-4707
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508  
 PHONE: (907) 561-8586  
 PHONE: (907) 561-8182
- P.O. BOX 348  
BETHEL, ALASKA 99559  
PHONE: (907) 543-3475
- P.O. BOX 41  
NOME, ALASKA 99762  
PHONE: (907) 443-5457
- P.O. BOX 280  
KOTZEBUE, ALASKA 99752  
PHONE: (907) 442-3675
- 1514 CUSHMAN STREET, ROOM 201  
FAIRBANKS, ALASKA 99701  
PHONE: (907) 452-7126
- P.O. BOX 10041  
DILLINGHAM, ALASKA 99576  
PHONE: (907) 842-2245

To all interested parties  
RE: ANNEXATION TO THE CITY OF NORTH POLE  
January 30, 1986  
Page 2

Altogether, the Committees will consider nine separate recommendations for municipal boundary changes. A brief summary of those recommended boundary changes is attached for your information. No schedule has yet been established by the House and Senate Community and Regional Affairs Committees for consideration of the eight recommended boundary changes to be addressed on February 6.

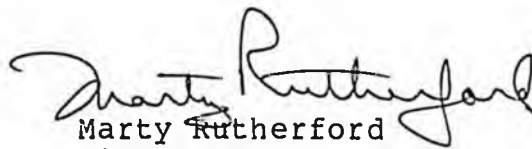
If you have an interest in discussing this recommended boundary change with the Legislature, I ask you to notify the Chairpersons of either Committee at the address and/or telephone number listed below:

The Honorable Edna DeVries  
Chairperson  
Senate Community and Regional  
Affairs Committee  
Pouch V  
Juneau, Alaska 99811  
(telephone: 465-4989)

The Honorable Peter Goll  
Chairperson  
House Community and Regional  
Affairs Committee  
Pouch V  
Juneau, Alaska 99811  
(telephone: 465-4925)

This letter is being sent to all parties which we believe may have an interest in this matter. The names and addresses of these parties are shown on the attached distribution list. If you are aware of others who may be interested in these proceedings, please advise us in order that we may contact them regarding these upcoming meetings. Also, if you intend to make a presentation at this meeting, we would appreciate being advised of such.

Sincerely,

  
Marty Rutherford  
Director

NORTH POLE LEGISLATIVE REVIEW ANNEXATION DISTRIBUTION LIST:

Mr. Thomas Maher  
P.O. Box 648  
Fairbanks, AK 99707

The Honorable Carleta Lewis  
Mayor for the City of North Pole  
P.O. Box 55109  
North Pole, AK 99705

Ms. Shelly Dugan  
City Clerk  
City of North Pole  
P.O. Box 55109  
North Pole, AK 99705

Ms. Sunny Carpenter  
Interior Energy Corporation  
Box 447  
Fairbanks, AK 99707

Bill Stroecker  
1119 Third Avenue  
Fairbanks, AK 99701

The Honorable Juanita Helms, Mayor  
Fairbanks North Star Borough  
P.O. Box 1267  
Fairbanks, AK 99707

James Hackett  
Attorney at Law  
401 Eleventh Avenue  
Fairbanks, AK 99701

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

The Honorable Peter Goll  
Chairperson  
House Community and Regional  
Affairs Committee  
Pouch V  
Juneau, Alaska 99811

NORTH POLE LEGISLATIVE REVIEW ANNEXATION DISTRIBUTION LIST:  
(continued)

The Honorable Mike W. Miller  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

The Honorable John B. Coghill  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

STATE OF ALASKA  
LOCAL BOUNDARY COMMISSION

SUMMARY OF PROPOSED ACTION  
FINDINGS OF FACT  
STATEMENT OF DECISION

IN THE MATTER OF THE ANNEXATION )  
BY THE CITY OF NORTH POLE, ALASKA )  
OF APPROXIMATELY 729.6 ACRES )  
CONSISTING OF THREE SEPARATE )  
PARCELS )  
\_\_\_\_\_ )

SUMMARY OF PROPOSED ACTION

On June 10, 1985, the City of North Pole petitioned for the annexation of three separate areas totalling approximately 729.6 acres (1.14 square miles) of land contiguous to the City. The annexation proposal was made pursuant to Section 29.68.010(a) of the Alaska Statutes (i.e. the process which requires concurrence from the State Legislature).

The area referred to as Area #1 is northwest of the existing municipal boundaries and is comprised of approximately 605 acres (0.95 square miles). This territory consists primarily of undeveloped parcels of land ranging in size from 5 to 110 acres. Testimony provided by owners of property in Area #1 indicated that a majority of the land owners in Area #1 support the proposed annexation.

The area referred to as Area #2 is east of the existing municipal boundaries and is comprised of approximately 73 acres (0.11 square miles). Area #2 contains the Morning Star Subdivision and several parcels with small businesses north of the subdivision. The owner of the subdivision supports the proposed annexation. However, the Interior Energy Corporation (IEC), which owns a number of businesses in this area, opposed the proposed annexation. IEC's property holdings in Area #2 include a shopping mall, truck stop and fuel sales facility. In addition to submitting a brief opposing the proposed annexation, IEC representatives offered considerable oral testimony at the October 26 hearing on the petition by the Local Boundary Commission. The IEC opposition brief requested that the Commission deny the petition, "or alternatively, (deny the petition) insofar as it applies to the portion of proposed Area #2 north of the Morning Star Subdivision."

During the course of its deliberations, the Commission duly considered the brief and oral testimony relating to the annexation of that portion of Area #2 owned by IEC.

The area referred to as Area #3 is south of the existing municipal boundaries and contains approximately 51 acres (0.08 square miles). Area #3 contains the recently constructed Petro Star refinery, the owners of which have expressed support for the proposed annexation, both in writing to the City of North Pole and in oral testimony before the Commission. At the public hearing on the petition conducted by the Commission on October 26, 1985, a representative of the Petro Star refinery testified concerning a recent fire at the facility and the need for municipal fire protection at the facility to maximize effectiveness of response to any such future emergencies. (Provision of fire protection services on an extraterritorial basis is not authorized by the Alaska statutes.)

## FINDINGS OF FACT

In arriving at its findings, documents and evidence considered by the Commission included, but were not limited to, the petition of the City of North Pole, the Report and Recommendation of the Department of Community and Regional Affairs, the opposing brief from IEC, the response brief from the City of North Pole, the petition bearing signatures of more than 1,300 individuals opposed to the annexation of IEC's businesses and oral testimony provided at the October 26, 1985 hearing. After due consideration, the Commission finds that all three areas proposed for annexation conform to several of the regulatory standards governing annexation. The extent to which these standards are met is stated below.

- ° Each of the three areas is urban in character [19 AAC 10.070(3)]. Area #1 is judged to be urban in character principally because of its potential for development. Area #2 is urban in character because of its existing development north of the Morning Star Subdivision and potential for development of the Morning Star Subdivision. Area #3 is urban in character because of its extensive industrial development.
- ° All three areas are in need of municipal services which the City can provide more efficiently than another municipality [19 AAC 10.070(4)]. These services include municipal sewer and water utilities, fire protection, police protection and road maintenance.
- ° There is a reasonable likelihood that future growth and development will occur within the territory and that annexation of the territory will enable the City to plan for and control that development [19 AAC 10.070(5)].
- ° The health, welfare or safety of residents will likely be endangered by the lack of sewer and water utilities since the areas have a high water table [19 AAC 10.070(6)]. Further, the fuel handling facility in Area #2 poses a potential public danger.
- ° 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 [19 AAC 10.070(8)]. This is particularly evident in the extension of fire protection services.
- ° Construction of an underpass of the Richardson Highway is currently underway which will more closely link Area #2 and the areas within the existing boundaries of the City of North Pole.

Further, the Commission considered the request by the IEC to omit the five acre parcel owned by IEC in Area #2. The Commission determined that this request should not be granted since the five acres met the same standards as the remainder of Area #2 and that the parcel would be surrounded on three sides by territory within the jurisdiction of the City of North Pole if the petition were amended to exclude the referenced parcel. The referenced parcel would also be geographically separated from territory outside municipal jurisdiction by the Thirtymile Slough.

Further, the Commission finds that the City of North Pole is capable of extending and is willing to extend full municipal services as defined by 19 AAC 10.840(9). As such, annexation pursuant to Section 29.68.010(a) of the Alaska Statutes is deemed the most appropriate procedure for this boundary change.

Therefore, the Commission approves without modification the petition for annexation of approximately 1.14 square miles by the City of North Pole.

APPROVED December 31, 1985.

BY:

Robert O Eder  
Robert Eder, Chairman

Dave Hanson  
Dave Hanson, Member

Bert Greist  
Bert Greist, Member

4906T

Notification  
to interested parties  
of LBC decisions

January 30, 1986

delivered to the ofc  
2/6/86 by Gene Kane

To all interested parties  
(see attached distribution list)

RE: ANNEXATION TO THE CITY OF ANGOON

Attached is a copy of the formal Statement of Decision of the Local Boundary Commission approving (with a reduction in the boundaries of the territory proposed for annexation) the petition of the City of Angoon for the annexation of the above-referenced territory.

On January 22, 1986, the Local Boundary Commission submitted its recommendation for the annexation of this territory to the State Legislature. State law provides that the recommended boundary change will become effective "45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of

each house".

The House and Senate Community and Regional Affairs Committees are scheduled to jointly consider this and other municipal boundary changes recommended by the Commission on February 4, 6 and 11. The Committees are scheduled to meet in the afternoon on each of those days at 3:30 p.m. and will continue to 5:00 p.m. of each day. The February 4 meeting will be limited to discussions between the Committees and the Local Boundary Commission. The meeting of February 6 will be limited to public testimony on recommended boundary changes other than one involving the proposed detachment of territory from the North Slope Borough. The meeting of February 11 will be limited to public testimony on the recommendation for detachment of territory from the North Slope Borough.

The meetings will be held in the House Community and Regional Affairs' Committee Chambers, Room #17 on the first floor of the Capitol Building in Juneau. Representative Peter Goll, Chairman of the House Community and Regional Affairs Committee, has indicated that teleconference hearings may be held on certain of the boundary change proposals, depending on the desire of the communities involved.

To all interested parties

RE: ANNEXATION TO THE CITY OF ANGOON

January 30, 1986

Page 2

Altogether, the Committees will consider nine separate recommendations for municipal boundary changes. A brief summary of those recommended boundary changes is attached for your information. No schedule has yet been established by the House and Senate Community and Regional Affairs Committees for consideration of the eight recommended boundary changes to be addressed on February 6.

If you have an interest in discussing this recommended boundary change with the Legislature, I ask you to notify the Chairpersons of either Committee at the address and/or telephone number listed below:

The Honorable Edna DeVries  
Chairperson  
Senate Community and Regional  
Affairs Committee  
Pouch V

The Honorable Peter Goll  
Chairperson  
House Community and Regional  
Affairs Committee  
Pouch V

Juneau, Alaska 99811

(telephone: 465-4989)

Juneau, Alaska 99811

(telephone: 465-4925)

This letter is being sent to all parties which we believe may have an interest in this matter. The names and addresses of these parties are shown on the attached distribution list. If you are aware of others who may be interested in these proceedings, please advise us in order that we may contact them regarding these upcoming meetings. Also, if you intend to make a presentation at this meeting, we would appreciate being advised of such.

Sincerely,

Marty Rutherford

Director

KETCHIKAN LEGISLATIVE REVIEW ANNEXATION DISTRIBUTION LIST:  
U.S. Coast Guard Addition

Mr. Earl Williams  
District Real Property Officer  
7th Coast Guard District  
P.O. Box 3-5000  
Juneau, Alaska 99802

F.A. Boersma  
Commanding Officer  
Coast Guard Base  
Ketchikan, Alaska 99901-6698

Bill Elberson  
Box 221  
Ketchikan, Alaska 99901

James Van Altvorst  
City Manager  
City of Ketchikan  
334 Front Street  
Ketchikan, AK 99901

Ketchikan Gateway Borough  
Dave Crow, Borough Manager  
344 Front Street  
Ketchikan, AK 99901

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

The Honorable Peter Goll  
Chairperson  
House Community and Regional  
Affairs Committee  
Pouch V  
Juneau, Alaska 99811

The Honorable Robin Taylor  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

The Honorable John Sund  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

The Honorable Robert H. Ziegler, Sr.  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

KETCHIKAN LEGISLATIVE REVIEW ANNEXATION DISTRIBUTION LIST:  
University of Alaska Additions

John Menzie  
Ketchikan Community College  
7th & Madison  
Ketchikan, Alaska 99901

James Van Altvorst  
City Manager  
City of Ketchikan  
334 Front Street  
Ketchikan, AK 99901

Ketchikan Gateway Borough  
Dave Crow, Borough Manager  
344 Front Street  
Ketchikan, AK 99901

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

The Honorable Peter Goll  
Chairperson  
House Community and Regional  
Affairs Committee  
Pouch V  
Juneau, Alaska 99811

The Honorable Robin Taylor  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

The Honorable John Sund  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

The Honorable Robert H. Ziegler, Sr.  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

KETCHIKAN LEGISLATIVE REVIEW ANNEXATION DISTRIBUTION LIST:  
(Gisse-Furuseth-Spear Additions)

Ziegler, Cloudy, King & Peterson  
Attorneys at Law  
Attn: Edward King  
307 Bawden Street  
Ketchikan, Alaska 99901

James Van Altvorst  
City Manager  
City of Ketchikan  
334 Front Street  
Ketchikan, AK 99901

Ketchikan Gateway Borough  
Dave Crow, Borough Manager  
344 Front Street  
Ketchikan, AK 99901

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

The Honorable Peter Goll  
Chairperson  
House Community and Regional  
Affairs Committee  
Pouch V  
Juneau, Alaska 99811

The Honorable Robin Taylor  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

The Honorable John Sund  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

The Honorable Robert H. Ziegler, Sr.  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

KETCHIKAN LEGISLATIVE REVIEW ANNEXATION DISTRIBUTION LIST:  
BLM-KPU Additions

James Van Altvorst  
City Manager  
City of Ketchikan  
334 Front Street  
Ketchikan, AK 99901

Ketchikan Gateway Borough  
Dave Crow, Borough Manager  
344 Front Street  
Ketchikan, AK 99901

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

The Honorable Peter Goll  
Chairperson  
House Community and Regional  
Affairs Committee  
Pouch V  
Juneau, Alaska 99811

The Honorable Robin Taylor  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

The Honorable John Sund  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

The Honorable Robert H. Ziegler, Sr.  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

NORTH POLE LEGISLATIVE REVIEW ANNEXATION DISTRIBUTION LIST:  
(continued)

The Honorable Mike W. Miller  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

The Honorable John B. Coghill  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

NORTH POLE LEGISLATIVE REVIEW ANNEXATION DISTRIBUTION LIST:

Mr. Thomas Maher  
P.O. Box 648  
Fairbanks, AK 99707

The Honorable Carleta Lewis  
Mayor for the City of North Pole  
P.O. Box 55109  
North Pole, AK 99705

Ms. Shelly Dugan  
City Clerk  
City of North Pole  
P.O. Box 55109  
North Pole, AK 99705

Ms. Sunny Carpenter  
Interior Energy Corporation  
Box 447  
Fairbanks, AK 99707

Bill Stroecker  
1119 Third Avenue  
Fairbanks, AK 99701

The Honorable Juanita Helms, Mayor  
Fairbanks North Star Borough  
P.O. Box 1267  
Fairbanks, AK 99707

James Hackett  
Attorney at Law  
401 Eleventh Avenue  
Fairbanks, AK 99701

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

The Honorable Peter Goll  
Chairperson  
House Community and Regional  
Affairs Committee  
Pouch V  
Juneau, Alaska 99811

ST. PAUL LEGISLATIVE REVIEW ANNEXATION DISTRIBUTION LIST:

Vern McCorkle  
City Manager  
City of St. Paul  
St. Paul, Alaska 99660

Lloyd Benton Miller  
Sonosky, Chambers & Sachse  
2550 Denali Street  
Suite 1500, Denail Towers North  
Anchorage, AK 99503-2719

Anthony Philemonoff  
Chairman & Chief Executive Officer  
Tanadgusix Corporation  
P.O.Box 88  
St. Paul Island, Ak 99660

Patrick Rumley  
Smith, Robinson, Gruening & Brecht  
Attorneys At Law  
P.O. Box 10-2855  
Anchorage, Alaska 99510

Maxim Lestenkof, President  
Aleut Community of St. Paul  
Island Tribal Council  
St. Paul, Alaska 99660

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

The Honorable Peter Goll  
Chairperson  
House Community and Regional  
Affairs Committee  
Pouch V  
Juneau, Alaska 99811

The Honorable Adelheid Herrmann  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

The Honorable Fred Zharoff  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

UNALASKA LEGISLATIVE REVIEW ANNEXATION DISTRIBUTION LIST:  
(continued)

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

The Honorable Peter Goll  
Chairperson  
House Community and Regional  
Affairs Committee  
Pouch V  
Juneau, Alaska 99811

The Honorable Adelheid Herrmann  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

The Honorable Fred Zharoff  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

UNALASKA LEGISLATIVE REVIEW ANNEXATION DISTRIBUTION LIST:

Mr. Ronald Kechter  
P.O. Box 229  
Unalaska, AK 99685

Ms. Alice Petriveli, President  
Atxam Corporation  
Atka Rural Branch  
Atka, Alaska 99502

The Aleut Corporation  
Attn: Marcia Jennette  
One Aleut Plaza  
4000 Old Seward Highway, Suite 300  
Anchorage, AK 99503

The Honorable William Fisher  
Mayor City of Unalaska  
P.O.Box 89  
Unalaska, AK 99685

Ms. Kathy Grinnes, President  
Ounalashka Corporation  
P.O.Box 149  
Unalaska, AK 99686

Nancy Gross, Manager  
City of Unalaska  
P.O. Box 89  
Unalaska, AK 99685

Glenda Martin-Currier  
City of Unalaska  
P.O. Box 89  
Unalaska, AK 99685

Iliodor Philemonof, President  
St. George Tanaq Corporation  
2604 Fairbanks St.  
Anchorage, AK 99503

Anthony Philemonoff  
Chairman & Chief Executive Officer  
Tanadgusix Corporation  
P.O.Box 88  
St. Paul Island, Ak 99660

NORTH SLOPE BOROUGH DETACHMENT DISTRIBUTION LIST:

Mr. Willie Hensley  
NANA Development Corporation  
4706 Harding Drive  
Anchorage, Alaska 99503

Don Argetsinger  
NANA Development Corporation  
4706 Harding Drive  
Anchorage, Alaska 99503

The Honorable George Ahmaogak  
Mayor  
North Slope Borough  
P.O. Box 69  
Barrow, AK 99723

Ms. Marie Greene  
President  
Maniilaq Association  
Box 256  
Kotzebue, AK 99752

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

The Honorable Peter Goll  
Chairperson  
House Community and Regional  
Affairs Committee  
Pouch V  
Juneau, Alaska 99811

The Honorable Albert Adams  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

The Honorable Frank Ferguson  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Ms. Suzy Erlich  
Maniilaq Association  
Box 256  
Kotzebue, AK 99752



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 Are #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.

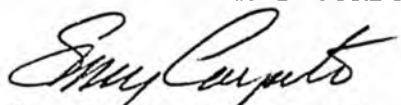
Regarding road maintenance services, we are located at the intersection of two State-maintained roads. Unless the City is proposing to plow our parking lot, this is not a service we will require.

- 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 "Sunny Carpenter".

Ms. Sunny Carpenter  
Senior Vice President

# 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

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)



# SENATOR FRED F. ZHAROFF

## ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:

POUCH V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474 • 465-3844 (Labor and Commerce Committee)

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

### MEMORANDUM

TO: Senator Edna DeVries  
Chair, Senate Community & Regional Affairs Committee

FROM: Senator Fred F. Zharoff

DATE: February 6, 1986

SUBJ: St. Paul Annexation

-----

For your information, I have enclosed copies of the correspondence I have received from the IRA council of St. Paul in regard to the annexation proposed by the City of St. Paul. This correspondence may be distributed to the members of the Community & Regional Affairs Committee.



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 Lestevkoff, Sr.  
President

Nina Simeonoff  
Vice President

Simeon Swetof, Jr.  
Secretary-Treasurer

Council Members

Adrian Melovidov, Sr.

Anthony Philemonoff

Terenty Philemonoff, Jr.

Michael Zacharof

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

19th FEB -3 P 2:41

GENERAL SERVICES & SUPPLY

Tribal Government of St. Paul

P.O. Box 86, St. Paul, AK 99660  
(907) 546-2211

Maxim Lestenkof, Sr.  
President

Nina Simeonoff  
Vice President

Simeon Swetsof, Jr.  
Secretary-Treasurer

Council Members

Adrian Melovidov, Sr.

Anthony Phillemonoff

Terenty Phillemonoff, Jr.

Michael Zacharof

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

1986 FEB -3 P 2:41

DEPARTMENT OF  
GENERAL SERVICES & SUPPLY

LBC. 1/18/86  
1:30 p.m. Briefs due 2 wks  
Then 10 days for response

19 AAC 10.230  
.190  
.570

ANford - Senate  
CoRA

Prob. Findings of fact/conclusions of law  
drawn up 10 days ago — by staff of CoRA  
Given to both sides  
Congdon ignoring document

Smith & 2 & Sat. - Congdon did so although  
Record closed "not now a part of official record"

Boundary - 68<sup>th</sup> parallel to Chuckchi Sea

Item ~~14~~<sup>13</sup> in "factors" suggested by COM. Hanson  
Item 14 in "factors" suggested by staff  
Item 15 " " suggested by NDB

Item 4 - mandate from Constitution - Bettis  
Factor 14 will not be included

1 IN THE SENATE

BY DEVRIES

2 SENATE JOINT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 Disapproving the Local Boundary Commis-  
6 sion recommendation VI for annexation of  
7 territory to the City of Ketchikan.

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

9 WHEREAS, under art. X, sec. 12, Constitution of the State of Alaska,  
10 the Local Boundary Commission has presented to the legislature its rec-  
11 ommendation number VI on January 22, 1986, entitled "Recommendation for the  
12 Annexation of the Gisse-Furuseth-Spear Additions to the City of Ketchikan";  
13 and

14 WHEREAS a recommendation of the Local Boundary Commission presented to  
15 the legislature becomes effective 45 days after presentation or at the end  
16 of the session, whichever is earlier, unless disapproved by a resolution  
17 concurred in by the majority of the members of each house;

18 BE IT RESOLVED by the Alaska State Legislature that recommendation  
19 number VI of the Local Boundary Commission presented on January 22, 1986,  
20 and entitled "Recommendation for the Annexation of the Gisse-Furuseth-Spear  
21 Additions to the City of Ketchikan" is disapproved.

22

23

24

25

2/6/86

C&RA Joint House/Senate Meeting

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



Official Business

# 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

January 30, 1986  
Rev. 1/31/86\* & 2/4/86\*\*

#### LOCAL BOUNDARY COMMISSION HEARINGS

Before the House & Senate Community & Regional Affairs Committees

Tuesday -- February 4  
Room 17, Capitol -- 3:30 p.m.

Commission before Joint Committee  
(no public participation)

Teleconference sites on line for listening only:  
Barrow, Kotzebue, Fairbanks, Ketchikan, Pt. Hope,  
Wainwright, Anaktuvuk Pass, Angoon, St. Paul,  
Unalaska, Sitka\*\*

Thursday -- February 6  
Room 17, Capitol -- 3:30 p.m.

Public participation before Joint Committee  
on LBC issues other than North Slope/NANA

Teleconference sites on line for participation:  
Fairbanks, Ketchikan, Angoon, St. Paul, Unalaska  
Sitka\*\*

Tuesday -- February 11  
Room 17, Capitol -- 3:30 p.m.

Public participation before Joint Committee  
on North Slope/NANA issue

Teleconference sites on line for participation:  
Barrow, Kotzebue, Pt. Hope, Wainwright, Anaktuvuk  
Pass



Official Business

# 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

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-Furusest-Spear (58.609 acres); a portion of this annexation was opposed by the Furusest 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.

*55 hrs hearing on this*

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.

*Leg Review are controversial actions, wherein local gov. feels that the action will not take place by local option -- local election*

*Bettler became 158th city*

*We think civil rights issues involved in dissolving cities which become IRA Councils*



Official Business

# 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

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-Furuseth-Spear (58.609 acres); a portion of this annexation was opposed by the Furuseth 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.

(29.68.520) (29.06.470) <sup>1990</sup>  
Kay Waller - concerned about dissolution issue  
wanted minutes of akiachuk hearing

Marron - undemocratic not to allow a city to dissolve

? Fischer - asked dept to come up with legislation that  
deals w/ dissolution of city w/o regard to whether or  
not city is going to an IRA Council

Sturg Constitution deals w/this -- all local gov. vested in cities and boroughs

Arless wants review of Chugiak / Eagle River A  
also Kat-Su Boro

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.

JAN 23 RECD

LAW OFFICES OF  
**ZIEGLER, CLOUDY, KING & PETERSON**  
307 BAWDEN STREET  
KETCHIKAN, ALASKA 99901

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

AREA CODE 907  
225-9401

A. H. ZIEGLER  
1915-1972 (DECEASED)

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  
03/21/85 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. FURUETH,	)	
	)	
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 Bawden 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  
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

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

(Emphasis added).

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

19 AAC 10.070. ANNEXABLE TERRITORY.

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

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

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

(3) the territory is urban in character;

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

(5) there is a reasonable likelihood that future growth and development will occur within the territory and that annexation of the territory will enable the city to plan for and control that development;

(6) the health, welfare, or safety 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 territory 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;

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

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 10.100 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

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

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-Furuseth Property contains the same "form and content"  
21 defect discussed above.

22 In addition, unlike the Furuseth 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-Furuseth 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 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 1227, 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°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 Aitvorst  
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 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

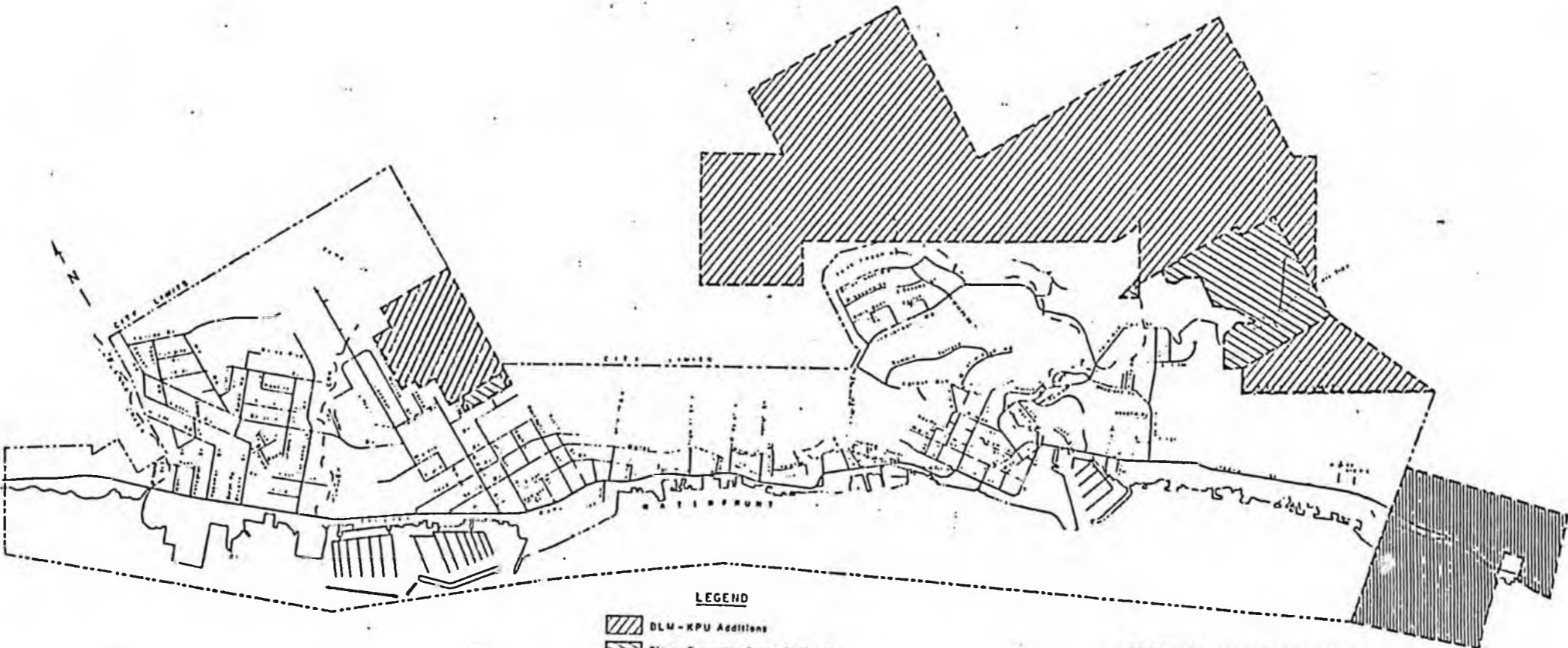
-1-

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-Furuseth-Spear

-2-



**LEGEND**

-  DLM - KPU Additions
-  Glass - Furuseth - Spear Additions
-  University of Alaska Addition
-  U.S. Coast Guard Addition
-  Existing Roads (S-Steels)
-  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 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

MH/854/4

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-Furuseth-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-Furuseth-Spear Additions: Clarence and Virginia Gisse, 3378 Tide Creek, Deer Island, OR 97054; Hans Furuseth Estate, Attn: Edward King, 307 Bawden, Ketchikan, AK 99901; William Solar, 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.

WITNESSED 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

MH/854/F-4

EXHIBIT A. PAGE 13

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 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

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 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 1399.06 feet;
- thence N-40°28'-W a distance of 1927.3 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:

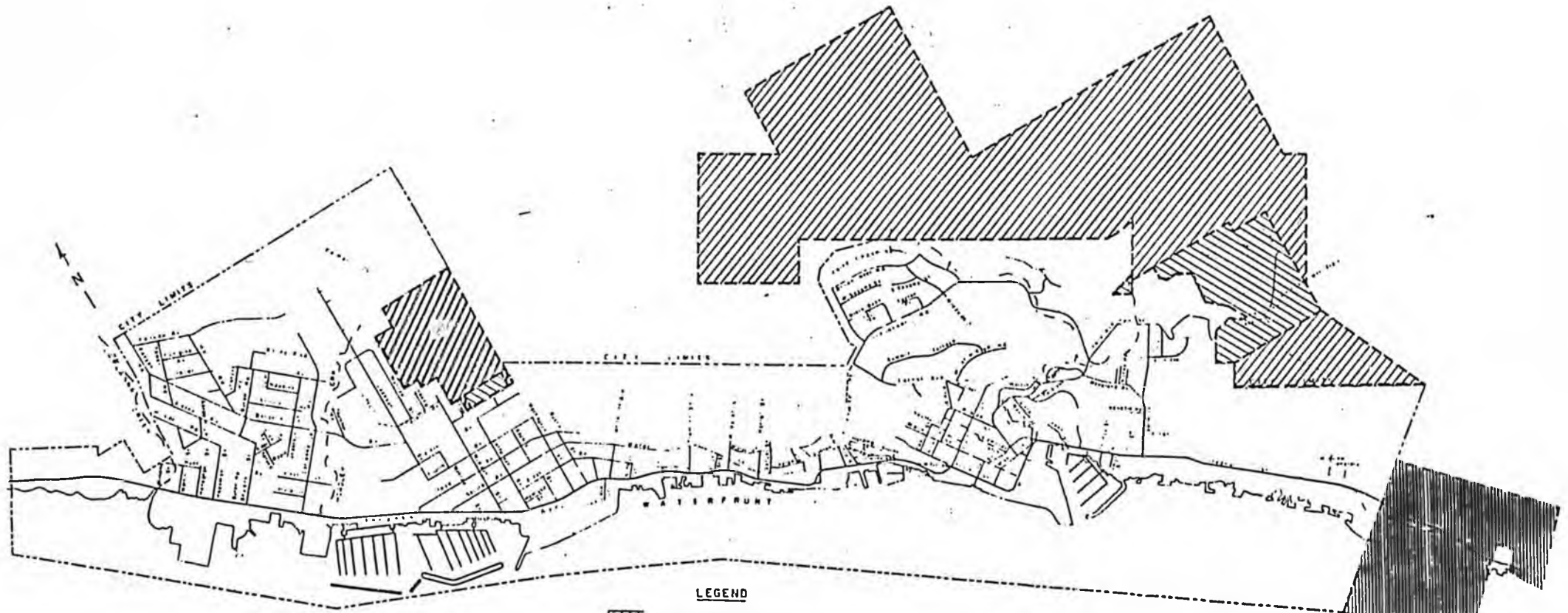
Commencing at the northeast corner of the Homer Lode, U. S. Mineral Survey 769;

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 64° 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;

Ketchikan Metes and Bounds

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 East 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 - Stears)
-  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 G

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

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°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 Nottl  
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

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.

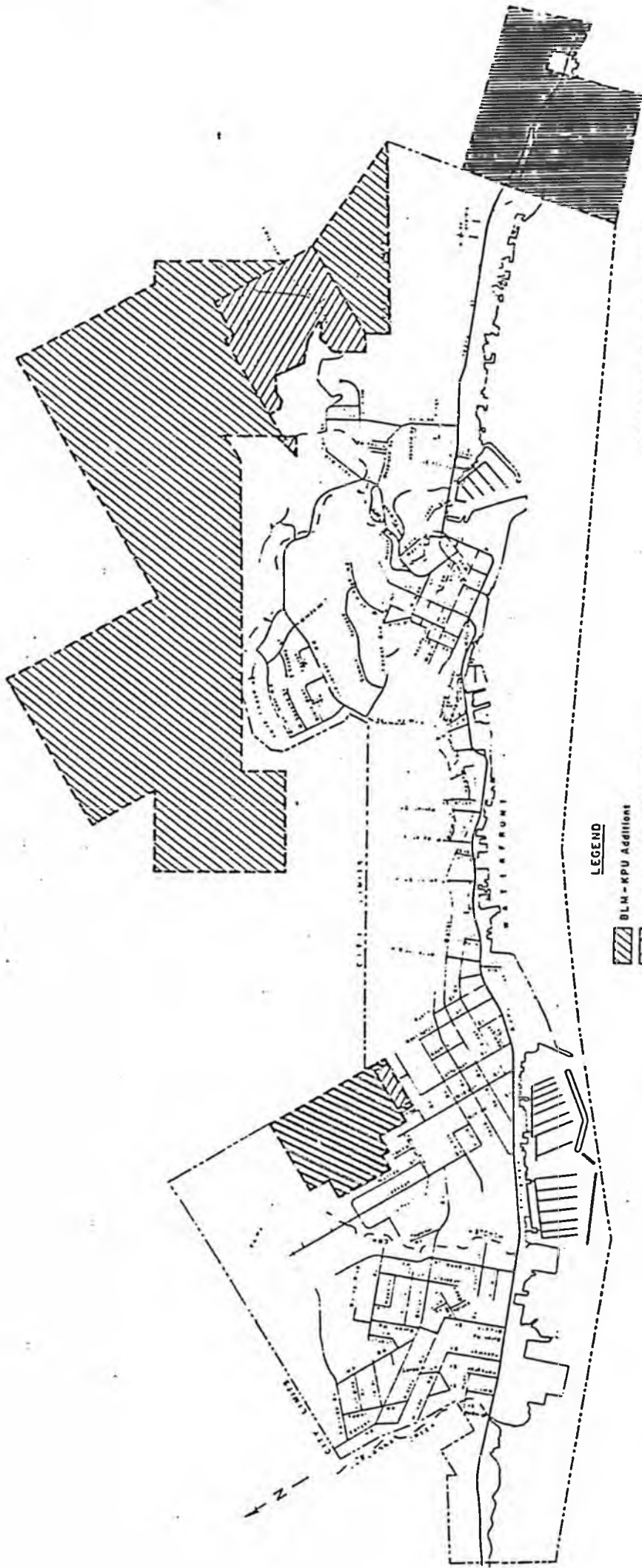
thence N 29° 36' E a distance of 9.12 feet;  
thence a bearing of East, a distance of 270.60 feet;  
thence southward along the centerline of Ketchikan Creek approximately 700 feet;  
thence S 79°15' W a distance of 205.26 feet;  
thence S 21° 47' W a distance of 34.65 feet;  
thence a bearing of East 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 2955.52 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

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.



LEGEND

-  BLM - KPU Additions
-  Cities - Furushin - Spear Additions
-  University of Alaska Addition
-  U.S. Coast Guard Addition
-  Existing Roads (S-Stairs)
-  Platted Road (not built)

PROPOSED 1985 ANNEXATIONS  
KETCHIKAN, ALASKA

NOT TO SCALE  
For Illustrative Purposes Only

NOTE: Some roads are stairs/beerdahls

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-Furuseth-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-Furuseth-Spear Additions: Clarence and Virginia Gisse, 3378 Tide Creek, Deer Island, OR 97054; Hans Furuseth 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.

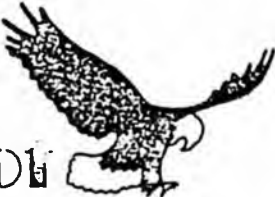
\_\_\_\_\_  
James A. Van Altvorst  
City Manager

SUBSCRIBED AND SWORN to before me this \_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
NOTARY PUBLIC FOR ALASKA  
My Commission Expires: \_\_\_\_\_

(SEAL)

**EXHIBIT F**



**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 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



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.

c. The Glisse-Furusetth 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-Furuseth-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 just a copy of conditions, not giving reasons of facts

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-Furusetth Addition:

- a. The bypass route (as surveyed) will pass only a few hundred feet above the Gisse-Furusetth 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-Furusetth 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-Furuseh 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-Furuseh 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-Furuseh 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-Furuseh 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-Furuseh properties.

The City's petition brief also referred to criterion No. 4 with regard to the Gisse-Furuseh Addition. The Gisse-Furuseh 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.

W/STO  
SAYS

In addition to the above criteria the City's petition brief referred to criterion No. 1 regarding the Gisse-Furusest 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-Furusest-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-Furusest-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 re-affirms its petition of the Local Boundary Commission to support this annexation.

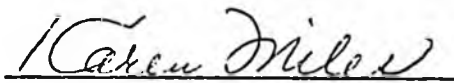
Dated at Ketchikan, Alaska, this 5<sup>th</sup> day of November,  
1985.

CITY OF KETCHIKAN



James A. Van Altvorst, City Manager

ATTEST:



Karen Miles, CMC

City Clerk

MH/857