

Local
Boundary
Commission

No 90

STATE OF ALASKA 1987 LEGISLATIVE SESSION

FISCAL NOTE SENATE

BILL VERSION: SCR 20

PUBLISH DATE: 3/4/87

REQUEST: MC

Revision Date: _____

Title: DISAPPROVING DILLINGHAM ANNEXATION

Agency Affected: Community & Regional Affairs

BRU: _____

Sponsor: Community & Regional Affairs Committee

Requestor: _____

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS :

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Prepared by: McKIE CAMPBELL Phone: 465-3818

Division: STAFF - SENATE C&RA COMMITTEE Date: 3/4/87

Approved by: CHAIRMAN [Signature] Date: _____

Agency: SENATE C&RA COMMITTEE

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

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* SENT: 03/03/87 TIME: 15:34 *
* FROM: LIOCANC *
* SUBJECT: ANCHORAGE PARTICIPANT LIST #1 *
* PRINT DATE: 03/03/87 TIME: 15:34 *
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*** ANCHORAGE PARTICIPANT LIST ***

THE FOLLOWING PEOPLE ARE STANDING BY TO PARTICIPATE IN TODAY'S
HOUSE AND SENATE C + RA COMMITTEE TELECONFERENCE:

TO TESTIFY:

- 1.)
- 2.) 0000000000
- 3.)
- 4.)

TO OBSERVE:

- 1.) DAN BOCKHORST ←
- 2.) CAROL AFERCLERA
- 3.)

EQM

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: JEFFREY B. LABAHN
TITLE: CITY MANAGER, CITY OF DILLINGHAM
ADDRESS: BOX 889
CITY: DILLINGHAM, ALASKA
PHONE: 842-5211
ZIP: 99576

BILL NO:

SUBJECT: DILLINGHAM ANNEXATION PETITION
MESSAGE: THE DILLINGHAM CITY COUNCIL HAS MADE A DECISION TO WITHDRAW THE REFERENCED ANNEXATION PETITION EFFECTIVE FEBRUARY 24, 1987. IT IS THE POSITION OF THE COUNCIL THAT THE PETITION, AS AMENDED BY THE LOCAL BOUNDARY COMMISSION, CANNOT BE SUPPORTED. THE CITY RESPECTFULLY REQUESTS A VETO OF THIS DECISION BY RESOLUTION.

POMID: 06093229
DATE: 02/27/87
TIME: 09:32:29
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COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	SZYMANSKI
SPRINGER	ZHAROFF
ZAHACKI	

Page 13

**STATE OF ALASKA
LOCAL BOUNDARY COMMISSION**

**Robert Eder, Chairman
Josephine Anderson
Bert Greist
David Hanson
Charles Bettisworth**



**Report
to the
First Session
of the
Fifteenth Legislature**

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I. PREFACE

Each year the Local Boundary Commission submits a report to the Legislature. The report submitted to the First Session of the Fifteenth Legislature provides information concerning the powers and duties of the Local Boundary Commission and describes the activities of the commission during 1986.

Additionally, the report includes formal recommendations to the Legislature for five annexations to cities. Pursuant to Article X 512 of the State Constitution, AS 44.47.567(b)(2), and AS 29.06.040, the recommendations for annexation contained in this report take effect forty-five days from this date or at the end of the Session, whichever is earlier, unless disapproved by a concurrent resolution of the Senate and House.

Each year the commission meets with the Senate and House Committees on Community and Regional Affairs Committees to discuss our annual report. We look forward to meeting with those Committees at the convenience of the members.

Sincerely,

A handwritten signature in black ink, appearing to read "C.B. Bettisworth", with a long, sweeping flourish extending to the right.

C.B. Bettisworth
Acting Chairman

II. BACKGROUND

ROLE OF THE LOCAL BOUNDARY COMMISSION

The Local Boundary Commission is responsible for acting upon petitions for the formation, restructuring and dissolution of municipal governments in Alaska. In addition, the commission acts upon petitions for the modification of jurisdictional boundaries of those municipal governments. Specifically, the commission deals with petitions for the following:

1. Incorporation of cities and boroughs;
2. Annexation to cities, boroughs and unified municipalities;
3. Detachment from cities, boroughs and unified municipalities;
4. Consolidation of cities, boroughs and unified municipalities;
5. Merger of cities, boroughs and unified municipalities;
6. Dissolution of cities, boroughs and unified municipalities.

COMPOSITION OF THE COMMISSION

The Local Boundary Commission is comprised of five members. Commission members are appointed by the Governor "on the basis of interest in public affairs, good judgment, knowledge and ability in the field [AS 39.05.060(b)]". One member is appointed from each of the four Judicial Districts of the state. The fifth member, who serves as chairman of the commission, is appointed at-large. Members of the commission serve without compensation. Commission members serve five year overlapping terms.

The current members of the commission are:

- Robert Eder, Chairman, serving at-large (current term expires January 31, 1987);
- Charles Bettisworth, Vice Chairman, serving from the Fourth Judicial District (current term expires January 31, 1990);
- Josephine Anderson, serving from the First Judicial District (current term expires January 31, 1991);
- Bert Greist, serving from the Second Judicial District (current term expires January 31, 1989);
- David Hanson, serving from the Third Judicial District (current term expires January 31, 1988).

TECHNICAL AND ADMINISTRATIVE SUPPORT TO THE COMMISSION

The Alaska Department of Community and Regional Affairs, Division of Municipal and Regional Assistance, provides technical and administrative support to the commission. Such support includes the following principal responsibilities:

- Providing technical assistance to prospective petitioners who wish to bring actions before the Local Boundary Commission.
- Reviewing the form and content of petitions which have been filed with the commission to determine compliance with applicable laws and regulations.
- Analyzing proposed actions and preparing formal written reports and recommendations to the Local Boundary Commission.
- Preparing and maintaining formal records of all proceedings of the commission and otherwise providing technical and administrative support to the commission.

SYNOPSIS OF PROCEDURES

The following provides a brief summary of the procedures and different types of actions which may be brought before the commission. -Details concerning the procedures may be obtained by reviewing the statutes and administrative regulations referenced in the synopsis.

Formation of Municipal Governments:

City and borough governments are incorporated under the provisions of state laws and administrative regulations. The Local Boundary Commission must judge each incorporation proposal using standards established in state laws and regulations.

Examples of standards for incorporation of cities include suitable size and stability of population, an economy which includes the human and financial resources necessary to provide municipal services, and a need for local government. Examples of standards for incorporation of boroughs include a socially, culturally and economically interrelated and integrated population; jurisdictional boundaries which conform to natural geography; an economy which includes the human and financial resources necessary to provide municipal services; and transportation facilities which allow the communication and exchange necessary for the development of integrated borough government.

If the commission approves a petition for the incorporation of a municipal government, the State Division of Elections conducts an election on the proposed incorporation. A majority vote of residents within the territory proposed for incorporation must approve the proposed incorporation before it may be effected.

Further information concerning the procedures and standards which govern the incorporation of a city or borough may be obtained by referring to the statutes and regulations listed below:

- ° Standards for incorporation of a city -
AS 29.05.010-020 and 19 AAC 10.010-030
- ° Standards for incorporation of a borough -
AS 29.05.030 and 19 AAC 10.160-180
- ° Procedures for incorporation of cities and boroughs -
AS 29.05.060 and 19 AAC 10.325-440

Municipal Boundary Changes:

Delegates to the State Constitutional Convention recognized that the establishment and revision of local government boundaries should primarily be the responsibility of the state. To carry out this responsibility, the delegates provided in Article X § 12 of the State Constitution that:

A local boundary commission or board shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action.

The Local Boundary Commission examines proposed annexations and detachments using standards established by administrative regulations.

Examples of standards for annexation include whether the territory proposed for annexation is totally surrounded by the municipality; whether the territory is owned by the municipality; whether the territory is urban in character; whether the territory is in need of municipal services; whether there is a likelihood that future growth and development will occur in the territory; whether the health, welfare and safety of residents is endangered by developments in the territory; whether annexation of the territory is necessary to extend adequate service to residents within the existing boundaries; whether residents or property owners in the territory receive or expect to receive municipal services without commensurate tax contributions.

Standards for detachment include a determination that the proposed detachment is in the best interests of the state, the territory proposed for detachment and the municipality affected.

Annexations and detachments may be accomplished through either of two general processes: the "Local Action process" or the "Legislative Review process". Each of these processes is explained below:

Local Action

Municipal boundary changes carried out under the Local Action process require approval of both the Local Boundary Commission and a majority of the property owners and/or voters in the affected territory. There are four distinct methods by which municipal boundary changes may be effected under the Local Action process. The following is a discussion of these methods:

1. Annexation or Detachment by Election

A petition may be presented to the commission for the annexation or detachment of an area to be subject to an election. If the commission approves the petition, the

action does not take effect unless the proposed boundary change is approved by a majority vote of the residents of the territory affected.

2. Annexation of Municipally-owned Property

Property which is owned by a municipality and which adjoins its present boundaries may be annexed by ordinance of the municipality. The annexation becomes effective with the approval of the Local Boundary Commission.

3. Annexation of Property Owned Upon Petition by All of the Resident Registered Voters and Property Owners

An area adjoining a municipality may be annexed if all of the property owners and all of the registered voters who reside within the territory petition the governing body for the boundary change. The annexation becomes effective through the adoption of an ordinance by the governing body of the municipality and the approval of the Local Boundary Commission.

4. Step Annexation

An annexation petition may seek annexation to take effect gradually over a period of time not to exceed five years. If the commission approves a petition for step annexation, the proposed annexation must also be approved by both the legislature and a majority of the voters in the affected area. The step annexation process has yet to be used in Alaska.

Legislative Review

This process requires approval from the Local Boundary Commission and the legislature. Legislative action is initiated by the submission of a formal recommendation for the boundary change to the legislature during the first ten days of a regular session. That recommendation is then subject to legislative veto within 45 days from the date it is submitted. If not rejected by the legislature during the 45 day review period, the boundary change becomes effective.

The legislative review process is typically used where circumstances do not lend themselves to the initiation of municipal boundary changes through the local action process. Such circumstances may include the following:

- ° It would be impractical to seek annexation of such territory through the local action process. For example, territory proposed for annexation may be uninhabited and may be owned

by a substantial number of individuals, several of whom may be unknown. Thus, the matter could not be decided at an election nor would it be practical to obtain the approval of each of the property owners.

- ° The interests of certain parties may not be adequately protected through the local action process. For example, one resident could seek the annexation or detachment under the local action election method of his/her property consisting of a quarter-acre, and could seek the simultaneous annexation or detachment of an adjacent unpopulated 160 acre parcel of land. Such circumstances would likely be considered unfair to the owner(s) of the adjacent 160 acres. Thus, the commission could compel consideration of the proposed municipal boundary change through the legislative review method.
- ° There is a compelling public need for a boundary change, but there is uncertainty whether a majority of residents in the territory affected would support the proposed boundary change.

This last circumstance is, unquestionably, the most controversial of those surrounding municipal boundary changes. However, as was addressed earlier, the provisions of Article X § 12 of the State Constitution were established to accommodate this very situation.

Deliberation of the Alaska Supreme Court regarding the constitutional principle associated with Article X § 12 of the State Constitution are worthy of mention here. In Fairview Public Utility Dist. No. 1 v. City of Anchorage, 368 P.2d 540 (Alaska 1962), the Supreme Court stated that, "An examination of the relevant minutes of [the constitutional proceedings] shows clearly the concept that was in mind when the local boundary commission was being considered: that local political decisions do not usually create proper boundaries and that boundaries should be established at the state level." Id. at 543. The court concluded, "The subject of ... municipal boundaries is legitimately the concern of the state as a whole, and not just that of the local community." Id. at 546.

Further information concerning the procedures and standards which govern the annexation and detachment of territory to a municipality may be obtained by referring

to the statutes and regulations listed below:

- ° Standards for annexation to cities -
19 AAC 10.065-090
- ° Standards for detachment from cities and unified municipalities -
19 AAC 10.95-120
- ° Standards for annexation to organized boroughs -
19 AAC 10.185-220
- ° Standards for detachment from organized boroughs
19 AAC 10.225-250
- ° Procedures for boundary changes by Local Action -
AS 29.06.040(c), AS 44.47.567(a)(4), 19 AAC
10.630-730 and 19 AAC 10.735-790
- ° Procedures for boundary changes by Legislative
Review -
Article X § 12 of the State Constitution,
AS 44.47.567(b)(2), AS 29.06.040(b) and
19 AAC 10.450-620

Dissolution of Municipal Governments:

The Local Boundary Commission examines proposed dissolutions of municipal governments using standards and procedures established by law and administrative regulations.

Standards for the dissolution of municipal governments include whether the municipality is free of debt, whether it still meets the standards for incorporation or whether the municipality still exercises municipal powers.

If the proposed dissolution of a municipality is approved by the Local Boundary Commission, it may not be effected unless approved by a vote of the residents of the municipality or by the Legislature, depending on the particular process used.

Further information concerning the procedures and standards which govern the dissolution of a municipality may be obtained by referring to the statutes and regulations listed below:

- ° Standards for dissolution of a city -
AS 29.06.470 and 19 AAC 10.130-150
- ° Standards for dissolution of a borough -
19 AAC 10.260-280
- ° Procedures for dissolution of a municipality -
AS 29.06.450-530

Consolidation or Merger of Municipal Governments

The Local Boundary Commission examines proposals for consolidation of municipalities (the creation of a new

municipality from the union of two or more existing municipalities) and for the merger of municipalities (the absorption of one municipality by another existing municipality) using standards and procedures established by law and administrative regulations.

The standard for the merger or consolidation of municipalities is whether the successor municipality meets the standards for incorporation.

Further information concerning the procedures and standards which govern the consolidation or merger of municipalities may be obtained by referring to the statutes and regulations listed below:

- ° Standards for merger of municipalities -
19 AAC 10.290-300
- ° Standards for consolidation of municipalities -
19 AAC 10.310-320
- ° Procedures for merger or consolidation -
AS 29.06.090-170 and 19 AAC 10.800-810

III. EXECUTIVE SUMMARY OF ACTIVITIES OF THE LOCAL
BOUNDARY COMMISSION DURING CALENDAR YEAR 1986

The following is a summary of the petitions for municipal incorporation, dissolution and boundary change brought before the commission in calendar year 1986.

MUNICIPAL INCORPORATIONS

Northwest Arctic Borough (Election District 22)

A petition for incorporation of a first class borough signed by 751 residents of the NANA region was filed on January 6, 1986. The area proposed for incorporation encompassed approximately 36,000 square miles including approximately 3,298 square miles detached from the North Slope Borough.

The borough includes eleven permanent communities with the largest, Kotzebue, serving as the regional center. The population of the Northwest Arctic Borough is estimated to total 6,110.

The commission conducted a public hearing on the petition in Kotzebue on March 14, 1986. After carefully considering public testimony and research material on the matter, the commission approved the petition on the basis that the standards for borough incorporation had been met.

On May 20, 1986, an election was held and a majority of voters in the region approved incorporation of the Northwest Arctic Borough.

On June 2, 1986, the Northwest Arctic Borough became the first Alaska borough to incorporate since 1972.

Big Lake (Election District 16)

On October 21, 1986, residents of the community of Big Lake submitted a petition for incorporation of Big Lake as a second class city. The petition reflects a resident population of the proposed city as 2,278 and proposed boundaries encompassing approximately 149.75 square miles. Local Boundary Commission staff conducted an informational meeting in the community on January 8, 1987 and the Local Boundary Commission will conduct a public hearing on the petition in March, 1987.

MUNICIPAL DISSOLUTIONS

Cities of Akiachak, Atmautluak and Kasigluk (Election District 25)

A number of residents and local elected officials of certain cities within the state have expressed an interest in dissolving their city governments. The factor motivating this interest is an apparent disenchantment with

the state and its political subdivisions which has caused a desire to return to "traditional ways", including "tribal governance" in these communities.

Only one formal dissolution attempt has been made to date. In 1984, certain residents of the City of Akiachak initiated a petition for the dissolution of their city. The matter was brought before the Alaska Local Boundary Commission twice (once upon reconsideration) in 1985. The petition for the dissolution of Akiachak was initially denied principally because the commission determined that Akiachak failed to meet the standard set out in AS 29.06.470(a) and 19 AAC 10.130(a), i.e., that the petitioners had failed to establish that the city was free of debt, or that each of its creditors had been satisfied with a method of repayment. When the petition was again brought before the commission, it was rejected on the basis of 19 AAC 10.130(a)(3), i.e. from the commission's view Akiachak still met minimum standards for incorporation of a city.

After the second rejection of the petition by the commission, the petitioners appealed the commission's decision to the state superior court. Briefs in the matter have yet to be filed.

In addition to Akiachak, certain residents or elected officials of at least nine other cities have expressed varying degrees of interest in dissolution. Most of these communities are merely examining the consequences of and procedures for dissolution. However, the city councils of both Atmautluak and Kasigluk have followed the action of the Akiachak City Council by resigning en masse. Thus, we now have three city governments which have effectively been abandoned by the local elected officials.

Residents of the City of Atmautluak distributed a document, dated July 23, 1986, indicating that the entire Atmautluak City Council resigned effective that date. A resolution submitted with the document states that the "Atmautluak Traditional Government" is now the only entity with the right to govern its sovereign tribal members..."

In October, a similar resolution was received from residents of the City of Kasigluk. Therefore, a total of three municipal governments have been declared dissolved by a number of individuals including elected municipal officials. However, it is noteworthy that of the three municipalities, only Akiachak residents pursued the formal process for municipal dissolution established in state law and administrative regulation.

In our report to the Legislature covering 1985 activities,

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a majority of the registered voters
the area proposed for annexation. The proposed
annexation was rejected by resident registered voters in
the territory proposed for annexation at an election
conducted August 26, 1986.

City of Fairbanks (Election District 20)

The Local Boundary Commission approved a petition submitted
by the City of Fairbanks for annexation of approximately
140 acres described as the Alaska Gold property. The
boundary change was initiated at the request of the sole
owner of the property. The annexation was originally
submitted under provisions of the Legislative review
process but was amended and is now being effected under the
local action process. The commission approved the petition
on August 2, 1986, with the effective date of the boundary
change set for January 15, 1987.

City of Fairbanks (Election District 20)

At the direction of the Superior Court, the Local Boundary
Commission on August 28 reconsidered a 1984 petition
submitted by the City of Fairbanks for the annexation of
117 acres bounded by Peger, Davis and Hill Roads and
reaffirmed its 1984 approval of the boundary change.

City of Kodiak (Election District 27)

The Local Boundary Commission approved a petition for
annexation by election of an area identified as the Mission
Lakes Subdivision and the unsurveyed portion of Mission
Lake, totalling approximately 81.3 acres (0.1271 square
miles). The matter was rejected by the resident voters of
the territory proposed for annexation on May 6, 1986.

City of Kodiak (Election District 27)

The Local Boundary Commission approved a petition for
annexation by election of an area identified as the Von
Scheele right of way, totalling approximately 0.10 acres at
the request of all of the property owners and resident
registered voters in the territory proposed for annexation.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

the state and its political subdivisions which has caused a desire to return to "traditional ways", including "tribal governance" in these communities.

Only one formal dissolution attempt has been made to date. In 1984, certain residents of the City of Akiachak initiated a petition for the dissolution of their city. The matter was brought before the Alaska Local Boundary Commission twice (once upon reconsideration) in 1985. The petition for the dissolution of Akiachak was initially denied principally because the commission determined that Akiachak failed to meet the standard set out in AS 29.06.470(a) and 19 AAC 10.130(a), i.e., that the petitioners had failed to establish that the city was free of debt, or that each of its creditors had been satisfied with a method of repayment. When the petition was again brought before the commission, it was rejected on the basis of 19 AAC 10.130(a)(3), i.e. from the commission's view Akiachak still met minimum standards for incorporation of a city.

After the second rejection of the petition by the commission, the petitioners appealed the commission's decision to the state superior court. Briefs in the matter have yet to be filed.

In addition to Akiachak, certain residents or elected officials of at least nine other cities have expressed varying degrees of interest in dissolution. Most of these communities are merely examining the consequences of and procedures for dissolution. However, the city councils of both Atmautluak and Kasigluk have followed the action of the Akiachak City Council by resigning en masse. Thus, we now have three city governments which have effectively been abandoned by the local elected officials.

Residents of the City of Atmautluak distributed a document dated July 23, 1986, indicating that the entire Atmautluak City Council resigned effective that date. A resolution submitted with the document states that the "Atmautluak Traditional Government" is now the only entity with the right to govern its sovereign tribal members..."

In October, a similar resolution was received from residents of the City of Kasigluk. Therefore, a total of three municipal governments have been declared dissolved by a number of individuals including elected municipal officials. However, it is noteworthy that of the three municipalities, only Akiachak residents pursued the formal process for municipal dissolution established in state law and administrative regulation.

In our report to the Legislature covering 1985 activities,

we expressed the desire that the major public policy issues surrounding municipal dissolution be addressed by the Legislature and the Governor. Events of the past year illustrate that the situation and its ramifications upon the Alaska local government structure have become even more a matter for concern.

BOUNDARY CHANGES - LOCAL ACTION

City of Fairbanks (Election District 20)

The Local Boundary Commission approved the petition of the City of Fairbanks for the annexation of the Riverside Park Subdivision, comprising approximately 12 acres. The petition was submitted under provisions of the process requiring approval of a majority of the registered voters within the area proposed for annexation. The proposed annexation was rejected by resident registered voters in the territory proposed for annexation at an election conducted August 26, 1986.

City of Fairbanks (Election District 20)

The Local Boundary Commission approved a petition submitted by the City of Fairbanks for annexation of approximately 140 acres described as the Alaska Gold property. The boundary change was initiated at the request of the sole owner of the property. The annexation was originally submitted under provisions of the Legislative review process but was amended and is now being effected under the local action process. The commission approved the petition on August 2, 1986, with the effective date of the boundary change set for January 15, 1987.

City of Fairbanks (Election District 20)

At the direction of the Superior Court, the Local Boundary Commission on August 28 reconsidered a 1984 petition submitted by the City of Fairbanks for the annexation of 117 acres bounded by Peger, Davis and Hill Roads and reaffirmed its 1984 approval of the boundary change.

City of Kodiak (Election District 27)

The Local Boundary Commission approved a petition for annexation by election of an area identified as the Mission Lakes Subdivision and the unsurveyed portion of Mission Lake, totalling approximately 81.3 acres (0.1271 square miles). The matter was rejected by the resident voters of the territory proposed for annexation on May 6, 1986.

City of Kodiak (Election District 27)

The Local Boundary Commission approved a petition for annexation by election of an area identified as the Von Scheele right of way, totalling approximately 0.10 acres at the request of all of the property owners and resident registered voters in the territory proposed for annexation.

City of Noorvik (Election District 22)

The Local Boundary Commission approved the petition of the City of Noorvik for the annexation of 891.9 acres of territory. This annexation was approved by a majority of resident registered voters in the territory proposed for annexation at an October 21 election.

City of Soldotna (Election District 5)

The Local Boundary Commission approved the petition for the annexation of approximately 4.2 acres of uninhabited commercial property at the request of the sole property owner of the territory proposed for annexation.

City of Wasilla (Election District 16)

The Local Boundary Commission approved a petition by the City of Wasilla for annexation of approximately 143 acres owned by the Museum of Alaska Transportation and Industry at the request of the sole property owner in the territory proposed for annexation.



City of Clark's Point (Election District 26)

The City of Clark's Point petitioned for annexation of approximately 242 square miles of territory. After a public hearing and careful analysis of the petition, the Local Boundary Commission determined that the proposed annexation failed to satisfy the applicable requirements of state statute and regulation regarding annexation of contiguous territory to a city. Accordingly, the petition was rejected by the commission.

*Shan N.
Regulatory Standards*

City of Dillingham (Election District 26)

The City of Dillingham submitted a petition for annexation of approximately 918.25 square miles. After a public hearing and careful analysis of the petition, the Local Boundary Commission determined that the proposed annexation did not, in its entirety, satisfy the applicable requirements of state statute and regulation regarding annexation of contiguous territory to a city. However the commission did conclude that an area comprised of approximately 40 square miles northwest of the city did satisfy the requirements for annexation of contiguous territory. Accordingly, the commission amended the petition to request annexation of the referenced 40 square miles. Details of the territory proposed for annexation, including a map of area involved and the commission's findings of fact and statement of decision, are contained in the formal recommendation for the annexation of this territory found in Section IV of this report.

*Dan Boe Khor
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City of Fairbanks (Election District 20)

The Local Boundary Commission approved the petition of the

*Robert Camp
Coyell
Buntch*

City of Fairbanks for the annexation of an area described as the Fairbanks North Star Borough Old Richardson Highway Service Area, totalling approximately 164 acres. Details of the territory proposed for annexation, including a map of area involved and the commission's findings of fact and statement of decision, are contained in the formal recommendation for the annexation of this territory found in Section V of this report.

City of Fairbanks (Election District 20)

*Fairbanks
Borough
Legislative*

The Local Boundary Commission approved the petition of the City of Fairbanks for the annexation of the area described as the eastern portion of the Fairbanks Industrial Park, comprised of 21 acres. The annexation petition was originally submitted under provisions of the process under which a boundary change may be effected by ordinance if the annexation is requested by all of the property owners and resident registered voters in the territory. The petition was subsequently amended and submitted under provisions of the Legislative review process. Details of the territory proposed for annexation, including a map of area involved and the commission's findings of fact and statement of decision, are contained in the formal recommendation for the annexation of this territory found in Section VI of this report.

City of Kodiak (Election District 27)

2 hours

The Local Boundary Commission approved the petition of the City of Kodiak for the annexation Tract S-4A, USS 3218, comprising approximately 8.58 acres. Details of the territory proposed for annexation, including a map of area involved and the commission's findings of fact and statement of decision, are contained in the formal recommendation for the annexation of this territory found in Section VII of this report.

City of Nenana (Election District 17)

The City of Nenana submitted a petition for annexation of 316,879 acres (approximately 495.12 square miles) described as "West Nenana or "the Totchaket Region." However, immediately prior to the commission's scheduled hearing on the proposed boundary change, the petition was withdrawn by the City of Nenana.

City of Pelican (Election District 3)

Chair

The Local Boundary Commission approved the petition of the City of Pelican for the annexation of an area totalling approximately 268 acres. Details of the territory proposed for annexation, including a map of area involved and the commission's findings of fact and statement of decision, are contained in the formal recommendation for the annexation of this territory found in Section VIII of this report.

North Slope Borough Detachment (Election District 22)

In 1985, a petition was filed for detachment of approximately 3,298 square miles from the North Slope Borough. The petition was initiated in order to provide an adequate tax base for the Northwest Arctic Borough. After a series of public hearings, the Local Boundary Commission approved the detachment. The detachment was made contingent upon incorporation of the Northwest Arctic Borough. The petition was approved by the Second Session of the Fourteenth Legislature. The boundary change was effected on June, 2 1986, the date of the Northwest Arctic Borough's incorporation. Even though this detachment action was addressed by the last session of the legislature, it is referenced in this report because the commission's action and the detachment itself occurred in calendar year 1986.

Three law suits were filed by the North Slope Borough in the context of the detachment. The litigation consisted of the following actions:

1. North Slope Borough v. State (No. 2 BA-85-187 CIV) alleged violation by the Department of Community and Regional Affairs of the State Open Meeting Act in the development of the petition for detachment.
2. North Slope Borough v. State (No. 2 BA-85-200 CIV) alleged that Assistant Attorney General Jon Rubini had a conflict of interest in serving both the department and the Local Boundary Commission. The suit alleged that the detachment proceedings were "tainted" by alleged conflicts of Jon Rubini and commission member Bert Greist.
3. North Slope Borough v. Local Boundary Commission sought to reverse the decision of the commission to approve the detachment on the grounds of violation of due process and other alleged improprieties.

Each of the suits was eventually withdrawn by the North Slope Borough.

City of Unalaska (Election District 26)

In 1985, the City of Unalaska petitioned for the annexation of much of Unalaska Island and surrounding territories totalling approximately 1,294 square miles. After carefully applying the standards for annexation to cities, the commission determined that only a portion of the requested territory should be annexed to the City. In January, 1986, the commission approved the annexation of approximately 162.8 square miles. The petition subsequently received the tacit approval of the Second Session of the Fourteenth Legislature. Even though this annexation action has been completed, it is referenced in this report because the commission's action occurred in calendar year 1986.

IV. RECOMMENDATION FOR THE ANNEXATION OF TERRITORY TO THE
CITY OF DILLINGHAM

IN THE MATTER OF THE PETITION)
FOR ANNEXATION OF TERRITORY TO)
THE CITY OF DILLINGHAM, ALASKA)

SUMMARY OF ACTIVITIES

In accordance with 19 AAC 10.490(a)(4), the City Council of Dillingham passed a resolution on April 24, 1986 authorizing the filing of a petition for annexation of 918.25 square miles of territory under the provisions of AS 29.06.040(b). On May 1, 1986, the Department of Community and Regional Affairs received the authorized petition. Under 19 AAC 10.530, the city published notice of the filing of its petition on June 27 and July 4, 1986, in the Bristol Bay Times.

On April 23, 1986, the City of Clark's Point submitted a petition for annexation of area included within the territory proposed for annexation by the City of Dillingham. It was accepted by the department in terms of form and content and was subsequently transmitted to the Local Boundary Commission (LBC) with the department's report and recommendation. This presented a novel problem for the LBC in that it was now having to consider competing annexation requests.

On May 25, the department received a letter from the Clark's Point Native Corporation formed under ANCSA (Saguyak Incorporated) "protesting" the Dillingham annexation and supporting the Clark's Point annexation. On June 12, 1986 the department received a letter from the Dillingham Native Corporation formed under ANCSA (Choggiung Limited) objecting to "certain portions, if not all, of this annexation". On July 24, the department received a letter from the Secretary for the City Council of Manokotak opposing the petition from the City of Dillingham.

On October 4, 1986, a public hearing was conducted by the LBC in Dillingham and one in Clark's Point. At that time the City of Dillingham presented a revised boundary request to the LBC. It reduced the territory proposed for annexation by approximately one-half. However, the city testified that the original boundaries of the proposed annexation were justified, though the city redrew the boundaries to accommodate landowners in the area.

At this point it became apparent that the submission of competing annexation requests was motivated by the desire of each city to obtain the revenue generated by raw fish taxes. This revenue would be available to them only through annexation of at least a portion of Nushagak Bay. The LBC requested the two cities to examine the conflict and on November 10, 1986, present it with any proposed compromise in terms of boundaries

or agreements for the sharing of revenues and municipal services. Work sessions were held between the councils of the respective cities, and staff from the Department of Community and Regional Affairs participated in a meeting held on October 24. -Ultimately the two cities were unable to come to an agreeable solution to the conflict. On November 6, 1986, the City Council of Dillingham passed Resolution #86-66. This resolution requested the LBC judge the competing annexation petitions on their own merits.

On November 3, 1986 the Bristol Bay Native Corporation submitted a letter to the department regarding the proposed annexation from Dillingham. Although the letter states that the corporation takes no position on the City of Dillingham's annexation petition, it raised several issues of concern, many of which were reflected in the department's report and recommendation to the LBC.

On November 4, 1986, Marie Luckhurst submitted to the department a letter and an accompanying "protest petition" signed by approximately 70 landowners in the area proposed for annexation. This petition argued that the respective landowners believed the area failed to warrant annexation. In response to this, Mr. John Pearson, Council member of the City of Dillingham, submitted a letter rebutting the arguments presented by the protest petitioners. This was received by the department on November 21, 1986. On that same day another letter suggesting the City of Dillingham drop the annexation proposal was received by the department. The letter was submitted by William P. Johnson and it questioned the revised western boundaries of the annexation area. It noted that "the city council pulled back the boundaries sufficiently to exclude all city council and immediate family members who staked land within the state open to entry area".

The Alaska Attorney General's Office was requested to provide advice on how the LBC should handle two proposals for annexation where the proposals overlap in the area to be annexed. On November 13, 1986, the Attorney General advised the Department of Community and Regional Affairs that the common law doctrine of "prior jurisdiction" should be applied in this instance. This requires the LBC to consider and act upon the petition submitted first, in this case, that from the City of Clark's Point. A decisional session of the LBC was conducted on November 22, at which time the LBC considered and acted upon the proposed annexation request from the City of Clark's Point and subsequently considered and acted upon the proposed annexation request from the City of Dillingham.

PROFILE OF PROPOSED ANNEXATION

The area originally proposed for annexation is located generally to the northwest, west and south of the existing municipal boundaries of the City of Dillingham. It includes waterways of Nushagak Bay and lands south and west of the City

of Aleknagik and east of the City of Manokotak. In the course of the boundary's southeastern traverse it borders the existing corporate limits of the City of Clark's Point. The western territory includes Nunavaugaluk Lake, headwaters of the Snake River.

The area is rural in nature. Onshore areas are inhabited on a seasonal basis by local and non-local residents for purposes of subsistence and commercial fisheries activities. There are an unspecified number of fish camps and set net sites in the territory. The permanent population of the area is estimated at 75.

The petitioner has asserted that the area proposed for annexation is in need of municipal services which the city can provide more efficiently than another municipality. This contention is based upon the belief that seasonal and permanent residents of the area require and already utilize city services to the extent that annexation of the waterways and land areas are warranted. The petitioner also believes that current and anticipated development in the area requires control and regulation which the city will provide. Additionally, the petitioner feels that the health, welfare or well-being of city residents are endangered by conditions existing in the area proposed for annexation, and that annexation will enable the city to remove or relieve these conditions. The City of Dillingham further desires to enhance its revenues by receipt of the raw fish taxes available from floating processors within the territory proposed for annexation. It is felt by the city that these additional revenues will offset the anticipated decline in state and federal assistance.

At its November 22 decisional meeting, the LBC approved an approximate 40 square mile area for annexation to the City of Dillingham. It is referred to as "the identified 40 square mile area northwest of the City of Dillingham" in the remainder of this recommendation.

FINDINGS OF FACT

In arriving at its findings, the LBC has considered documents and evidence including, but not limited to: the petition for annexation, accompanying brief, revised boundary request and City of Dillingham Resolution #86-66 all from the City of Dillingham; the report and recommendation of the Department of Community and Regional Affairs; the letters of non-support from Saguyak Corporation, Choggiung Limited, Bristol Bay Native Corporation, City Secretary of Manokotak, Marie Luckhurst, and William Johnson; the letter of support from John Pearson; and oral testimony provided at the October 4, 1986, public hearing. As listed below, findings of fact are not necessarily limited to the standards provided in state regulations.

1. THE CONTIGUOUS TERRITORY IS NOT TOTALLY SURROUNDED BY THE CITY'S BOUNDARIES [19 AAC 10.070(1)].

2. THE LAND IN THE TERRITORY IS NOT WHOLLY OWNED BY THE CITY [19 AAC 10.070(2)].

3. WITH THE EXCEPTION OF THE IDENTIFIED 40 SQUARE MILE AREA NORTHWEST OF THE CITY OF DILLINGHAM, THE TERRITORY IS NOT URBAN IN CHARACTER [19 AAC 10.070(3)].

The area proposed for annexation is largely uninhabited. There is a significant, though relatively small section currently developed. This development is residential and consists of approximately 75 people adjacent to the Aleknagik Lake Road. They reside in single and multiple family dwellings. The majority of these residents are located in four subdivisions, portions of which are within the city limits and portions of which are outside the city limits but within the territory proposed for annexation. These are known as Ahklun View Estates, Ahklun View Estates North, Ahklun Subdivision III and Lars D. Nelson Subdivision.

The ratios of permanent residents to each square mile within the original and revised areas proposed for annexation do not approximate that of the annexing city. The settlement patterns of the city suggest that only the residents located north of the city along the Aleknagik Lake Road, particularly those in the above noted subdivisions, are indeed located there as a result of natural growth of the city beyond its legal boundaries. With the exception of this inhabited area, the territory proposed for annexation is not generally close to the population center of the city. Again, with the exception of the area adjacent to the Aleknagik Lake Road, the territory proposed for annexation is not accessible to a major land transportation route. With the exception of the property in this same area, the territory is not served nor can it be served in the immediate future by public services and utilities (e.g. water, sewer, electricity and telephone). Thus, the factors which collectively identify urban territory apply to only that portion of the identified 40 square mile area northwest of the City of Dillingham.

4. WITH THE EXCEPTION OF THE IDENTIFIED 40 SQUARE MILE AREA NORTHWEST OF THE CITY OF DILLINGHAM, THE TERRITORY IS NOT IN NEED OF MUNICIPAL SERVICES TO THE EXTENT THAT ANNEXATION OF THE TERRITORY IS WARRANTED [19 AAC 10.070(4)].

The City of Dillingham has made a number of city services available to the seasonal and permanent residents of the area proposed for annexation. These services include operation and maintenance of the sanitary landfill, provision of police and fire protection, emergency medical and education services. The permanent residents of the identified 40 square mile area northwest of the current city boundaries avail themselves of these services on a year-round basis. The seasonal processors and their crews may, on occasion, receive some of these services three months of the year. The critical issue is the relative degree to which these services are required. With the

exception of the identified 40 square mile area northwest of the current boundaries of the city, it has not been demonstrated that these services are required to the extent that annexation is warranted.

5. WITH THE EXCEPTION OF THE IDENTIFIED 40 SQUARE MILE AREA NORTHWEST OF THE CITY OF DILLINGHAM, THE DEGREE OF LIKELIHOOD THAT FUTURE GROWTH AND DEVELOPMENT WILL OCCUR WITHIN THE TERRITORY IS INSUFFICIENT TO WARRANT ANNEXATION [19 AAC 10.070(5)].

Given the settlement patterns occurring from usual urban growth, it appears likely that the identified 40 square mile territory northwest of the current boundaries of the city will experience additional settlement. Additionally, the state "Open to Entry" land disposal within the area to the northwest of the current city boundaries has been subdivided. This is an area generally accessible by road and these facts collectively demonstrate there is adequate potential for development in this area to warrant annexation.

For areas within the territory proposed for annexation other than those noted above, the "development" referenced by the petitioner consists of the floating processors who anchor within the waters of Nushagak Bay. While recognizing that floating processors represent "development", they do not constitute the type of development applied in this standard. The development suggested here is of one impacting a community on a permanent, constant and year-round basis.

6. THE HEALTH, WELFARE OR SAFETY OF CITY RESIDENTS ARE NOT ENDANGERED BY CONDITIONS EXISTING OR DEVELOPING IN THE TERRITORY [19 AAC 10.070(6)].

The petitioner presented no evidence to confirm that there are conditions in the area recommended for annexation which endanger the city residents. It has been suggested that residents along the north end of the Aleknagik Lake Road who dispose of their solid waste at an unauthorized gravel pit present a danger to the health, welfare or safety of city residents, the nearest of whom is ten miles away. This has not been demonstrated. Nor has it been demonstrated that the health, welfare or safety of city residents is endangered by the floating processors who may discharge refuse in the waters of Nushagak Bay. It is observed that, for the most part, these same processors burn their garbage onboard or dispose of it at the Clark's Point sanitary landfill. No conditions have been presented to demonstrate that annexation of the territory is warranted based on this standard.

7. THE EXTENSION INTO THE TERRITORY OF CITY SERVICES OR FACILITIES IS NOT NECESSARY TO ENABLE THE CITY TO PROVIDE ADEQUATE SERVICE TO CITY RESIDENTS NOR IS IT IMPOSSIBLE OR IMPRACTICAL FOR THE CITY TO EXTEND THE FACILITIES OR SERVICES UNLESS THE TERRITORY IS WITHIN THE CITY'S BOUNDARIES [19 AAC 10.070(7)].

The petitioner presented no evidence which satisfies the application of this standard.

8. WITH THE EXCEPTION THE IDENTIFIED 40 SQUARE MILE AREA NORTHWEST OF THE CITY OF DILLINGHAM, RESIDENTS OR PROPERTY OWNERS WITHIN THE TERRITORY DO NOT RECEIVE OR ARE NOT REASONABLY EXPECTED TO RECEIVE, DIRECTLY OR INDIRECTLY, THE BENEFIT OF CITY GOVERNMENT WITHOUT COMMENSURATE PROPERTY TAX CONTRIBUTIONS, TO THE EXTENT THAT ANNEXATION OF THE TERRITORY IS WARRANTED [19 AAC 10.070(8)].

The seasonal residents of the area do occasionally receive the type of city services referenced in this standard, (services provided by the city's general fund, e.g. fire, solid waste disposal, emergency medical services). It should be noted that although property taxes assist in funding some of these services, in many cases additional revenues could be obtained through user fees. This notwithstanding, when the services are rendered, they are not rendered to the degree or frequency that justifies annexation of the entire territory under this standard. However, the permanent residents of the identified 40 square mile area northwest of the City of Dillingham do receive these city services to the degree and frequency to warrant annexation of that area.

9. THE ANNEXATION IS NOT OTHERWISE NECESSARY TO ACCOMPLISH A VALID PUBLIC PURPOSE.

No evidence was presented to identify accomplishment of a valid public purpose through the annexation.

10. THE ANNEXING CITY HAS DEMONSTRATED THAT IT IS CAPABLE OF AND WILLING TO EXTEND FULL MUNICIPAL SERVICES TO THE IDENTIFIED 40 SQUARE MILE AREA NORTHWEST OF THE CITY OF DILLINGHAM IMMEDIATELY UPON ANNEXATION.

The City of Dillingham has demonstrated that it is capable of and willing to extend full municipal services to the area approved for annexation immediately upon annexation.

11. ANNEXATION OF THE WATER AREAS SOUGHT BY THE CITIES OF CLARK'S POINT AND DILLINGHAM WOULD ULTIMATELY REDUCE THE INCENTIVES FOR THE FORMATION OF A BOROUGH IN THE AREA.

If either the City of Clark's Point or the City of Dillingham annexed any of the waterways as proposed, that city can expect to receive increased raw fish taxes. This would not only allow the city to obtain additional revenues without the encouragement to pursue borough formation, but it would constrain the area in terms of a potential revenue base for any future borough. The ultimate result would be a disincentive for borough formation.

12. IN THE PRESENT SITUATION, THE PROBLEMS EXPRESSED BY THE CITIES OF CLARK'S POINT AND DILLINGHAM ARE DEFINITELY REGIONAL IN NATURE.

Clearly, the problems of service delivery, revenue enhancement, public health and welfare threats, and management of "development" are shared by these two cities located fifteen miles apart. The cities claim these problems are largely generated by an industry upon which they both share an economic dependence. With these concerns in mind, the door must remain open for these regional problems to be addressed by a regional form of government. Approval of this annexation would discourage this from occurring.

13. THE STATUTES AND REGULATIONS ESTABLISHING STANDARDS FOR INCORPORATION OF CITIES AND BOROUGHS SHOULD BE CONSIDERED IN THIS ANNEXATION PROPOSAL. WHEN DOING SO, THEY DO NOT SUPPORT THE ANNEXATION AS ORIGINALLY PROPOSED.

The statutes speak to "a community" when addressing city incorporation and "an area" when addressing borough incorporation. The definition of the word "community" as provided in Black's Law Dictionary is a "neighborhood" compared to the definition of the word "area" as "a territory, a region". The instant situation speaks to local boundary actions motivated by problems affecting a territory of people, not a community of people. Clearly a city is not the appropriate vehicle to adequately address problems that are of regional concern.

14. USE OF A METHOD OTHER THAN LEGISLATIVE REVIEW FOR ANNEXATION OF THE IDENTIFIED 40 SQUARE MILE AREA NORTHWEST OF THE CITY OF DILLINGHAM WOULD HAVE BEEN INAPPROPRIATE.

In accordance with 19 AAC 10.600, the LBC has considered alternative methods of annexation. For the reasons stated below, the legislative review method is the most appropriate.

The four alternative processes are not viable for the following reasons.

Local Action/Election - The process of local election by the voters residing within the territory proposed for annexation is impractical because the voters within the area proposed for annexation have not initiated the action and there are no indications they want to do so, or will do so.

Additionally, this process is inappropriate because it fails to adequately protect the interests of all property owners of the area. The size of the territory proposed for annexation is 918.25 square miles and the number of permanent residents is estimated at 75. However, the number of registered voters within the area is estimated to be only 35 based upon the percentage of resident registered voters statewide. The ratio of resident voters to the size of the area is disproportionately large. With such a disparity between the size of the area proposed for annexation and the number of voters residing within the area, the interests of non-resident property owners appear to be inadequately represented. This

local action/election method was not designed for use in situations where there is such disparity in size of the territory and number of voters deciding the question.

Local Action/Municipally owned property - The process of annexation through local ordinance of the adjoining city if the territory proposed for annexation is solely and entirely owned by the adjoining city is unavailable because the City of Dillingham does not own the territory proposed for annexation.

Local Action/100% of Voters and Property Owners - The process of annexation through local ordinance of the adjoining city if all property owners and registered voters within the area petition the city council for annexation is impractical because these individuals have not petitioned the city for annexation of territory and there is no indication they want or are willing to do so.

Step Annexation - The process of local election and legislative review with graduated extension of services is inappropriate because the disparity in size of the territory and number of residents makes local election an unfair and inappropriate method of annexation.

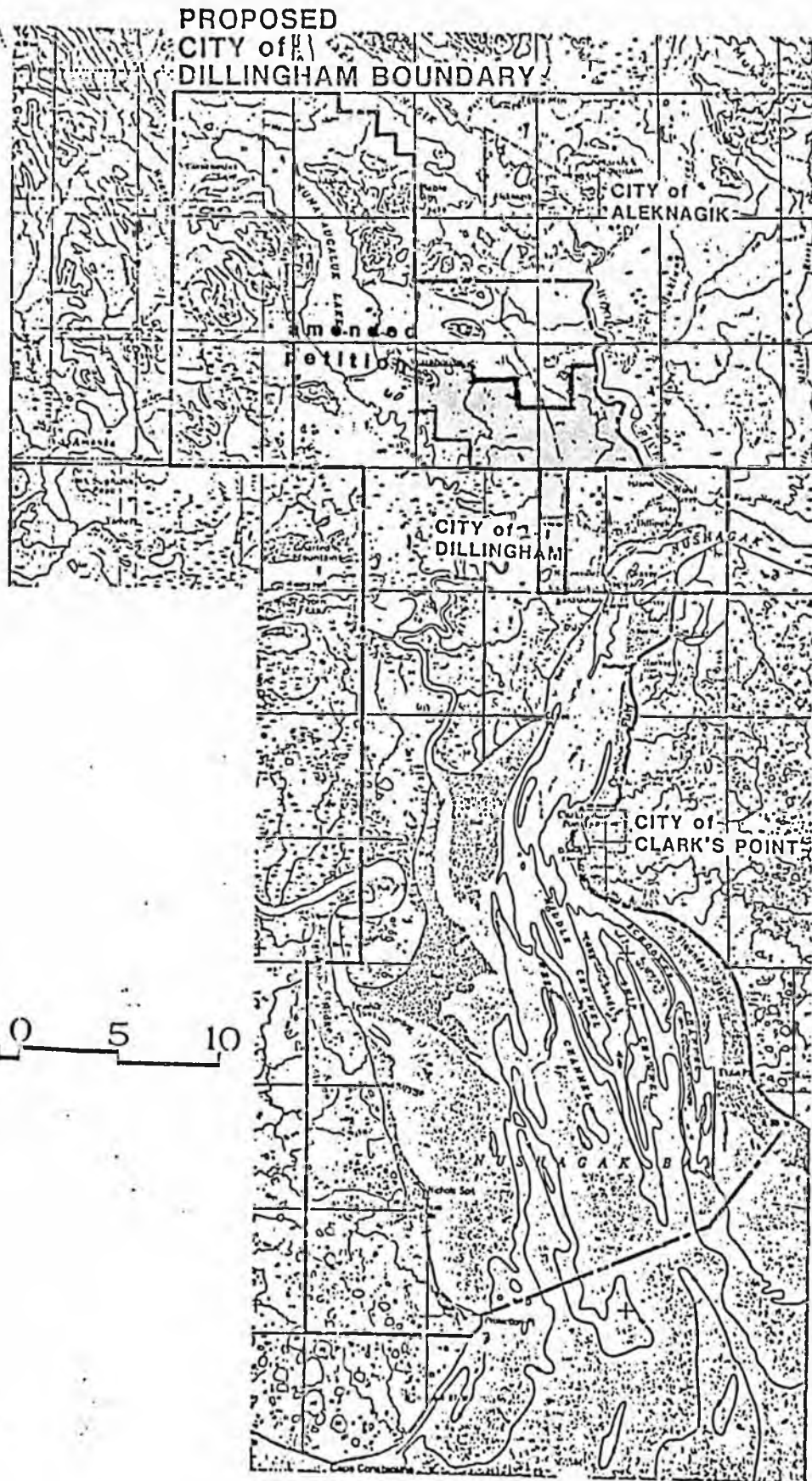
CONCLUSIONS AND ORDER

The proposed annexation of approximately 918.25 square miles of territory to the City of Dillingham does not, in its entirety, satisfy the applicable requirements of state statute and regulation regarding annexation of contiguous territory to a city. There is an approximate 40 square mile area northwest of the city which has been found to satisfy the requirements for annexation of contiguous territory.

The Local Boundary Commission hereby respectfully submits its recommendation to the First Session of the Fifteenth Legislature for the annexation of the territory described below and shown on the map on the subsequent page:

Beginning at the northwest corner of Section 7, Township 12 South, Range 56 West, Seward Meridian (S.M.); thence south to the southwest corner of Section 18, Township 12 South, Range 56 West, S.M.; thence east to the southeast corner of Section 18, Township 12 South, Range 56 West, S.M.; thence south to the southwest corner of the northwest one-quarter of Section 29, Township 12 South, Range 56 West, S.M.; thence east to the southeast corner of the northeast one-quarter of Section 28, Township 12 South, Range 56 West, S.M.; thence south to the southwest corner of Section 34, Township 12 South, Range 56 West, S.M.; thence east to the northwest corner of Section 3, Township 13 South, Range 56 West, S.M.; thence south to the southwest corner of Section 34, Township 13 South, Range 56 West, S.M.; thence east to a point at 158 degrees 35 minutes West Longitude; thence due south to a point at 59 degrees 00 minutes North.

Latitude; thence east to a point on the line of mean low water of Nushagak Bay; thence northerly and easterly along the mean low water line of Nushagak Bay and the Nushagak River to the mean low water line on the right bank of the Wood River; thence northerly along the mean low water line on the right bank of the Wood River to a point on the northern section line of Section 9, Township 12 South, Range 55 West, S.M.; thence west to the northwest corner of Section 9, Township 12 South, Range 55 West, S.M.; thence south to the southwest corner of Section 16, Township 12 South, Range 55 West, S.M.; thence west to the northwest corner of Section 24, Township 12 South, Range 56 West, S.M.; thence north to the northeast corner of Section 14 Township 12 South, Range 56 West, S.M.; thence west to the northwest corner of Section 15, Township 12 South, Range 56 West, S.M.; thence north to the northeast corner of Section 9, Township 12 South, Range 56 West, S.M., thence west to the northwest corner of Section 7, Township 12 South, Range 56 West, S.M.; the point of beginning, excluding the territory presently within the boundaries of the City of Dillingham.



CITY of DILLINGHAM
 EXISTING & PROPOSED BOUNDARY

V. RECOMMENDATION FOR THE ANNEXATION OF THE OLD RICHARDSON
HIGHWAY SERVICE AREA TO THE CITY OF FAIRBANKS

IN THE MATTER OF THE ANNEXATION)
OF THE FAIRBANKS NORTH STAR)
BOROUGH (FNSB) OLD RICHARDSON)
HIGHWAY SERVICE AREA AND FNSB)
TAX LOTS 2401 AND 2405,))
COLLECTIVELY COMPRISING)
APPROXIMATELY 164 ACRES,))
TO THE CITY OF FAIRBANKS)

INTRODUCTION

On January 13, 1986, the Fairbanks City Council adopted Ordinance Number 4500 authorizing the submission of a petition for annexation of the subject territory comprising approximately 164 acres. Mr. Ashbach, the owner of Tax Lots 2401 and 2405, testified at the hearing leading to the adoption of the ordinance in opposition to the annexation proposal. As a consequence of the concerns expressed by Mr. Ashbach, the ordinance was amended to include provisions allowing his two lots to be "excluded from the petition if requested in writing from the owners after due consideration".

On February 27, the Assembly of the Fairbanks North Star Borough adopted Ordinance No 86-010, which excluded Mr. Ashbach's property from the Old Richardson Sewer and Water Service Area. On April 18, Gregory and Ronalee Ashbach made a written request to the City of Fairbanks for the exclusion of their property from the annexation proposal. On April 24, the Department of Community and Regional Affairs received a petition amendment from the City of Fairbanks providing for the exclusion of these two lots.

No opposing briefs were filed in this matter. However, in addition to the opposition by the Ashbachs, another property owner indicated opposition to the proposed annexation in responding to a December, 1985 questionnaire sent by the City of Fairbanks to property owners within the territory.

The Department of Community and Regional Affairs issued its written report and recommendation to the commission concerning this matter on June 30, 1986. The Local Boundary Commission conducted a duly-noticed public hearing on the proposed annexation beginning at 1:00 p.m. August 2, 1986 in the Fairbanks City Council Chambers. Following the hearing, the commission approved the petition. This document represents the formal basis for the decision reached by the commission.

FINDINGS OF FACT

Upon due consideration of the complete record relating to these

proceedings, the Local Boundary Commission made the following findings of fact.

1. ALL METHODS FOR ANNEXATION OTHER THAN THE LEGISLATIVE REVIEW METHOD ARE UNAVAILABLE OR INAPPROPRIATE FOR USE IN THIS INSTANCE.

The commission finds that the method of annexation proposed by the petitioner (legislative review) is the most appropriate method. The four alternative processes for annexation are not viable for the reasons stated in the following discussion.

The alternative of annexation by local action-election is considered inappropriate because the property under consideration is largely inhabited by renters. Owners of certain parcels of property in the area initiated the annexation proposal by approaching the City of Fairbanks and expressing their desire to receive municipal services, such as fire protection. The proposed boundary change would presumably be of greater direct interest to property owners than to renters. If the petition were placed before voters residing within the territory, a significant proportion of property owners would not be eligible to vote on the proposed annexation.

The alternative of annexation through ordinance of the adjoining city if the territory proposed for annexation is solely and entirely owned by the adjoining city is unavailable because the City of Fairbanks does not own the territory proposed for annexation.

The alternative of annexation through ordinance of the adjoining city if all property owners and registered voters within the area petition the city council for annexation is unavailable because all owners of property and registered voters within the area are not favorably disposed to annexation by the City of Fairbanks. Additionally, it is difficult to envision a significant level of interest, much less formal public support, from each and every one of the estimated 62 renters who may or may not be registered to vote in the area proposed for annexation. This process for annexing territory is more practically followed when there are relatively few residents and property owners involved.

The alternative providing for graduated extension of services over a period of time not to exceed five years (step annexation) is inappropriate because the property under consideration will receive the extension of full municipal services upon annexation in conformance with 19 AAC 10.840(9). Additionally, step annexation is not desirable because the vast majority of owners of property within the area do not reside in the area and would be consequently precluded from voting in the election.

2. THE CITY OF FAIRBANKS HAS DEMONSTRATED TO THE SATISFACTION OF THE LOCAL BOUNDARY COMMISSION THAT IT IS CAPABLE OF AND

WILLING TO EXTEND FULL MUNICIPAL SERVICES TO THE AREA PROPOSED FOR ANNEXATION IMMEDIATELY UPON ANNEXATION.

In this case "full municipal services" does not include water and sewer services. The Administrative Code [19 AAC 10.840(9)] defines the term as follows: "full municipal services means all of the services that a municipality is providing to its residents with revenues raised from the municipality's general mill levy or sales or use taxes". The Fairbanks Municipal Utility System (FMUS) is supported by user fees and is not supported by the municipality's general mill levy or sales or use taxes. The area already receives emergency medical services provided by the City of Fairbanks through of a contractual arrangement with the Fairbanks North Star Borough. Property owners, residents and transients in the area will immediately enjoy the benefit of police and fire protection upon annexation. They will also enjoy the benefits of road maintenance of secondary streets (major arterials will be state maintained) and garbage collection from the City. The services of the FMUS water and sewer utilities are scheduled to be extended to at least a portion of the area as the installation of water and sewer mains progress. The City of Fairbanks applied on February 10, 1986, to the Alaska Public Utilities Commission for authority to serve this area. The entire area may not enjoy water and sewer utility services until such time as funding sources are acquired to supplement the \$650,000 appropriation to be utilized for the project.

A review of the other services available to this area from the city reveals that the annexing city is unquestionably capable of providing full municipal services. The city's willingness to do so is evidenced in its petition and past practices. Therefore, the commission found that this standard established by 19 AAC 10.080 is met.

3. THE TERRITORY IS NOT TOTALLY SURROUNDED BY THE CITY'S BOUNDARIES.

The territory proposed for annexation is bordered on three sides by the existing boundaries of the City of Fairbanks. Satisfaction of the standard for annexation set out in 19 AAC 10.070(a)(1) requires that an area be totally surrounded by the boundaries of the annexing municipality. In this instance, the area is not. The commission accordingly determined that this standard is not met.

4. THE LAND IN THE TERRITORY IS NOT WHOLLY OWNED BY THE CITY.

The land in the territory proposed for annexation is not wholly owned by the city. Satisfaction of the standard for annexation set out in 19 AAC 10.070(a)(2) requires that the territory proposed for annexation be wholly owned by the annexing municipality. The commission accordingly found that this standard is not met.

5. THE TERRITORY IS URBAN IN CHARACTER.

In determining whether territory is urban in character for purposes of this standard, 19 AAC 10.070(d) requires consideration of the following:

- ° whether the property is platted or held for sale for residential or commercial purposes (status of development);
- ° whether the population density of the territory approximates that of the annexing city;
- ° whether the population of the territory stems primarily from actual growth of the city beyond its legal boundaries;
- ° whether the property is valuable primarily by reason of its suitability for prospective urban purposes.

Status of Development

The area is zoned as a mixture of commercial and industrial. The area is primarily utilized for a mixture of retail, service and industrial purposes. A partial listing of businesses located within the area includes Alaska Battery Shop, the Frontier Lodge, Columbia Mobile Homes, Persinger Marine, the Sunset Inn, Greer Tank and Welding, the Fairbanks Auction Company, the International Book Store and Massage Parlor and Alaska Cleaners. Attachment 4 of the city's brief which accompanied its petition stated that owners of 24 of the 34 parcels (some individuals own several parcels) within the area have indicated that they favored annexation. This represented approximately 71% of the property included in the proposed annexation. Bertha Costello, a resident of California and owner of one undeveloped lot in the area proposed for annexation, indicated in her response to the December, 1985 questionnaire from the city that she was opposed to the annexation.

Most, if not all, of the individuals residing within the area are renters and presumably have less direct financial interest in whether the area is annexed by the City of Fairbanks than owners of property within the area. However, renters could expect to benefit from City of Fairbanks police, fire and emergency medical services subsequent to annexation.

Population Densities

The population density of the territory within the existing boundaries of the City of Fairbanks is approximately 826 persons per square mile or 1.29 persons per acre. The residential population of the area proposed for annexation is estimated by the petitioner to total 62, resulting in a population density of roughly 0.38 persons per acre. The

population density of the area proposed for annexation is approximately 30% of that within the City of Fairbanks. Several of the permanent residents of the area live in six apartments above the Alaska Cleaners. Other occupants of the area are residents of the Frontier Lodge. However, due to the fact that the area is primarily devoted to commercial and industrial purposes, the relatively low residential population density of the area is not reflective of the level of development and activity in the area.

The average assessed valuation of land, buildings and other real property within the territory proposed for annexation is \$111,106 per acre. By comparison, the assessed value of real property within the city's current boundaries (containing 32.8 square miles) is \$1,028,480,900, which equals \$48,994 per acre. Thus, the assessed value per acre of real property within the area proposed for annexation is 2.27 times greater than in the present boundaries of the city.

Population Due to Growth from City

The area proposed for annexation is contiguous to the existing City of Fairbanks boundaries. Most of the development in the area is commercial and industrial in nature. At least a portion of the purchases of goods and services from businesses within the territory is made by residents and property owners residing within the existing boundaries of the City of Fairbanks. While it is difficult to numerically equate population growth in the area with growth of the population of the city, it is also difficult to envision significant development and population growth in the area proposed for annexation in the absence of the City of Fairbanks.

Prospective Urban Purposes

Information provided to the commission indicates that motivation for the proposed annexation stemmed from a desire on the part of certain property owners within the territory to receive certain services, notably water, sewer, police and fire protection. This fact, coupled with construction of the South Fairbanks Expressway and potential for development stemming, in part, from altered vehicle traffic patterns through the area, makes the area suitable for prospective urban purposes from the perspective of service provision. For example, appropriate expansion of the area served by the municipal water and sewer utility (FMUS) results in long term savings to the municipal utility by virtue of economies of scale. At the same time, installation of municipal fire hydrants in the area contributes to a reduction in operating expenses of businesses within the area as a result of lower fire insurance rates. If the area is annexed, the City of Fairbanks would also realize enhanced revenues from sales and property taxes generated by the area.

On the basis of current assessed values and the City of Fairbanks' 2.8 mill real property tax rate, real property taxes

payable to the City of Fairbanks from property owners in the area would total approximately \$51,020 per year if the proposed annexation is effected.

On the basis of the available data relevant to the standard, the commission concludes that the area proposed for annexation is urban in character. Accordingly, the commission found that this standard is met.

6. THE TERRITORY IS IN NEED OF MUNICIPAL SERVICES WHICH THE CITY CAN PROVIDE MORE EFFICIENTLY THAN ANOTHER MUNICIPALITY.

The Fairbanks North Star Borough exercises the powers of planning, zoning, parks, recreation, taxation, education, animal control, library, air quality control, solid waste, civil defense, flood control, fireworks control, day care assistance and transportation on an areawide basis. Road, sewer, water, fire protection and street lights are provided on a service area basis. The only service area powers exercised by the Borough within the area proposed for annexation are water and sewer service. In fact, information available to the commission indicates that the primary reason the service area was formed was to obtain a legislative appropriation for extension of water and sewer service. Accordingly, in 1985 the Fairbanks North Star Borough was granted a legislative appropriation in the amount of \$650,000 for the purpose of defraying costs of constructing a water and sewer system in the area proposed for annexation. The water and sewer mains are specifically designed to connect with the existing systems of the City of Fairbanks. The petitioner has indicated that owners of various parcels within the area have maintained that they favor annexation of the area to the City of Fairbanks to facilitate the extension of city fire protection and city water and sewer utility service to the area. This has been corroborated by owners of property within the area. The City of Fairbanks Municipal Code requires recipients of municipal utility services to consent to annexation as a condition of extending utility service.

Construction of the South Fairbanks Expressway will require moving several septic systems within the area proposed for annexation. As a consequence, it would maximize cost efficiency to effect the extension of sewer and water mains in conjunction with that project.

At this time, the City of Fairbanks is extending emergency medical service to the area on an extraterritorial basis. The current arrangement for provision of EMS services to the area is less than optimal, according to the City of Fairbanks Fire Chief. Since the area is not within the present City of Fairbanks municipal boundaries, the equipment and personnel which can respond to EMS calls is strictly limited. For example, when an EMS call is received from within the city limits, municipal EMS staff are often supported by staff and vehicles of the Fairbanks Fire Department. Due to liability

concerns and limitations inherent in the contractual arrangement between the city and borough for provision of EMS in the area proposed for annexation, the level of support to EMS staff responding to emergencies in the area proposed for annexation is reduced.

The Fairbanks North Star Borough provides fire protection strictly on a service area basis and the area proposed for annexation is not within an existing fire service area. The city has indicated that the area currently receives no regular fire protection at this time, to the extent that it does not even enjoy the protection of a local volunteer fire department. As a consequence, the ISO (fire insurance rating) is at a level 10. The petitioner's representative has indicated that after annexation to the City of Fairbanks and subsequent installation of fire hydrants, the area's ISO rating will drop to a level 2. Such ratings are the basis for setting rates for fire insurance premiums. A basic factor in determining ISO ratings is proximity of an insured structure to fire hydrants. Generally, fire hydrants must be within 1,000 feet of the insured structure in order for a property owner to benefit from a lower fire service base rate.

The City of Fairbanks' water distribution system is designed to provide adequate flow to be utilized for fire fighting and to provide adequate flow for fire sprinkler systems. The size of the mains required for fire flow is substantially larger than what is required for domestic use. The city's favorable fire insurance rating is to a large extent due to the capability of the water system to provide an adequate quantity of water for fire fighting.

Since the Teamster Mall alone is valued at approximately \$8,000,000, and the total value of real property in the area is assessed at \$18,221,356, improvement of the ISO rating would result in significant savings to property owners within the area proposed for annexation.

While much of the road maintenance within the area is now and would continue to be provided by the State of Alaska, snow plowing and other basic road maintenance of secondary roadways would be rendered by the City of Fairbanks if the annexation is effected.

The data considered in the preceding analysis led the commission to conclude that the territory is in need of municipal services which the city can provide more efficiently than another municipality.

7. 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.

* * * * *
* DELIVER TO: LIOCSSC
*
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* ORIGINAL

* SENT: 03/03/87 TIME: 15:37
* FROM: LIOC DLG
* SUBJECT: H & S COMM & REG AFFAIRS TAC
* PRINT DATE: 03/03/87 TIME: 15:45
*
* * * * *

MAIL #1

DILLINGHAM NOW HAS 9 FOR THE TAC. 5, SO FAR TO TESTIFY

1. MARY ELLEN KISLEY DARLING ✓
2. JOHN PEARSON ✓
3. THOMAS TILDEN ✓
4. CHOW TAYLOR ✓
5. JEFFREY LABAHN - City Manager

OBSERVE FOR NOW - MAY TESTIFY LATER

1. GARY GALLAGHER
2. MARIE LUCKHURST
3. V I BRASWELL
4. ROSLYN GALLAGHER

ANNA MAY

* * * * *
* DELIVER TO: LIOCSSC
*
*
* ORIGINAL

* SENT: 03/03/87 TIME: 15:41
* FROM: LIOC DLG
* SUBJECT: H & S COMM & REG AFFAIRS TAC
* PRINT DATE: 03/03/87 TIME: 15:45
*
* * * * *

MAIL #2

DILLINGHAM OBSERVER

5. BRUCE BALTAR

Plan
Bruckhart

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: MICHAEL REES

TITLE:

ADDRESS: 2136 EAST 37TH ST. #C

CITY: ANCHORAGE, ALASKA

ZIP: 99508

PHONE: 786-3410

BILL NO: SB 18

SUBJECT: ANCHORAGE COASTAL WILDLIFE REFUGE

MESSAGE: I URGE YOU TO SUPPORT SB 18, CREATING ANCHORAGE'S COASTAL WILDLIFE REFUGE (POTTERS MARSH). SB 18 WOULD PROVIDE ADDITIONAL PROTECTION TO THIS KEY WILDLIFE AREA AT ANCHORAGE'S BACKDOOR.

POMID: 03124151

DATE: 04/23/87

TIME: 12:41:51

LIONAME: ANCHORAGE LIO

COPIES: SENATOR

FAIKS

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: NANCY TANKERSLEY

TITLE:

ADDRESS: 13021 MOUNTAIN PLACE

CITY: ANCHORAGE

ZIP: 99516

PHONE: 345-6997

BILL NO: SB 18

SUBJECT: ANCHORAGE COASTAL WILDLIFE REFUGE

MESSAGE: PLEASE HELP PASS SB 18, ESTABLISHING AN ANCHORAGE COASTAL WILDLIFE REFUGE BY BRINGING IT TO THE FLOOR FOR A VOTE. NOW KNOWN AS POTTER REFUGE, IT HAS TREMENDOUS SUPPORT OF LOCAL COMMUNITY AND TOURISTS AND IS A TERRIFIC LOCAL RESOURCE. PLEASE HELP US PROTECT IT.

POMID: 03091419

DATE: 04/29/87

TIME: 09:14:19

LIONAME: ANCHORAGE LIO

COPIES: SENATORS

BINKLEY

BENNETT

FAIKS

The perception of high development potential is based upon the following factors:

- ° Development is underway on the South Fairbanks Expressway, also known as the 30th Avenue Bypass. This project is designed to increase the efficiency of motor vehicle traffic flow through the Fairbanks area. The first phase of the two phase project involves the Parks Highway to Peger Road. The first phase has been completed.

The second phase consists of road widening and extension of the portion of the Parks highway between Peger Road and the Richardson Highway. Work on the second phase is expected to begin in 1986 and is scheduled to be completed in 1988. In its present state, 30th Avenue is described as a relatively low volume local road. The South Fairbanks Expressway project will have a significant impact on traffic patterns in the area proposed for annexation. For example, the Old Richardson Highway will become a frontage road.

According to Charles P. Rees, President of the South Fairbanks Business Association, contingent upon access to the Richardson Highway, certain parcels within the area between the Old and New Richardson Highways will tend to become extremely attractive for commercial purposes due to the projected heavy traffic flow through the area. For example, one of the streets within the area, Easy Street, has been designated to be accessed by an off ramp. \$500,000 was appropriated by the Second Session of the Fourteenth Legislature to fund this improvement.

Consequently, while the resident population of the area may not increase significantly in the near future, the proximity of the area to the major traffic arterials is expected to continue to make it highly attractive for commercial and industrial development, particularly commercial development.

- ° According to Mr. Rees and the petitioner's representative, the natural course of commercial, light industrial and retail development is to the south and east of the existing boundaries of the City of Fairbanks. Residential development is expected to occur toward the north and west of the currently developed areas within the municipal boundaries. This projection is based, in part, by the direction of the prevailing winds during the winter months. "Ice fog" generated by temperature inversions is a normal occurrence during the winter, and residential development in the Greater Fairbanks area tends to reflect a popular preference to live in areas where the problem is not likely to be as acute as it is in the southern portion of the greater

Fairbanks community and the area south of the existing municipal boundaries.

On the basis of the preceding factors, the commission concludes that there is a reasonable likelihood that future growth and development will occur within the territory and that annexation will enable the city to better plan for and control that development. While the Fairbanks North Star Borough has the responsibility for planning, platting and zoning, annexation would permit the City of Fairbanks to facilitate orderly extension of sewer and water utility service in the area. The city's role in controlling development in the area would be in terms of its regulatory powers, such as building code enforcement and police services.

Based primarily upon this consideration, the commission found that this standard is met.

8. 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 THESE CONDITIONS.

To the extent that the volume of motor vehicle traffic will increase in the area, a higher level of public safety services is likely to be required in the area. Since the area proposed to be annexed is viewed as likely to be heavily utilized by residents of the City of Fairbanks as they travel the 30th Avenue Expressway, conditions existing or developing in the area may be considered relevant to this standard. The City of Fairbanks currently provides emergency medical services to the area through a cooperative agreement with the Fairbanks North Star Borough. According to the City of Fairbanks Fire Department, the cooperative arrangement has been in effect since early 1986.

In its capacity of providing emergency medical services to the area under provisions of the current cooperative agreement, city staff confront a logistical problem stemming from limitations upon the degree of equipment and personnel which can be devoted to emergencies in the area.

It is the understanding of the commission that when there is a request for emergency medical services from within the municipal boundaries of the City of Fairbanks, personnel are often supported by a fire department engine company or a rescue company. Due to liability problems which arise when services are provided outside the municipal boundaries, only an ambulance crew can respond to emergency medical services calls from the area proposed for annexation.

Fairbanks residents shopping, conducting business or driving through the area could also expect to benefit from improved availability of police protection under the auspices of the City of Fairbanks. Currently, the area receives police

protection from the Alaska State Troopers. The Fairbanks Detachment of the Alaska State Troopers has limited staff and regional public safety responsibilities. The City of Fairbanks could devote more time to patrolling the area and monitoring traffic within it. This will presumably assume greater importance at such time as traffic flow through the area increases as a consequence of completion of the South Fairbanks Expressway. Since residents of the City of Fairbanks will undoubtedly utilize the expressway, their health and welfare and safety could occasionally be impacted by a lack of frequent traffic patrols in the area proposed for annexation if the proposed annexation does not occur. Through annexation, the area would be under the jurisdiction of both the State Troopers and the Fairbanks Police Department. This would result in an improved level of service, according to the Alaska State Troopers.

Based upon the aforementioned considerations, the commission found that this standard is met.

9. THE EXTENSION INTO THE TERRITORY OF CITY SERVICES OR FACILITIES IS NOT NECESSARY TO ENABLE THE CITY TO PROVIDE ADEQUATE SERVICE TO CITY RESIDENTS.

The commission is unaware of any circumstance which indicates that the proposed annexation is necessary to enable the city to provide service to residents within the existing boundaries of the city. Accordingly, the commission found that this standard is not met.

10. 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 CITY.

The area proposed for annexation currently receives emergency medical service from the City of Fairbanks on an extraterritorial basis.

In addition, residents of the area presumably enjoy a range of municipal services from the City of Fairbanks due to the proximity of the area to the city and the observation that residents of the area either work in or travel through the City of Fairbanks on a frequent basis. Examples of City of Fairbanks municipal services considered in this context might include, but not be limited to, the use of streets maintained by the City of Fairbanks, occasional benefits of Fairbanks municipal water and police protection.

Therefore, the commission concluded that this standard has been met.

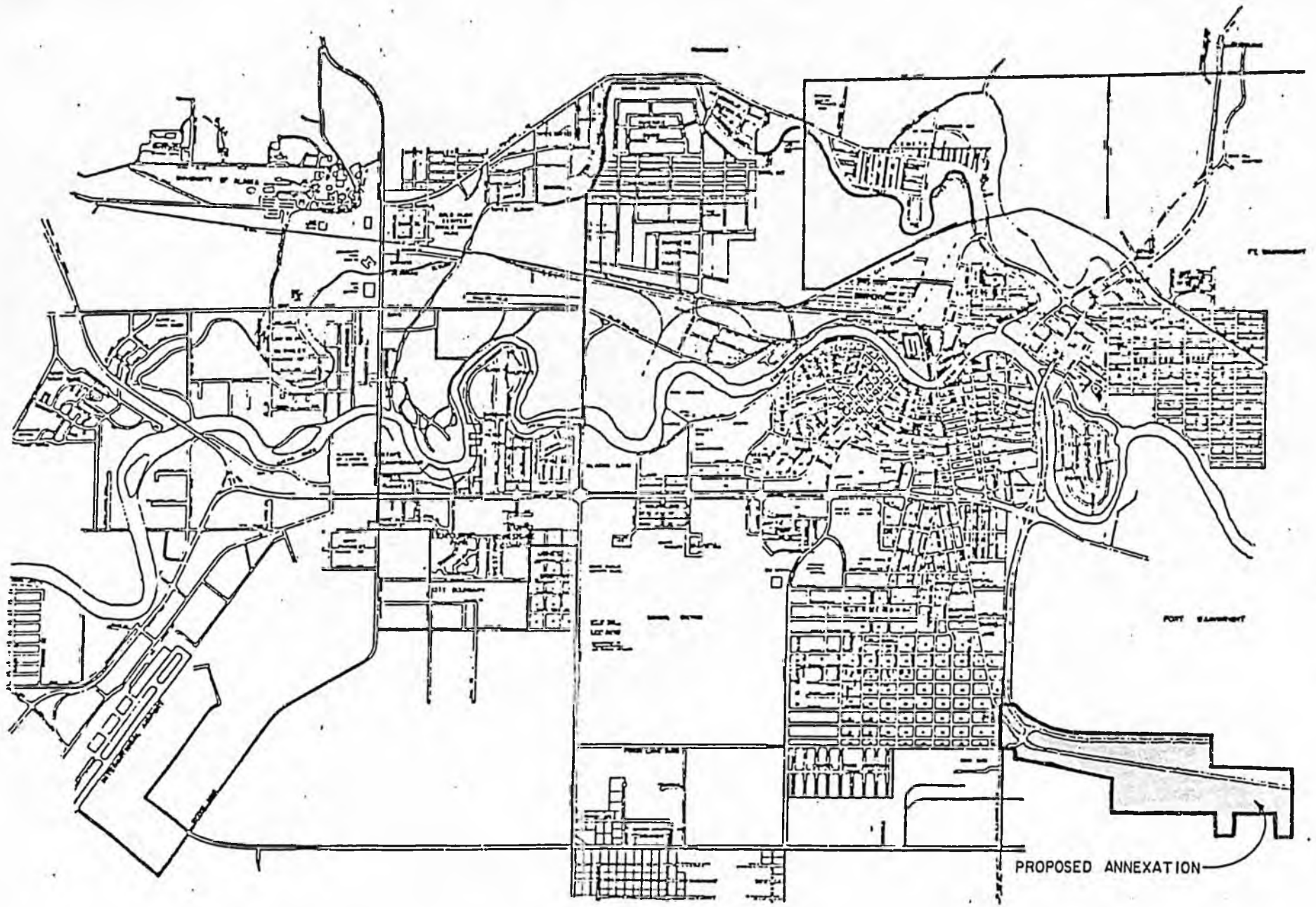
11. THE ANNEXATION IS NOT OTHERWISE NECESSARY TO ACCOMPLISH A VALID PUBLIC PURPOSE.

At this time, the commission is unaware of any other public purpose served by the proposed annexation.

CONCLUSIONS AND ORDER

Based upon the foregoing findings of fact, the Local Boundary Commission concludes that the annexation of the Fairbanks North Star Borough Old Richardson Highway Service Area and Fairbanks North Star Borough Tax lots 2401 and 2405 to the City of Fairbanks is warranted and that the legislative review process is the most appropriate method of annexation. The commission concludes that Mr. Ashbach's property (Fairbanks North Star Borough tax lots 2401 and 2405) is indistinguishable from the adjacent territory proposed for annexation in terms of the application of standards for annexation. The commission was aware of Mr. Ashbach's desire to remain outside the boundaries of the City of Fairbanks, but determined that the request that his property be excluded from the proposed annexation is not consistent with the best interests of the state, the City of Fairbanks, the Fairbanks North Star Borough and other parties. Therefore, the Local Boundary Commission hereby approves, without modification, the petition of the City of Fairbanks as originally submitted (i.e. including FNSB Tax Lots 2401 and 2405).

The Local Boundary Commission hereby respectfully submits its recommendation to the First Session of the Fifteenth Legislature for the annexation of the Fairbanks North Star Borough Old Richardson Highway Service area and tax lots 2401 and 2405, collectively comprising approximately 164 acres as identified in the referenced petition of the City of Fairbanks and shown on the map following this page.



VI. RECOMMENDATION FOR THE ANNEXATION OF THE FAIRBANKS
INDUSTRIAL PARK TO THE CITY OF FAIRBANKS

IN THE MATTER OF THE ANNEXATION)
OF THE EASTERN PORTION OF THE)
FAIRBANKS INDUSTRIAL PARK,)
CONSISTING OF 21 ACRES,)
TO THE CITY OF FAIRBANKS)
_____)

A petition for annexation of the eastern portion of the Fairbanks Industrial Park, comprising 21 acres, was initiated by the City of Fairbanks in February, 1986. The particular process used by the city to initiate the annexation required that all of the property owners and registered voters within the area agree to the annexation.

During the course of the proceedings, two of the property owners who had initially agreed to the annexation decided they no longer wanted to be annexed. The reason expressed by those two individuals was that they would not receive the reduction in insurance premiums that they had expected at the time they agreed to the annexation.

Normally, individuals would not have been allowed to withdraw from such annexation proceedings. However, in this instance the property owned by one of the individuals was owned in partnership with another individual. No record exists of the partner ever having formally agreed to the annexation. Thus, the annexation was technically precluded under the process initially employed by the City of Fairbanks.

As a consequence, the City of Fairbanks requested that annexation be undertaken using an the legislative review process. The request of the city was considered by the commission when it met in Fairbanks on August 2.

Despite having given extensive public notice of the meeting, including notice to each individual property owner in the eastern portion of the Industrial Park, none of the property owners were present to testify at the hearing. Accordingly, the Local Boundary Commission decided to keep the record open for written comments prior to acting on the petition.

The commission directed that a summary of the testimony provided at the August 2 meeting by its staff and the City of Fairbanks be provided to all property owners. The commission allowed all property owners a 30 days notification period that the process adopted for the annexation had been altered and invited interested parties to submit any written comments supporting or opposing the proposed annexation.

On November 22, the commission again met to consider

information relevant to the proposed annexation of the Fairbanks Industrial Park.

At the November 22 meeting, the commission formally determined that the proposed annexation is of "compelling public importance" in accordance with the provisions of 19/AAC/10.645(b).

The commission made this determination on the basis of several factors, including the demonstrated need for fire protection in the area proposed for annexation and the near unanimous desire for annexation reflected in the record on the part of local property owners.

Additionally, the commission determined that alternative methods of annexation are not considered appropriate, practical or available.

The commission also determined that the area met standards for annexation to a sufficient degree to warrant annexation. The specific standards for annexation which the commission felt were satisfied in this matter were:

- the territory is urban in character;
- the territory is in need of municipal services which the city can best provide.
- the health, welfare and safety of residents in the area proposed for annexation were endangered by conditions in the area (lack of fire protection);
- future growth and development are expected to occur in the area, particularly as a result of the construction of the Geist Road Overpass construction.

In the context of making its determination, the commission considered testimony from Wm. Ronald Smith, Deputy City Attorney for the City of Fairbanks, who provided historical details concerning the annexation proposal. He also provided details concerning fire protection to the area. Mr. Smith indicated that even though some property owners would not be within 1,000 feet of a fire hydrant (thus, not qualifying for significant insurance rate reductions) they would receive substantial benefits from city services (notably fire protection using tankers, and police protection).

In his testimony, Mr. Smith informed the commission of plans by the city for the extension of water utility service to the area. He also made the following points in his testimony:

- that the city would extend full municipal services to the area upon annexation; (note "full municipal services" as defined by regulations (19 AAC 10.840(9) does not include utilities such as water

- ° that businesses in the southern portion of the territory proposed for annexation would receive substantial reductions in their insurance premiums;
- ° that the area needs city services.

CONCLUSIONS AND ORDER

On the basis of the aforementioned considerations, the Local Boundary Commission approved, without modification, the petition for annexation of the eastern portion of the Fairbanks Industrial Park, consisting of 21 acres, to the City of Fairbanks.

The Local Boundary Commission hereby respectfully submits its recommendation to the First Session of the Fifteenth Legislature for the annexation of the eastern portion of the Fairbanks Industrial Park as identified in the referenced petition of the City of Fairbanks and shown on the map on the following page.

VII. RECOMMENDATION FOR THE ANNEXATION
OF TRACT S-4A TO THE CITY OF KODIAK

IN THE MATTER OF THE PETITION)
FOR ANNEXATION TO THE CITY OF)
KODIAK, ALASKA OF 8.58 ACRES)
DESCRIBED AS TRACT S-4A, U.S.)
SURVEY 3218)

INTRODUCTION

On March 28, 1986, the City of Kodiak petitioned for the annexation of Tract S-4A, USS 3218, comprising approximately 8.58 acres. The area proposed for annexation is contiguous to the City of Kodiak's boundaries on six of its seven sides.

The area proposed for annexation is within the Kodiak Island Borough Service District 1 (providing water, sewer and road services) and Fire Protection Area No. 1.

The Local Boundary Commission conducted a hearing on this matter for June 28, 1986 beginning at 7:30 p.m. in the Kodiak Island Borough Assembly Chambers.

FINDINGS OF FACT

Based upon the March 28, 1986 petition of the City of Kodiak, the May 3, 1986 letter from Kodiak City Clerk Marcella Dalke providing information to supplement the petition, the June 3, 1986 report and recommendation on this matter by the Department of Community and Regional Affairs, and the information obtained from the June 28, 1986 hearing by the Local Boundary Commission, the commission made the following findings of fact.

1. ALL METHODS FOR ANNEXATION OTHER THAN THE LEGISLATIVE REVIEW METHOD ARE UNAVAILABLE OR INAPPROPRIATE FOR USE IN THIS INSTANCE.

The alternative of annexation by local action-election was unavailable because the territory proposed for annexation is uninhabited and therefore contains no individuals qualified to vote upon the question of annexation.

The alternative of annexation through ordinance of the adjoining city if the territory proposed for annexation is owned by the adjoining city was unavailable because the City of Kodiak does not own the territory proposed for annexation.

The alternative providing for graduated extension of services over a period of time not to exceed five years (step annexation) is inappropriate because the property under consideration will receive the extension of full municipal services immediately upon annexation. Additionally, step

annexation (which requires referendum approval) was unavailable because the territory proposed for annexation is uninhabited and therefore holds no voters to vote upon the question of annexation.

The alternative of annexation through ordinance of the adjoining city if all property owners and registered voters within the area petition the city council for annexation is unavailable because the property owners did not petition and are apparently unwilling to petition the City of Kodiak for annexation of the property. Notwithstanding, the commission feels that there are compelling public reasons why this property should be annexed. Thus, the legislative review method is appropriate in this instance.

2. THE ANNEXING CITY DEMONSTRATES TO THE SATISFACTION OF THE LOCAL BOUNDARY COMMISSION THAT IT IS CAPABLE OF AND WILLING TO EXTEND FULL MUNICIPAL SERVICES TO THE AREA PROPOSED FOR ANNEXATION IMMEDIATELY UPON ANNEXATION.

A review of the services available to this area from the city reveals that the City of Kodiak is unquestionably capable of providing full municipal services as defined by 19 AAC 10.340(9). The city's willingness to do so is evidenced in its petition. Thus, the commission finds that this standard established by 19 AAC 10.080 is met.

3. THE CONTIGUOUS TERRITORY IS NOT TOTALLY SURROUNDED BY THE CITY'S BOUNDARIES.

The area proposed for annexation is contiguous to the City of Kodiak's boundaries on six of its seven sides. Therefore, the territory proposed for annexation is not totally surrounded by the boundaries of the City of Kodiak.

4. THE TERRITORY IS URBAN IN CHARACTER.

The territory in question is presently zoned for industrial purposes (which permits business development), implying that the community and municipal officials have made a determination that this area is to be urbanized at some point.

A proposal has been developed for the construction on the site of a 45,250 square foot grocery store and an additional 54,380 square feet of mall space to accommodate 22 to 25 retail outlets. Although it is not certain that the proposal will be implemented, it appears likely that this or some other significant commercial development will occur on the property.

The population density of the territory within the existing boundaries of the City of Kodiak is approximately 1,207 persons per square mile. By comparison, the area proposed for annexation is currently uninhabited.

Notwithstanding the absence of population within the area

proposed for annexation, the commission finds that the area proposed for annexation is urban in character. This finding is based upon the property's zoning classification and the potential for the large scale commercial development.

5. THE TERRITORY IS IN NEED OF MUNICIPAL SERVICES WHICH THE CITY OF KODIAK CAN PROVIDE MORE EFFICIENTLY THAN THE KODIAK ISLAND BOROUGH.

In determining whether the territory is in need of municipal services which the city can provide more efficiently than the borough, the following factors were considered:

- ° Current and anticipated range of services provided by the city and the borough;
- ° Comparison of insurance rates for the city and the borough;
- ° Comparison of tax rates for the city and the borough;
- ° Efficiency of the city and the borough in providing services.

Range of services provided by the City and the Borough

The Kodiak Island Borough exercises the powers of education, planning & zoning, health, and taxation on an areawide basis. On a nonareawide basis, the borough provides parks and recreation services. On a service area basis, the borough provides water and sewer utilities, fire protection and road maintenance. The area proposed for annexation receives all of these services.

Emergency medical service is provided by the city to residents within its boundaries. The Kodiak Island Borough annually contributes toward the provision of ambulance service to residents located on the road system yet outside the city limits. A hospital located within the corporate boundaries of the City of Kodiak is owned and operated by the borough on an areawide basis.

Although available, no water and sewer services are provided to this property by the borough. The prospective property owner has requested city water and sewer services since the city's utility lines are immediately available to the property and can adequately accommodate the projected demands of the shopping mall. In contrast, the borough's nearest line is approximately 200 feet away in a subdivision adjacent to the territory proposed for annexation. The borough is constrained from immediately providing water and sewer service because of the necessity to obtain an easement to cross private property to extend the service lines to the area proposed for annexation.

Fire protection is provided by the borough through a volunteer fire department headed by a professional fire chief. The

borough fire station servicing this tract of land is located approximately 1.4 miles away. Alternatively, the city fire station serving the property is located approximately 1.9 miles away. Conflicting information was presented at the hearing concerning which of the two departments could best serve the area proposed for annexation. Thus, the commission was unable to reach a conclusion concerning this particular aspect of the question of service delivery. However, the lack of a determination by the commission in this respect does not preclude the commission from determining, overall, whether the relevant standard for annexation has been met.

The property fronts two public roads both within the limits of the City of Kodiak and neither of which is maintained by the borough. One road is under state maintenance and the other is presently under construction and will be maintained by the city when construction is completed.

Police protection outside the city is not provided by the borough. Rather, it is currently provided by the four state troopers serving the Kodiak Island Borough. Two troopers serve the road system outside the city limits. One trooper serves the villages within the borough and one trooper functions strictly as supervisor/administrator. By contrast, the City of Kodiak operates a police department of 28 (including support staff) with officers on duty 24 hours/day. Since the property fronts streets regularly patrolled by city police, it receives the benefit of police surveillance.

The borough does not operate garbage collection service. The city leases land from the borough for operation and maintenance of a sanitary landfill. The city contracts with a private firm for management of the site as well as the mandatory garbage collection within city limits. However, the borough is contemplating the assumption of areawide powers for garbage collection and disposal.

The city owns and operates a library for which the borough annually contributes funds. The borough leases a library facility in Chiniak to a non-profit organization and contributes annually to all communities within the borough to support library services.

The city exercises animal control services within its boundaries. The borough assembly is currently contemplating the adoption of an ordinance which would permit the borough to exercise animal control on a nonareawide basis.

The borough and city enforce the Uniform Building Code (UBC) almost identically. They have both adopted the UBC and administer its enforcement with only minor differences. For structures of the size of the proposed mall and grocery store, the city requires a plan check by the International Conference of Building Officials (ICBO). The borough does not. Additionally, the city requires separate permits (with separate

fees and applications) for electrical and plumbing installations.

In summary, the proposed annexation can be characterized in terms of those services affected and those services unaffected by annexation.

Non-affected services:

If annexed to the City of Kodiak, the area would continue to receive planning and zoning, tax assessment, tax collection, education and health services from the borough.

Affected services:

If annexed, the site will receive fire protection, parks and recreation, emergency medical, library, road maintenance and water and sewer utility services from the city rather than the borough. The property would receive newly acquired city services consisting of mandatory garbage collection, museum, teen center, city airport and animal control service. Additionally, police protection would be provided by city police rather than state troopers.

Insurance rates for the City of Kodiak and the Kodiak Island Borough

According to 1985 figures, the insurance classification for the City of Kodiak is an ISO rating of 4.

According to the Kodiak Island Borough, its fire department has not been established long enough to receive an ISO rating. In the absence of a rating, the ISO classification for properties which receive a minimum level of service is a 9. The area of proposed annexation falls within this class and would thus be rated at a 9. However, it was indicated to the commission that an informal projection of the rating for the fire protection area is 4 or 5. The borough fire chief expected the classification to be provided during 1986.

Tax rates for the City of Kodiak and the Kodiak Island Borough

The property proposed for annexation is currently subject to a 3.75 mill areawide tax levy and a 1.75 mill service district tax levy. This service district levy is broken into 0.25 mills for road service and 1.50 for fire protection. Thus, the total property tax levy is 5.50 mills.

If the property is annexed by the City of Kodiak, it would be subject to two property tax levies. The Kodiak Island Borough would maintain the areawide levy of 3.75 mills, but the 1.75 mill service district tax levy would be replaced by the 2.0 mill tax levied by the city. The total property tax levy under annexation would be 5.75 mills. This is an increase of 0.25 mills.

The borough taxes personal property. However, the city exempts personal property within its boundaries from taxation, including taxation by the borough, as permitted by AS 29.45.050(b). The Kodiak Island Borough does not levy a sales or use tax. The City of Kodiak levies a 5% sales tax.

Efficiency of the City of Kodiak and the Kodiak Island Borough in providing services

Reviewing the range of services provided by the borough in comparison to the range of services to be provided by the city, it is apparent that the city can service the area of proposed annexation to a greater degree than the borough. The significance of this fact is somewhat diminished by the projected increase of 0.25 mills in property tax and 5% sales tax which would be levied and collected if the territory is annexed by the city. However, the finding is that the territory is in need of municipal services which the City of Kodiak can provide more efficiently than the Kodiak Island Borough.

6. ALTHOUGH FUTURE GROWTH AND DEVELOPMENT WILL OCCUR WITHIN THE TERRITORY PROPOSED FOR ANNEXATION, THE COMMISSION FOUND NO EVIDENCE THAT ANNEXATION OF THE TERRITORY WILL ENABLE THE CITY TO PLAN FOR AND CONTROL THAT DEVELOPMENT.

Because the borough is responsible for planning, platting and zoning of all territory within its boundaries and because both the city and the borough enforce essentially the same building code, the annexation will not directly affect the city's ability to plan for and control development.

7. THE HEALTH, WELFARE OR SAFETY OF CITY RESIDENTS IS NOT ENDANGERED BY CONDITIONS EXISTING OR DEVELOPING IN THE TERRITORY.

No evidence was provided to the commission indicating that conditions are developing in the territory proposed for annexation which endanger the health, welfare or safety of city residents.

8. THE EXTENSION INTO THE TERRITORY OF CITY SERVICES OR FACILITIES IS NOT NECESSARY TO ENABLE THE CITY TO PROVIDE ADEQUATE SERVICE TO CITY RESIDENTS.

The commission is unaware of any circumstance which indicates that the proposed annexation is necessary to enable the City of Kodiak to provide service to residents within the existing boundaries of the city.

9. THE TERRITORY PROPOSED FOR ANNEXATION RECEIVES 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 CITY.

Because the city operates the only water and sewer lines in the immediate vicinity of the property, application has been made for provision of these services. If this occurs without annexation, the city contends that the property will receive city services, yet the owner will pay no property tax to the city by virtue of the property's location outside the City. However, the commission found that these services are provided entirely through user fees. Thus, property taxes play no part in the provision of water and sewer to this area.

Because the area proposed for annexation fronts streets patrolled by city police, it is reasonable to expect that the property is, to a degree, receiving the benefits of police protection while remaining outside the jurisdiction of the city. Additionally, because the area fronts a street to be maintained by the city, it will indirectly receive the benefits of that city service.

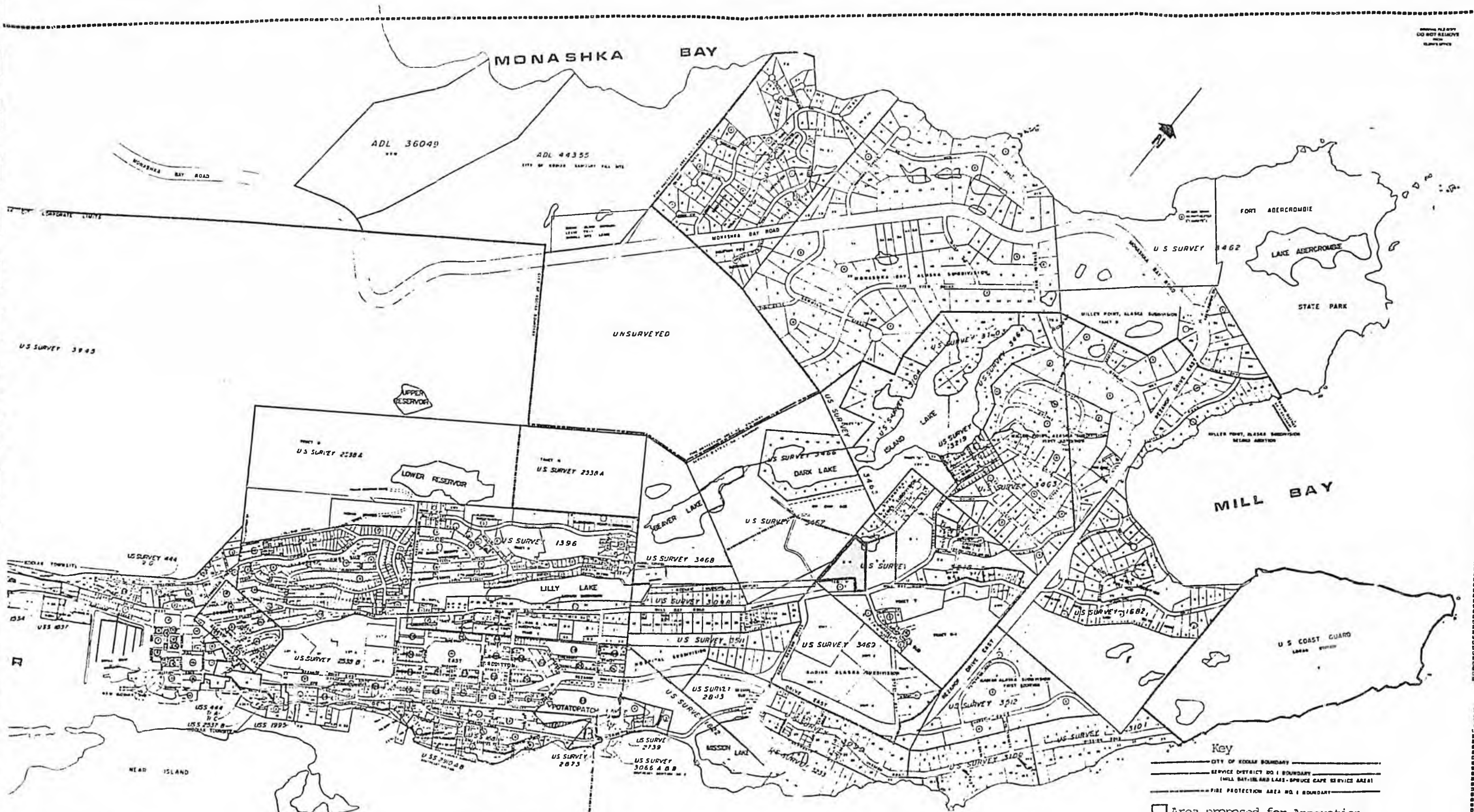
10. THE ANNEXATION IS NOT OTHERWISE NECESSARY TO ACCOMPLISH A VALID PUBLIC PURPOSE.

The commission is unaware of additional public purposes to be accomplished by the annexation.

CONCLUSIONS AND ORDER

Based upon the foregoing findings of fact, the Local Boundary Commission concludes that the annexation of Tract S-4A, USS 3218 to the City of Kodiak is warranted and that the legislative review process is the most appropriate method of annexation. Accordingly, the Local Boundary Commission respectfully submits to the First Session of the Fifteenth Legislature its recommendation for the annexation of 8.58 acres described as Tract S-4A, U.S. Survey 3218 and shown on the map on the following page.

SHOWING PLANNED
DO NOT RESOLVE
FIELD OFFICE



KODIAK ISLAND BOROUGH

PREPARED BY
BOROUGH ENGINEERING DEPARTMENT

Base Map No 2

- Key
- CITY OF KODIAK BOUNDARY
 - SERVICE DISTRICT NO. 1 BOUNDARY
 - (MILL BAY-ISLAND LAKES-SPRUCE CAPE SERVICE AREA)
 - FIRE PROTECTION AREA NO. 1 BOUNDARY
 - ▭ Area proposed for Annexation

VIII. RECOMMENDATION FOR THE ANNEXATION
APPROXIMATELY 268 ACRES TO THE CITY OF PELICAN

IN THE MATTER OF THE PETITION)
FOR ANNEXATION BY THE CITY OF)
PELICAN, ALASKA OF)
APPROXIMATELY 268 ACRES OF)
TERRITORY COMPRISED OF THREE)
SEPARATE TRACTS, JUNEAU)
RECORDING DISTRICT, STATE OF)
ALASKA)

SUMMARY OF ACTIVITIES

On July 28, 1986, the Pelican City Council adopted Resolution Number 1986-10 authorizing the submission of a petition for annexation of the subject territory. The petitioner chose to pursue annexation under provisions of the legislative review process, which requires tacit approval of the legislature [AS 29.06.040(b)].

On August 1, 1986, the department received the City of Pelican's petition. The petition was reviewed and the department notified the City of Pelican on August 8, 1986, that the form and content of the petition were found to be in substantial compliance with applicable laws and regulations.

The City of Pelican has fulfilled the requirement for public notice of the filing of the petition by publishing notice in the Juneau Empire and posting such a notice in several prominent public locations, including the Pelican City Hall. Prior to fulfilling the requirements for notice of filing and petition, the petitioner took steps to enhance public awareness regarding the proposed annexation and to solicit public comments regarding the proposed annexation. According to the petitioner, "many public meetings addressing this subject have been held in the past 2 years and the public is informed and aware of proceedings in this matter."

A duly noticed public meeting on the proposed boundary change was conducted by department staff on June 10, 1986. Eight individuals residing in Pelican or within the territory proposed for annexation offered testimony at the meeting.

No briefs in opposition to the proposed annexation were filed with the department.

On November 22, 1986, the commission met to consider, among other things, the merits of the proposed annexation. After hearing testimony from a total of six interested parties and after thorough deliberation, the commission voted unanimously to approve the petition as submitted.

PROFILE OF PROPOSED ANNEXATION

The territory proposed for annexation consists of several parcels of land in three separate tracts. Tract #1 is located within the northwest portion of that area presently within the existing municipal boundaries and is comprised of approximately 0.359 acres. It is surrounded on all sides by property within the existing municipal boundaries of the City of Pelican.

Tract #2 is located northwest of the existing municipal boundaries of the City of Pelican and is comprised of approximately 6.081 acres. It consists of a landfill site of approximately 4.893 acres owned by the City of Pelican. Tract #2 also includes an access road to the site, which comprises the remainder of the area (approximately 1.188 acres).

Tract #3 is located to the east and south of the existing municipal boundaries of the City of Pelican and is comprised of approximately 262 acres. Of the area included within tract #3, approximately 226 acres are land and the remaining 36 acres are submerged lands. Individual parcels within tract #3 include a five acre federal power withdrawal and a dam and reservoir site consisting of approximately 17 acres and several privately held parcels. Tract #3 is notable in that it contains, according to Robert Kean, (of Kean and Associates, a consulting and surveying firm which recently surveyed the area) approximately 20.9 acres of privately-owned property. This is the only significant amount of privately-owned land within the proposed annexation.

FINDINGS OF FACT

1. THE AREA PROPOSED FOR ANNEXATION IS URBAN IN CHARACTER [19 AAC 10.070(a)(3)].

A significant portion of the territory proposed for annexation is urban in character. This is evidenced by the fact that significant portions of the area have been developed for residential purposes and that a portion of the area proposed for annexation is utilized as a municipal sanitary landfill.

In consideration of this standard, the commission also noted that the population density of that portion of the territory generally referred to as "Pelican Flats" approximates that of the annexing city.

2. A PORTION OF THE AREA PROPOSED FOR ANNEXATION IS OWNED BY THE CITY OF PELICAN [19 AAC 10.070(a)(2)].

Ownership of that portion of the tract #2 within the territory proposed for annexation which is utilized as a municipal landfill has been conveyed to the City of Pelican by the Alaska Department of Natural Resources.

3. A PORTION OF THE AREA PROPOSED FOR ANNEXATION IS TOTALLY SURROUNDED BY THE CITY'S BOUNDARIES [19 AAC 10.070(a)(1)].

The area described as tract #1 (comprised of approximately 0.359 acres) is located within the northwest boundaries of that area presently within the existing municipal boundaries. It is totally surrounded by territory within the existing municipal boundaries of the City of Pelican.

4. THE TERRITORY IS IN NEED OF MUNICIPAL SERVICES WHICH THE CITY OF PELICAN CAN PROVIDE MORE EFFICIENTLY THAN ANOTHER MUNICIPALITY [19 AAC 10.070(a) (4)].

Residents and property owners within the area are in need of municipal services which the city can provide more efficiently than another municipality. These services include education, fire protection, trash collection, health clinic, municipal library, small boat harbor, public safety (police), snow removal, community center and street maintenance. These services can be most efficiently provided by the City of Pelican. The level of delivery of several of the services, such as fire protection, may be limited to portions of the territory to those times when low tide permits vehicular access to the area.

5. THERE IS A REASONABLE LIKELIHOOD THAT FUTURE GROWTH AND DEVELOPMENT WILL OCCUR WITHIN THE TERRITORY PROPOSED FOR ANNEXATION AND THAT ANNEXATION WILL ENABLE THE CITY TO PLAN FOR AND CONTROL THAT DEVELOPMENT [19 AAC 10.070(a) (5)].

The commission concluded that there is reasonable likelihood that future growth and development will occur within the territory and that annexation will enable the city to better plan for and control that development. Annexation would permit the City of Pelican to facilitate orderly extension of municipal services to the area. The city's role in controlling development in the area would be in terms of its regulatory powers, such as code enforcement, police services and planning, platting and zoning.

6. RESIDENTS OR PROPERTY OWNERS WITHIN THE TERRITORY PROPOSED FOR ANNEXATION RECEIVE OR MAY REASONABLY BE EXPECTED TO RECEIVE CITY SERVICES WITHOUT COMMENSURATE PROPERTY TAX CONTRIBUTIONS [19 AAC 10.070(a) (8)].

Residents of Pelican Flats enjoy, without commensurate property tax contributions, virtually all of the municipal services which are available to residents of the City of Pelican. This is regarded as a primary factor relevant to the proposed annexation of tract #3.

7. THE HEALTH, WELFARE OR SAFETY OF CITY RESIDENTS IS NOT ENDANGERED BY CONDITIONS EXISTING OR DEVELOPING WITHIN THE TERRITORY [19 AAC 10.070(a) (6)].

There appears to be no significant threat to the health or safety of residents of Pelican as a consequence of conditions existing or developing in the area proposed for annexation. From the perspective of the welfare of residents of the City of Pelican, it may be argued that the provision of municipal services to non-residents, (those individuals living or owning property on Pelican Flats who do not pay municipal property taxes) adversely affects the welfare of residents of the city. However, the commission determined that this consideration is more relevant to other standards, specifically 19 AAC 10.070(a)(8).

8. THE ANNEXATION IS OTHERWISE NECESSARY TO ACCOMPLISH A VALID PUBLIC PURPOSE [19 AAC 10.070(a)(9)].

The annexation would serve other public purposes, such as supporting the City of Pelican's efforts to protect the Pelican watershed located in tract #3. The boundaries of tract #3 largely follow aliquot parts of a section.

9. THE LEGISLATIVE REVIEW METHOD OF ANNEXATION IS THE MOST APPROPRIATE METHOD OF ANNEXATION OF THE SUBJECT TERRITORY.

Since there is no petition containing the signature of 100% of the property owners and registered voters residing in the territory proposed for annexation, local action annexation without an election is not possible. Since most of the registered voters residing in the territory proposed for annexation appear to oppose annexation at this time, local action annexation through election is not possible. Step annexation likewise requires a vote by residents and is not possible in the absence of support by a majority of voters in the area proposed for annexation. While a portion of the territory proposed for annexation is municipally owned, it is impractical to provide for separate annexation proceedings for that area. Thus, the only available, practical and appropriate method of annexation is the legislative review process.

10 THE ANNEXING CITY DEMONSTRATES THAT IT IS CAPABLE OF AND WILLING TO EXTEND FULL MUNICIPAL SERVICES TO THE AREA PROPOSED FOR ANNEXATION IMMEDIATELY UPON ANNEXATION, EXCEPT IN THOSE SITUATIONS WHERE PROVISION OF SUCH SERVICES IS IMPOSSIBLE BECAUSE OF A LACK OF NECESSARY FACILITIES [19 AAC 10.080(a)(1)].

This contention is made in the petition and the commission's investigation has resulted in the same conclusion. The petitioner has satisfied the commission that the City of Pelican will provide full municipal services to the area within a reasonable time, should the proposed annexation be effected.

CONCLUSIONS AND ORDER

The proposed annexation of approximately 268 acres of territory to the City of Pelican, Juneau Recording District, State of Alaska as described in the petition for annexation submitted by

TRACT #2

TRANSFER APPLICATION
DATED 10-15-11 FOR
CITY OF PELICAN
8 AC.

TRACT #1

LOT 104
TO BE ADDED
38 AC.

U.S. SURVEY
2861 ABB

U.S. SURVEY
2819

SEC 19 SEC 20

LISIANSKI

EXISTING ALASKA CORPORATE BOUNDARY

ATB W

INLET

PROPOSED ANNEXATION BOUNDARY

TONGASS NATIONAL FOREST

PROPOSED ANNEXATION BOUNDARY

FOREST SERVICE MULTIPURPOSED MANAGEMENT
APPROXIMATELY 17 ACRES

POWER PROJECT
WITHDRAWAL 1221
APPROXIMATELY 8 ACRES

CHICHAGOF

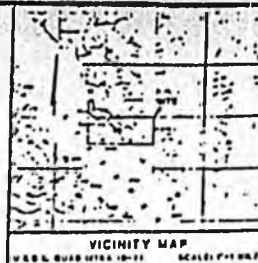
TOTAL LAND AREA: 187.4 AC. ±

ISLAND

TRACT #3

NATIVE PLACE OF PIONEER RESIDENCE IMPROVEMENT APPLICATION AS-5104
REJECTED AND URGED APPEAL

U.S. SURVEY
2805



VICINITY MAP
U.S.G.S. QUAD 1074 10-11 SCALE: 1"=1 MI

17 16
SECTION 20 21

55

LEGEND

ACCREDITED OR PULL AREAS



W.D.P. 88-128
SCALE: 1"=200'
DRAWN: A.M.
CHECKED: A.T.S.
DATE: 1/1/11

REAR & ASSOCIATES
616 HODGE DRIVE
ANCHORAGE, AK 99504

PROPOSED ANNEXATION
CITY OF PELICAN
CORPORATE BOUNDARY

the City of Pelican meets standards for annexation to a degree sufficient to warrant inclusion of the subject territory within the municipal boundaries of the City of Pelican.

The Local Boundary Commission respectfully submits to the First Session of the Fifteenth Legislature its recommendation for the annexation of of 268 acres to the City of Pelican as referenced in the petition of the City of Pelican and shown on the map on the following page.

SAT MONDAY - SAT 12

Pillington
28th

Article 2. Annexation and Detachment.**Section**

40. Local boundary commission

50. Annexation of military reservations

Section

60. Application

Effective date of article. — Section 90, ch. 74, SLA 1985 provides: "This Act takes effect January 1, 1986."

Sec. 29.06.040. Local boundary commission. (a) The Local Boundary Commission may consider any proposed municipal boundary change. It may reject the proposed change, accept the proposed change, or alter the boundaries and accept the proposal as altered. A Local Boundary Commission decision under this subsection may be appealed under the Administrative Procedure Act (AS 44.62).

(b) The Local Boundary Commission may present a proposed municipal boundary change to the legislature during the first 10 days of a regular session. The change becomes 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.

(c) In addition to the regulations governing annexation by local action adopted under AS 44.47.567, the Local Boundary Commission shall establish procedures for annexation and detachment of territory by municipalities by local action. The procedures established under this subsection include a provision that

(1) a proposed annexation and detachment must be approved by a majority of votes on the question cast by voters residing in the area proposed to be annexed or detached;

(2) municipally owned property adjoining the municipality may be annexed by ordinance without voter approval; and

(3) an area adjoining the municipality may be annexed by ordinance without an election if all property owners and voters in the area petition the governing body.

(d) A boundary change effected under (a) and (b) of this section prevails over a boundary change initiated by local action, without regard to priority in time. (§ 5 ch 74 SLA 1985)

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

Kie

NAME: ROSLYN GALLAGHER

TITLE:

ADDRESS: T12S,R56W, SEWARD MERIDIAN. BOX 65

CITY: ALEKNAGIK, ALASKA

ZIP: 99555

PHONE: N/A-

BILL NO:

SUBJECT: UNORGANIZED BOROUGH ASSEMBLY

MESSAGE: ANNEXATION 40 SQ. MI. AREA NORTHWEST OF DILLINGHAM, WAREHOUSE MT. O.T.E. AREA 9051: LOCAL BOUNDARY COMMISSION FACTS-ITEMS 10 AND 14 MISREPRESENTED. WE CALL OUR UNORGANIZED BOROUGH ASSEMBLY (STATE LEGISLATURE) INTO SESSION. (CONSTITUTIONAL ARTICLE X, SEC. 6, SEC. 12, ARTICLE VIII, SEC. 1) RIGHT TO DECIDE BE PEOPLE'S, NOT AGENCY'S.

POMID: 06102022

DATE: 02/06/87

TIME: 10:20:22

LIONAME: DILLINGHAM LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

ADAMS	BARNE	ABOOD
BOUCHER	BOYER	BENNETT
BROWN	CATO	BINKLEY
COLLINS	COTTEN	COGHILL
DAVIDSON	DAVIS	DUNCAN
DONLEY	ELLIS	ELIASON
FRANK	FURNACE	FAHRENKAMP
GOLL	GRUENBERG	FAIKS
GRUSSENDORF	HANLEY	FISCHER
HERRMANN	HOFFMAN	HALFORD
HUDSON	KOPONEN	HEMSLEY
LARSON	MARTIN	JONES
MENARD	MILLER	JOSEPHSON
NAVARRE	PEARCE	KELLY
PETTYJOHN	PHILLIPS	KERTTULA
POURCHOT	RIEGER	RODEY
SHULTZ	SPRINGER	SZYMANSKI
SUND	SWACKHAMMER	UEHLING
TAYLOR	ULIEK	ZHAROFF
WALLIS	ZAWACKI	

PUBLIC OPINION MESSAGE

MC

DEAR: SENATOR STURGULEWSKI

NAME: DOROTHY M. FLENSBURG
TITLE:
ADDRESS: BOX 43
CITY: DILLINGHAM ALASKA ZIP: 99576
PHONE: N/A-
BILL NO:
SUBJECT: CITY OF DILLINGHAM ANNEXATION PROPOSAL
MESSAGE: FOR THE RECORD, I AM OPPOSED TO THE PROPOSAL FOR ANNEXATION
PUT FORTH BY THE CITY OF DILLINGHAM.

POMID: 06160118
DATE: 02/11/87
TIME: 16:01:18
LIONAME: DILLINGHAM LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	SZYMANSKI
SPRINGER	ZHAROFF
ZAWACKI	ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: MARIO FERRARO
TITLE:
ADDRESS:
CITY: DILLINGHAM, ALASKA ZIP: 99576
PHONE: N/A-
BILL NO:
SUBJECT: DILLINGHAM'S ANNEXATION PROPOSAL
MESSAGE: WOULD LIKE TO VOICE MY OPPOSITION TO THE CITY OF DILLINGHAM'S
PROPOSAL FOR ANNEXATION.

POMID: 06160259
DATE: 02/11/87
TIME: 16:02:59
LIONAME: DILLINGHAM LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	SZYMANSKI
SPRINGER	ZHAROFF
ZAWACKI	ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: DOROTHY WILSON
TITLE:
ADDRESS: BOX 142
CITY: DILLINGHAM, ALASKA
PHONE: N/A-
BILL NO:
SUBJECT: CITY OF DILLINGHAM ANNEXATION
MESSAGE: I OPOSE THE CITY OF DILLINGHAM'S ANNEXATION PROPOSAL.

ZIP: 99576

MC

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: CHARLES WILSON
TITLE:
ADDRESS: BOX 142
CITY: DILLINGHAM, ALASKA
PHONE: N/A-
BILL NO:
SUBJECT: CITY OF DILLINGHAM ANNEXATION
MESSAGE: AM OPOSED TO THE CITY OF DILLINGHAM'S PROPOSAL FOR ANNEXATION.

ZIP: 99576

POMID: 06155750
DATE: 02/11/87
TIME: 15:57:50
LIONAME: DILLINGHAM LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	SZYMANSKI
SPRINGER	ZHAROFF
ZAWACKI	ZHAROFF

POMID: 06155957
DATE: 02/11/87
TIME: 15:59:57
LIONAME: DILLINGHAM LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	SZYMANSKI
SPRINGER	ZHAROFF
ZAWACKI	ZHAROFF

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5192 SCRA LOCAL BOUNDARY COMMISSION - S3 18

704



Alaska State Legislature

SENATE

P.O. Box V
State Capitol
Juneau, Alaska 99811

TO: Senate C&RA Members Feb 18, 1987

FROM: Senate C&RA Staff

MJK

RE: Local Boundary Commission

The Senate C&RA committee will meet with the Local Boundary Commission on Thursday, February 19th at 3:30 PM. At that time, the Commission will make its presentation to the legislature on its activities for 1986.

It is expected that there will be several items of particular interest that will be addressed during the meeting. The Commission approved four annexations that are subject to legislative review. These annexation involve the cities of Dillingham, Fairbanks, Kodiak, and Pelican.

These annexations will take effect on March 14th unless the House and Senate pass a concurrent resolution disapproving an annexation before that date. No correspondence regarding the Fairbanks, Kodiak, or Pelican annexations has been received.

The committee has received five public opinion messages opposing the Dillingham annexation and a rather lengthy document and petition urging the legislature to reject the Dillingham annexation. The document and petition are included in this packet but the POM's are not included since each Senator has already received a copy.

As part of its report it is expected that the LBC will discuss municipal dissolution. The committee has SB 50 - Municipal Dissolutions, currently before it and members may wish to bring their SB 50 packets to the meeting.

The LBC will be conducting a regular meeting prior to meeting with the committee. If any members wish to have staff attend, this meeting will start at 10 A.M. and will be in the third floor conference room of the Department of Community and Regional Affairs.

Enclosed in this packet are: a copy of the relevant section of Title 29, a letter and report from the LBC, and the above referenced document and petition from persons opposed to the Dillingham annexation. An executive summary of the report begins on page 10 and the summary of actions requiring legislative oversight is on pages 13 and 14.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

LOCAL BOUNDARY COMMISSION

949 EAST 36TH AVENUE, SUITE 404
ANCHORAGE, ALASKA 99508
PHONE: (907) 561-8586

January 28, 1987

The Honorable Jan Faiks
Senate President
Alaska Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator Faiks:

I am pleased to submit this report of the Alaska Local Boundary Commission to the First Session of the Fifteenth Legislature.

The report provides information concerning the powers and duties of the Local Boundary Commission and describes the activities of the commission during 1986.

Additionally, the report includes formal recommendations to the Legislature for five annexations to cities. Pursuant to Article X §12 of the State Constitution, AS 44.47.567(b)(2), and AS 29.06.040, the recommendations for annexation contained in this report take effect forty-five days from this date or at the end of the Session, whichever is earlier, unless disapproved by a concurrent resolution of the Senate and House.

(MARCH 14)

The Honorable Jan Faiks
January 28, 1987
Page 2

Each year the commission meets with the Senate and House Committees on Community and Regional Affairs Committees to discuss our annual report. We look forward to meeting with those committees at the convenience of the members.

Sincerely,



C.B. Bettiswo
Acting Chairman

copy with attachment:

The Honorable Steve Cowper, Governor

Senate Community and Regional Affairs Committee

The Honorable Arliss Sturgulewski, Chairman

The Honorable Tim Kelly, Vice Chairman

The Honorable Fred Zharoff

The Honorable Mike Szymanski

The Honorable Rick Halford

The Honorable David Hoffman, Commissioner
Department of Community and Regional Affairs

February 1987

The Honorable Arliss Sturglewski
Alaska State Legislature
POB V
Juneau, Alaska 99811

Unorganized Borough
POB 19
Aleknagik, Alaska 99555

FEB 17 1987

Honorable Arlis Sturglewski;

We the people of the Unorganized Borough including the 40 square mile area northwest of the City of Dillingham Petition our Un-organized Borough Assembly to be called into session.

On April 24, 1986 the City Council of the City of Dillingham passed a resolution authorizing the filing of a petition for annexation of 918.25 square miles of territory under the provisions of 29.06.040(b). On May 1, 1986, the Department of Community of Regional Affairs received the authorized petition. Under 19 AAC 10.530, the City published notice of the filing of its petition on June 27 and July 4, 1986, in the Bristol Bay Times but not in commonly understood terms and during time when most people were fishing or cut off from the City of Dillingham by heavy rains and the resulting marshy conditions. Most of the people outside of the City of Dillingham and many of those city residents never to this day have seen the map published at that time and those who did find it confusing and misleading in that it was fuzzy and titled Existing & Proposed Boundary but with no clarity as to where the existing boundaries were nor any listing of territory covered by the proposal.

On April 23, 1986, the City of Clark's Point submitted a petition for annexation of area included within the territory proposed for annexation by the City of Dillingham. The State of Alaska Department of Community and Regional Affairs received this petition and passed it on to the Local Boundary Commission.

Opposition to the City of Dillingham's proposal lined up:

- May 25: Saguyak Incorporated (Clark's Point Native Corporation)
- June 12: Choggiung Limited (Dillingham Native Corporation)
(objecting to certain points. What these points are, may only now, in February 1987, be coming to the surface)
- July 24: Secretary for the City council of Manokotak

On October 4, 1986, a public hearing was conducted by the Local Boundary Commission in Dillingham and one in Clark's Point. There does not appear to have been an attempt to contact property owners in the areas of annexation before these hearings, at least not in the area proposed to be annexed. Many people were totally ignorant of fact that they had been included and even upon hearing of the hearings though they were for Clark's Point residents and Dillingham residents only. The attitude was one of "Gee, I hope these two cities work out their differences."

After the public hearings, rumors were that the City of Dillingham had left out Warehouse Mountain Remote Parcel/Open to Entry State Land.

At this point it became apparent that the submission of competing annexation requests was motivated by the desire of Dillingham and Clark's Point to obtain the revenue generated by raw fish taxes. This would be available to them only through annexation of at least a portion of Nushagak Bay. In order to justify reaching out that far as a city, Dillingham had to take into it's boundaries what was in between to make it contiguous territory to its boundaries. (19 AAC 10.070(1))

The Local Boundary Commission told the two cities to compromise and revise their boundary requests with how they could share revenues and municipal services. October 24th, the two cities met with the Department of Community and Regional Affairs, but even with help they could not come to a resolution of their conflicts.

By now it was November. After the meetings with Clark's Point the City of Dillingham City Council Members passed Resolution #86-66 requesting the Local Boundary Commission to judge the competing annexation petitions on their own merits.

It is difficult to say how many people actually ever saw the petitions to evaluate their accuracy as to facts.

Questions arose raising concerns of a regional nature:

- November 3: The Bristol Bay Native Corporation (the regional corporation) raises issues.
- November 4: 70 landowners submitted a petition in opposition Department of Community and Regional Affairs
- November 21: John Pearson, City Council Member in the City of Dillingham representing himself submitted a letter rebutting the arguments against annexation presented by Marie Luckhurst and the 70 landowners petitioners
- November 21: William P. Johnson's letter arrived in the Department of Community and Regional Affairs questioning the revised western boundaries of the annexation area. It noted that "the City Council pulled back the boundaries sufficiently to exclude all City Council and immediate family members who staked land within the State Open to Entry Area."

Right after this, the Alaska Attorney General's office was requested to provide advice on how the Local Boundary Commission should handle two proposals for annexation where the proposals overlap in the area to be annexed.

On November 13th, the Attorney General advised the Department of Community and Regional Affairs that the common law doctrine of "prior jurisdiction" should be applied in this instance. This meant the Local Boundary Commission should act on Clark Point's petition first and on November 22nd they did and then acted upon the proposed annexation request from the City of Dillingham.

By December most people did not know what was going on with the

proposed boundaries for annexation. The only two year round residents of the Warehouse Mountain Remote Parcel/Open to Entry Land (Township 12 South, Range 56 West, Seward Meridian, Alaska/Warehouse Mountain Remote Parcel Area 9051/Open to Entry Land) received rumors that they "may have been left in the boundaries" and Roslyn Gallagher went to the City Manager's office and asked the secretary "Are we in the boundaries?" The secretary said, "I don't beleive so." There in the in/out box was the map so Roslyn made a copy and took it home where her husband Gary Gallagher compared it to the survey map. Even then it was difficult to be sure because the map was so small, that was used to send in on the proposed boundaries, and there was no mention of the Warehouse Mountain area in terms the Gallaghers could understand. This was the day before the revised boundaries went to the Local Boundary Commission.

Almost immediately after this the Gallaghers learned, also, from rumor that Council had pushed back boundaries to exclude Council members and immediate members of their families who staked land within the Open to Entry Land. The Gallaghers and other members of Dillingham and the adjacent communities and areas were offended that this had taken place and considered this behavoir unworthy of those hwo hold public office. They also felt that the Warehouse Mountain area is rural and separating part of it into city boundaries was not warranted.

In January, Gary Gallagher went to Anchorage where he met with Tom Hawkins, a Land Manager. Hawkins refered him to Dan Bockhorst, Supervisor of Grants Administration Section/Local Boundary Commission Staff, Department of Community and Regional Affairs, Municipal and Regional Assistance Division. Dan Bockhors sent Gary a copy of a page from the government municipal code which reads as follows:

Sec. 29.45.580. Differential tax zones. A city may by ordinance establish alter, and abolish differential tax zones to provide and levy property taxes for services not provided generally in the city or a different level of service than that provided generally in the city. (12 ch 74 SLA 1985)

Dan Bockhorst also sent the Gallaghers a copy of the Statement of Decision for Annexation of Territory to the City of Dillingham that by then had already gone to the State Legislature. It had a date of December 10, 1986 on it and was signed by Alaska Local Boundary Commission Robert Eder, Chairman and attest ed to by Staff Member Gene Ksni (spelling is hand written and unclear).

Mr.&Mrs. Gallagher live in Warehouse Mountain, an area that begins about three miles from the present boundaries of the City of Dillingham and is marshy tundra with occasional outcroppings of high spruce covered ground capable of sustaining human settlement. The area is commonly called Warehouse Montain and appears as Warehouse Mountain on National and State maps. The Gallaghers are the only year round settlers in the Warehouse Mountain area. They travel the 4 3/4 miles from the Aleknagik Lake Road by threee-wheeler, snow machine or on foot. There is only a short road through Choggiung Native Corporation land and most of the year, this road is impassable. The land after this road drops down hill where the Gallaghers travel across marshy tundra and open springs, forced to follow a different route than that planned by the designers of the "Warehouse Mountain Paper Road." (referred to herein as "paper road" because that is where

it will probably stay "on paper in a State engineer's office.") There are places where the road is planned over areas where the bottom drops out. Local contractors who are familiar with the cost of filling holes with gravel in the building of roads estimate that to build the planned road could cost as much or more than 3.5 million dollars.

The Gallaghers by February were reading the State Constitution, the State Statutes and the State Administrative Codes trying to figure out how to remedy what had happened.

It was obvious to them, upon reading the Conclusions of Law and the Findings of Fact of the Alaska Local Boundary Commission, that the case for annexation of the approximate 40 square mile area northwest of the City of Dillingham that included part of the Warehouse Mountain Remote Parcel/Open to Entry Land was falsely represented.

The boundary also includes land that extends Dillingham's boundaries to include a remote area of Wood River. There is a small settlement of homes in the area. These people are also opposed to the annexation. They have had their homes in the area for years and do not feel the City can extend services to them without access to the area by roads. They also must get to their homes by three-wheelers, snow machines, (or skiffs, summer only).

The land the City identifies as developed land immediately adjacent to the Aleknagik Lake Road has also been included. Those residents that bought property in the 4 subdivisions known as Ahklun View Estates, Ahklun View Estates North, Ahklun Subdivision III and Lars D. Nelson Subdivision, were aware of the fact that their lots were outside City Limits. These people bought property "Out the Road" to get away from the City Limits and were told by Choggiung at the time that they would be informed if the City planned to annex them and that it would go to a vote of the affected people. These people were not personally informed of the City's plans to annex them. Services out the road are last on the list because the City's small maintenance crew has priority to take care of City Streets.

CRITIQUE OF FINDINGS OF FACT:

Item 10, "The annexing city has demonstrated that it is capable of and willing to extend full municipal services to the identified 40 square mile area northwest of the City of Dillingham immediately upon annexation." The Gallaghers find it morally repugnant to see others endure hardship in the City of Dillingham in order to provide the cost of gravel to fill up the bog to make a road for them so that they may enjoy municipal services. But, they say, "We are not going to be "in" a "City" and expect less.

At a recent City Council Meeting, Gary Gallaher challenged Mary Darling, City Council Member, to get a fire truck and he'd borrow a set of checkered flags to start her off just to see how long it would take her to get into his cabin at Warehouse Mountain.

Two days later someone tried to drive some kind of a truck in

and make it, only six feet or so from the Aleknagik Lake Road before they were stuck. Whoever it was broke down a large spruce tree to the base, using it and a winch to get pulled out. the City Council may be willing to provide services out there but that willingness on paper does not make them capable.

Item 14. "Using of a method other than legislative review for annexation of the identified 40 square mile area northwest of the City of Dillingham would have been in appropriate." In this item, the report indicates 'There is no indications they want to do so, or will do so' when mentioning the option the Local Boundary Commission has in Place: LOCAL ACTION/ELECTION. Even though the decision may not rest with the people of the area to be annexed, the people have the right to know and the right to representation.

The people of the State of Alaska when delegating authority, do not in doing so give their agencies the right to decide what is good for people to know and what is not good for them to know.

It is the policy of the State of Alaska to encourage settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest. (State Constitution, Article VIII, Section 1)

The Gallaghers plan a small scale farm on their little five acre ridge but so far have been unable to get their garden to grow. They are not clear now that they can go on with their development plans and are puzzled that the Department of Natural Resources was not involved in the decision making processs since most of the land is presently subject to this agency's protection.

A local boundary commission or board shall be established by law in the executive branch of the state government...The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action. (State Constitution, Article X, Section 12)

Neither year round residents nor land owners were informed regarding the changes in boundaries nor were they informed regarding the options they could exercise according to the procedures established by the Boundary Commission itself.

Because the people of the approximate 40 square mile area northwest of the City of Dillingham have been mis-represented either to or by the Boundary Commission and have not been privy to full disclosure of matters affecting service delivery and economic development of natural resources, we believe we have a right to democratic representation from a regional form of government which might better serve us than a city government.

The Legislature shall provide for the performance of services it deems necessary or advisable in unorganized borough, allowing for maximum local participation and

responsibility. The legislature may also exercise any power or function in any unorganized borough which the assembly may exercise in an organized borough.
(State Constitution, Article X, Section 6)

We the people call our unorganized borough into session.

As proud members of the State of Alaska we want nothing less than responsible democracy.

February 4, 1987, Roslyn Gallagher sent the following telexed message to each legislature, representative and each committee:

SUBJECT: Unorganized Borough Assembly

Annexation 40 Square Mile area Northwest of Dillingham Warehouse Mountain Open to Entry Remote Parcel Area 9051 Local Boundary Commission Facts item 1, 10 and 14 mis-represented. We call our unorganized borough assembly (State legislature) into session (Constitution Article X, Section 6, Section 12, Article VIII, Section 1)

February 5, 1987, Thomas Tilden, P.O.Box 786, Dillingham-- signed the petition being circulated against the City of Dillingham's proposed annexation. This is significant in that Tilden is one of Dillingham's City Council Members and he is one who has actually traveled into the territory proposed for annexation, into Warehouse Mountain in the area of the Gallagher area 5 acres, and Wood River Remote area.

February 6, 1987 an article appeared in the Bristol Bay Times, on page 3 under petition Drive "The commission denied both cities claims to the water, but gave Dillingham the 40 square miles of land including 9 square miles of the Open to Entry Land the City never asked for."

February 9, 1987, Marie Luckharst sent the following telex:

SUBJECT: proposed Annexation by the City of Dillingham

To our Senators and Representatives-matter of annexation of City of Dillingham -Request you to support and present our personal letters, Petition by landowners and petition to the State Legislature. (in-route) during final decision by the Legislature on Feb 20, 1987.

Letters and landowners petition sent to Herrman-Petition to Legislature in-route Herrman, Sturgelewski, Zaroff, Springer.

We believe the City Council of Dillingham is not acting responsibly in their decision to annex the identified 40 square mile area northwest of the City of Dillingham. The enclosed petition supports the beliefs of the citizens of Dillingham and the area residents who will be affected. A whole community is being affected by the few City Council Members decision.

We hope you will Consider the evidence and truths.

Unorganized Borough Proclamation to our Proclaimed 1987 Feb. 8 SouthWest Region/Alaska in the interest of the general good.

Citizens do make this solemn proclamation that there be no passing into law of the annexation of the approximate forty square miles northwest of the City of Dillingham without there first being a meeting of the Assembly of the Unorganized Borough Representative Warehouse Mountain Open to Entry Land Remote Parcel Area 9051 Wood River Hanson Point, the Cities of ~~_____~~ Dillingham, and all other areas of disputed boundaries within the approximate 40 square miles northwest of the City of Dillingham and the approximate 9.8 miles disputed between the two cities and any other territories the State Legislature deems appropriate to be included acting in the public interest.

The legislature shall provide for the performance of services it deems necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility. (State of Alaska Constitution, Article X, Section 6)

WHEREAS: The legislature may also exercise any power or function in an unorganized borough which the assembly may exercise in an organized borough; (State of Alaska Constitution, Article X, Section 6)

WHEREAS: The people of Alaska do not lose their sovereignty by legislative authority to an agency of the government and in delegating authority do not in so doing give their agencies the right to decide what is good for people to know and what is not good for them to know;

a local boundary commission or board shall be established by law in the executive branch of the state government (State of Alaska Constitution, Article X, Section 12)

WHEREAS: The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action;

WHEREAS: The local boundary commission did not make option local action/election available and yet had established such procedures;

WHEREAS: The people of the approximate 40 square miles northwest of Dillingham have been mis-represented either by city government to state agency or by a state agency to the state legislature and have not been privy to full disclosure of matters affecting service delivery and development.

We the people of the Unorganized Borough believe our problems of service delivery, revenue enhancement, public health and welfare threats, and management of development might better be served were we to have representation in a regional government than a city government.

SENATOR
ATTN. ARLISS STURGELEWSKI

From: Marie Luckhurst - Box 637 - Dillingham, AK 99576

PETITION TO THE STATE LEGISLATURE

We the undersigned, petition the Legislature to disapprove the Proposal by the City of Dillingham to annex land that will extend Dillingham's boundaries 1 1/2 miles on the Aleknagik Lake Road, up Wood River to include the State Land Disposal area south of Belt Creek to the North-west to include State Open to Entry (OTE) land from 11 mile to Warehouse Mountain.

This land includes parcels that are remote and without access to roads. The City does not intend to provide roads to the area but does plan to collect property taxes from the property owners. The City would be obliged to provide equal services to all land owners but cannot possibly expect to provide Police, Fire, EMT, and School Busing to these remote areas.

We are also concerned about the City's ordinance that bans the discharge of firearms within the City limits. The area has traditionally been used by local hunters and trappers and would adversely affect the right of the traditional use of the land for that purpose.

Dillingham has plenty of land to grow within the existing city limits. We believe adding the proposed land to the city boundary will only cost the city more money and could eventually end up costing the taxpayer more in increased taxes to pay for added services to the remote areas to be annexed.

PLEASE PRINT NAME

WRITTEN SIGNATURE

ADDRESS

PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
Richard G. Tubbs	<i>Richard G. Tubbs</i>	Box 848 Dillingham AK 99576
Phillip C. Chaley	<i>Phillip C. Chaley Jr.</i>	Box 861 Dillingham AK 99576
<i>Arlene J. Hambley</i>	ARLENE J. Hambley	Box 903 Dillingham, AK 99576
Leon L. Kain	<i>Leon L. Kain</i>	P.O. Box 1250 DILLINGHAM
Rhonda McLeod	<i>Rhonda McLeod</i>	Box 961 Dillingham 99576
Shirley Marshall	<i>Shirley Marshall</i>	Box 501 Dillingham, AK
Valerie Sittles	<i>Valerie Sittles</i>	Box 783 Dillingham, AK
Lorna L. Sirsot	LORNA L. Sirsot	Box 15 Dillingham,
Kathy Johnson	<i>Kathy Johnson</i>	Box 865 Dillingham

PETITION TO THE STATE LEGISLATURE

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PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
JAN R ALEXANDER	<i>Jan Alexander</i>	P.O. Box 690 Dill, AK
John B Flynn	<i>John B Flynn</i>	PO Box 1550 Dillingham AK
Alan K Johnson	<i>ALAN K JOHNSON</i>	PO Box 352 OLG AK
SUGAN NIELSEN	<i>SUGAN NIELSEN</i>	Box 103 OLG. AK.
Alice Ruby	<i>Alice Ruby</i>	Box 121 OLG AK.
Kathleen Anderson	<i>Kathleen Anderson</i>	Box 1530 OLG
Shirley Schroeder	<i>Shirley Schroeder</i>	Box 116 OLG.
Louise F. Curtis	<i>Louise F. Curtis</i>	Box 796 OLG.
Jerry W. ...	<i>JERRY W.</i>	Box 133 OLG
J. E. SCANDERA	<i>Joe Scandera</i>	Box 44 OLG-
Bessie A. Wahl	<i>BESSIE A. WAHL</i>	Box 125 Dlg
Katie M. Andersen	<i>KATIE M. ANDERSEN</i>	Box 886 Dillingham
Gina Martini	<i>Gina Martini</i>	Box 631
Jeri Nelson	<i>JERI NELSON</i>	Box 386
...	<i>...</i>	PO Box 503 Dillingham

Petition to State Legislature Regarding Dillingham Land Annexation Proposal.

PLEASE PRINT NAME

WRITTEN SIGNATURE

ADDRESS

1021 S. 11th St. John, Alaska P.O. Box 355

Lined area for additional signatures and names.

PETITION TO THE STATE LEGISLATURE

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ADDRESS

PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
ARLEN E. RUBY	<i>Arlen E Ruby</i>	Box 121 DILLINGHAM, AK
BARBARA S. LOUW	<i>Barbara Louw</i>	Box 64 Dillingham, Alaska
Freeman A. Roberts	<i>Freeman A Roberts</i>	Box 252 Dillingham AK
Carole R. McMurray	<i>Carole R. McMurray</i>	Box 799, Dillingham, AK
Janice K. McCarty	<i>Janice K McCarty</i>	Box 566 Dillingham, AK
MATTHIAS M. O'CONNELL	<i>Matth O'Connell</i>	Box 331 DLG, AK 99576
CHARLES ANNIS	<i>C Annis</i>	Box 1609 DLG
Emily M. ROBERTS	<i>Emily M. Roberts</i>	Box 252 DLG AK 99576
ROGER S. SCHUYLER	<i>Roger S Schuyler</i>	Box 676 DLG 99576
JAMES L. FALBOM, JR.	<i>James L Falbom Jr</i>	Box 444 DLG 99576
David Munkit	<i>D Munkit</i>	Box 76 - 99576
John L. O'Connell	<i>John L O'Connell</i>	Box 133 Dillingham 99576
John L. O'Connell	<i>John L O'Connell</i>	Box 65 Dillingham Ak 99576

Petition to State Legislature Regarding Dillingham Land Annexation Proposal.

PLEASE PRINT NAME

WRITTEN SIGNATURE

ADDRESS

PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
George Andrew	George Andrew	Box 197 Dlg. AK.
Mike Merlin	Mike Merlin	Box 306 DLG AK
John Owens	John Owens	Box 894. DLG, AK
NEIS G JOHNSON	Neis G Johnson	Box 197 DLG, AK
Charles E Wattier	Charles E Wattier	Box 784 DLG AK
Robert Rossi	Robert Rossi	P.O. 151 Dlg AK
Dennis Olson	Dennis L Olson	Box 537 Dlg AK
Eric Olson	Eric Olson	Box 537 Dlg AK
Scott J. White	Scott J White	Box 326 DLG. AK.
ANTHONY REX GWYTHER	Anthony Rex Gwyther	Box 728 DLG- AK.
Frank Katchak	Frank Katchak	Box 473 Dlg, AK
Maureen L wentz	Maureen Wentz	Bx 286 Dlg
CM KEESOM	CM Keesom	Box 453 Dlg
Chris Carthy	Chris Carthy	Box 653 DLG
Jean K Schlusser	Jean K Schlusser	Box 123
Karen Smeaton	Karen Smeaton	Box 768
Rose M Hegano	Rose Hegano	Box 1409 DLG, AK 95574
Sandra E. Nelson	Sandra E Nelson	Box 477 Dlg. AK.
Bob Pritchard	Bob Pritchard	Box 1249 Dlg AK
Bob Pritchard	Bob Pritchard	Box 1249 DLG AK.
Sharon M. Blomquist	Sharon M. Blomquist	Box 352 DLG, AK
LEE FLYNN	Lee Flynn	Box 1550
James T. Johnson Sr	James T. Johnson Sr	Box 144 Dlg
Mike VanVeenburg	MIKE VANVEENBURG	P.O. Box 1064
LINDA C Hilders	Linda Childers	Box 11 - DLG
Anna Marie Akelkole	Anna Marie Akelkole	Box 644 Dlg.

PETITION TO THE STATE LEGISLATURE

We the undersigned, petition the Legislature to disapprove the Proposal by the City of Dillingham to annex land that will extend Dillingham's boundaries 11 1/2 miles on the Aleknagik Lake Road, up Wood River to include the State Land Disposal area south of Belt Creek to the North-west to include State Open to Entry (OTE) land from 11 mile to Warehouse Mountain.

This land includes parcels that are remote and without access to roads. The City does not intend to provide roads to the area; does plan to collect property taxes from the property owners. The City would be obliged to provide equal services to all land owners but cannot possibly expect to provide Police, Fire, EMT, and School Busing to these remote areas.

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PLEASE PRINT NAME

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PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
Mike Tagham	<i>[Signature]</i>	Box 122 Dlg.
Karen Smeaton	Karen Smeaton	Box 768
Alice E. Curran	Alice E. Curran	Box 331
Emily L. Olsen	Emily L. Olsen	Box 537
Carol Shade	Carol Shade	Box 871
Karen Corty	Karen Corty	Box 653
Nannie M. Jordan	Nannie M. Jordan	Box 172 Ulyak.
Ernie W. Sitcot	Ernie W. Sitcot	Box 1449 Ulyak
Hilda M. Shade	Hilda M. Shade	Box 765 Dlg.
Theresa A. Muehlic	Theresa A. Muehlic	Box 481 Dlg.
Alexandra Backford	Alexandra Backford	P.O. Box, Dlg.
Mary Ann [unclear]	Mary Ann [unclear]	[unclear] (104) Dlg.
Jeanne M. Luvina	Jeanne M. Luvina	Box 866 Dlg.

Petition to State Legislature Regarding Dillingham Land Annexation Proposal.

PLEASE PRINT NAME

WRITTEN SIGNATURE

ADDRESS

PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
Carl S. Glenshaw	Carl S. Glenshaw	Box 10026 DLG
Dorothy M. Frensburg	DOROTHY M. FRENSEBURG	Box 43 DLG 99576
Michael Sagoen	Michael Sagoen	Box 437 DLG, AK 99576
Bill Lutz	Bill Lutz	Box 271 DLG, AK 99576
Anuska Olson	Anuska Olson	Box 456
Wanda Fulton	Wanda Fulton	Box 522, DLG
June Ingram	June Ingram	Box 851 DLG
Roxanne Christensen	Roxanne Christensen	Box 371 DLG
Raymond Christensen	Raymond Christensen	Box 371 DLG
Frank Monty O'Connor	Frank Monty O'Connor	Box 319 DLG

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PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
Gail Kurtz	Gail Kurtz	Box 416 Dlg. AK
John R. Kurtz	John R. Kurtz	Box 416 Dlg AK
Teresa Flensburg	Teresa Flensburg	Box 77 Dlg. Ak.
PAUL KRUPPAA	Paul Kruppa	BOX 10155 DLG AK
MARK JOHNSON	Mark Johnson	" 628 " "
Dale Huffman	Dale Huffman	Box 394 Dlg
Wayne F. Schroeder	Wayne F. Schroeder	Box 116 Dlg 99526
Sam Ah	SAM Atkins	Box 425 DLG 995
Sassa A. Dunn	SASSA DUNN	Box 778-Dlg. AK.
Norman M. Johnson	Norman M. Johnson	Box 865 Dlg. AK
Gust Gustafson	(Box 806) Gustafson	Dillingham, AK 99526
M R Kober	Box 803	DILLINGHAM AK.
George L. Nelson	George L. Nelson	P.O. Box 85
Kevin M. Johnson	Kevin M. Johnson	PO Box 907 DLG, AK

Petition to State Legislature Regarding Dillingham Land Annexation Proposal.

PLEASE PRINT NAME

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ADDRESS

PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
Genie Schlosser	Genie Schlosser	Box 945 DLG AK
John A. Heyano	John A. Heyano	Box 523 DLG AK
Nick F. Smicton	Nick F. Smicton	Box 895 DLG AK
Senka K. Brennan	Senka Brennan	Box 557 DLG AK
JAYLE FREUND	Jayne Freund	Box 282 DLG
John T Smicton	John T Smicton	Box 10060 DLG
LYNN BRUX	Lynn Brux	Box 885 DLG
JACK SAUD	Jack Saud	Box 278 DLG
ERIC SHADE	Eric Shade	Box 2
Jean Barrett	Jean Barrett	Box 55
Marina Jo Nelson	Marina Jo Nelson	Box 68 DLG AK
LAURENCE Sorenson	Lauren Sorenson	Box 191 DLG
THELMA TURNER	Thelma Turner	Box 627 Dillingham
Michael Brennan	MICHAEL BRENNAN	Box 733 DLG
CLINT REINTJES	Clint Reintjes	PO 1490 DLG
KENNETH M ROULLIER	Kenneth M Roullier	PO 233 DLG
Dorothy M Flensburg	DOROTHY M FLENSBURG	Box 43 DLG
RACHAEL D. KOHLER	Rachael D. Kohler	Box 757, DLG, AK

PETITION TO THE STATE LEGISLATURE

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PLEASE PRINT NAME

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ADDRESS

PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
JUDY PATTERSON	Judy Patterson	Box 199 Dillingham
Denise Olson	Denise Olson	Box 2825 - 10 mi. - Lake
WESLEY A. BUCHER	Wesley Bucher	P.O. Box 668 Dillingham
Herman E. Schneider, Jr.	Herman E. Schneider, Jr.	Box 236 Dillingham
Rebecca h. Nelson	Rebecca h. Nelson	Box 36 Dillingham
FAY SHORT	Fay Short	Box 843 Bethel, AK
JACK J. PAPP	Jack J. Papp	Box 306 Dillingham
Bill A. Mames	Bill A. Mames	Box 494 DLG AK 99576
Mark A. Curtis	Mark A. Curtis	Box 307 DLG AK 99576
HOWARD B. GRAYBOFF	Howard B. Grayboff	Box 208 DLG AK 99576
Jerry Wiley	Jerry Wiley	Box 604 DLG AK 99576
Charles Krasnickoff	Charles Krasnickoff	Box 47 DLG AK 99576
Isaac Krasnickoff	Isaac Krasnickoff	P.O. 671 DLG AK 99576
Andrew Nielsen	Andrew Nielsen	Box 892 DLG, AK 99576
Katherine G. Nielsen	Katherine G. Nielsen	Box 892 DLG AK 99576

Petition to State Legislature Regarding Dillingham Land Annexation Proposal.

PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
Patti Darden	Patti Darden	Box 251, Dlg
Richard E. Womack	Richard E. Womack	Box 392 DLS
Martin Kilmer	Martin Kilmer	Box 1100 Dlg
Stephen J. Garrison	[Signature]	Box 930, Dlg
[Signature]	[Signature]	Box 824 Dlg
F. J. [Signature]	Freddy J. [Signature]	Box P.O. 302 DLG
Deanna E. Hardin	Deanna E. Hardin	Box 597 Dlg.
Ronald K. Coleman	Ronald K. Coleman	Box 601 DLG
Frank Wilber	Frank Wilber	Box 721
Jack Wilber	Jack Wilber	Box 169
Betty Wilber	Betty Wilber	Box 169
Carol L. Myhrke	Carol L. Myhrke	Box 483 DLG
John R. Hudson	John R. Hudson	Box 484
Julie Gelf	Julie Gelf	Box 681
DAGEN W. NELSON	Dagen W. Nelson	Box 477
ELLAMAE CHANEY	Ellamae Chaney	Box 13

PETITION TO THE STATE LEGISLATURE

We the undersigned, petition the Legislature to disapprove the Proposal by the City of Dillingham to annex land that will extend Dillingham's boundaries 1 1/2 miles on the Aleknagik Lake Road, up Wood River to include the State Land Disposal area south of Belt Creek to the North-west to include State Open to Entry (OTE) land from 11 mile to Warehouse Mountain.

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PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
ROSLYN GALLAGHER	Roslyn Gallagher	Warehouse Mountain Ti2S, R56W Seward Meridian P. O. Box 19, Aleknagik
Carla Merriner	Carla Merriner	Box 284 Dlg.
THOMAS TILDEN	Thomas Tilden	Box 786 Dlg.
Russ Rolf	Russ Rolf	Box 681 Dillingham
GARY GALLAGHER	Gary Gallagher	Box 19 ALEKNAGIK AK.
IRMA R. SCHROEDER	Irma R. Schroeder	Box 236 DILLINGHAM AK mile 2 1/2 ALK.
Mylvie Carty	Mylvie Carty	Box 333 Dillingham AK.
Steve D. Hardin	Steve D. Hardin	mile 9 1/2 outside city limits
Vicki WALK	Vicki Walk	Mile 6, Lake Rd Dillingham AK 99502
JIM McMURRAY	Jim McMurray	MILE 6 1/2 LAKE ROAD DLG
Vern Schmitt	Vern Schmitt	Mile 10 Lake Rd Dillingham Aleknagik
Jack McJordan	Jack McJordan	P. O. Box 173

Petition to State Legislature Regarding Dillingham Land Annexation Proposal.

PLEASE PRINT NAME

WRITTEN SIGNATURE

ADDRESS

Paul Ribick

[Handwritten Signature]

P.O. Box 75-5 D.L.C.

Henry E. Skade

[Handwritten Signature]

P.O. Box 2 D.L.C.

PETITION TO THE STATE LEGISLATURE

We the undersigned, petition the Legislature to Disapprove the Proposal by the City of Dillingham to annex land that will extend Dillingham's boundaries 1 1/2 miles on the Aleknagik Lake Road, up Wood River to include the State Land Disposal area south of Belt Creek to the North-west to include State Open to Entry (OTE) land from 11 mile to Warehouse Mountain.

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PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
JAMES CARTY	<i>James M. Carty</i>	Box 358 Dillingham AK 99576
JAMES A WARD	<i>James A Ward</i>	Box 124 DLG AK 99576
STEVE NICHOLSON	<i>Steve Nicholson</i>	Box 912 DLG AK 99576
VERL LUCKHEART	<i>Verl Luckheart</i>	Box 100 DLG AK 99576
LLOYD F. O'CONNOR	<i>Lloyd F. O'Connor</i>	Box 65 DLG
JEAN L. O'CONNOR	<i>Jean L. O'Connor</i>	Box 65 Dillingham AK 99576
MARGO FERRARO	<i>Margo Ferraro</i>	Box 253 DLG
DANA CUTTINS	<i>Dana S. Cuttins</i>	Box 640 DLG
JACK E. PARKIN	<i>Jack E. Parkin</i>	Box 515 DLG
THOMAS E. WILSON JR	<i>Thomas E. Wilson Jr</i>	Box 385 DLG
GORDON JENSEN	<i>Gordon Jensen</i>	Box 764 - DLG
JENSEN & JENSEN	<i>Josephine A. Jensen</i>	Box 764 - DLG
THOMAS PERRY	<i>Thomas Perry</i>	

Petition to State Legislature Regarding Dillingham Land Annexation Proposal.

PLEASE PRINT NAME

WRITTEN SIGNATURE

ADDRESS

Abba J. Linc klu...
John Fulton

Abba J. Linc klu...
John Fulton

4105 Dlg.

John Fulton

John Fulton

Box 522 DLG

Jack O. Wassilie

Jack O. Wassilie

Box 583 Dlg

Oscar Frenchman

Oscar Frenchman

Box 174 Dlg

Lucy J. Walters

Lucy J. Walters

Box 72 Dlg

Dulway Johnson

Dulwayne Johnson

Box 78 DLG

Todd M. Klein

Todd M. Klein

Box 350 DLG

Don Darden

DONALD E DARDEN

P.O. BOX 251 Dlg.

Hency Myers

Hency Myers

Box 312

Ronald Phillips

Ronald Phillips

Box 215

LaBelle Smeaton

LaBelle Smeaton

Box 535 Dlg 99576

LYLE J. SMITH

Lyle J. Smith

Box 178 DLG 99576

STEVE J. KOHLER

Steve Kohler

Box 757 DLG 99576

Dennis Yeager

Dennis Yeager

Box 674 DLG 99576

Hugh I. Schuch

Hugh I. Schuch

Box 102 DLG AK

Meg Schuch

Meg Schuch

Box 102 DLG AK

Nick S. Timurphy

Nick S. Timurphy

Box 655 Dlg AK

~~Donald H. Samuelson~~

~~Donald H. Samuelson~~

~~Box 18, Dlg AK~~

Larry R. DeMark

Larry R. DeMark

Box 337 DLG

William M. Penryson Jr

Wm M Penryson Jr

1 mile Lake Road Box 41

James H. Knutson

James H. Knutson

Box 93 Dlg. AK.

Charles O. Mayer

Charles O. Mayer

Box 551 Dlg AK.

~~James H. Knutson~~

~~James H. Knutson~~

~~Box 93 Dlg. AK.~~

LORRIE C KNOWLTON

Lorrie C Knowlton

Box 415 Dlg AK

Thomas W. Olson

Thomas W. Olson

Box 5 Dlg. 99576

DON L. MCCARTNEY

Don McCartney

Box 566 Dlg 99576

~~James H. Knutson~~

~~James H. Knutson~~

~~Box 93 Dlg. AK.~~

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PLEASE PRINT NAME

WRITTEN SIGNATURE

ADDRESS

PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
Joe Hiratsuka	<i>Joe Hiratsuka</i>	P.O. Box 736 Dlg.
MARGUERITE B. KALLSTROM	<i>M. (Marguerite) Blanche Kallstrom</i>	Box 550 Dlg.
DAN WIARD	<i>Daniel P. Wiard</i>	Box 917 Dlg.
<i>Mark W. Wall</i>	<i>Mark W. Wall</i>	Dlg. Ak.
<i>Bernard N. Gregoire</i>	<i>Bernard N. Gregoire</i>	Box 426 AK
<i>R. Burkowski</i>	<i>R. Burkowski</i>	Box 382 Dlg.
Raymond N. Gregoire Jr	<i>Raymond N. Gregoire Jr</i>	Box 326 Pk 6
<i>Bruce Larsen</i>	<i>Bruce Larsen</i>	Box 1209
<i>Rob Carpenter</i>	<i>Rob Carpenter</i>	Box 701
<i>Phillip R. Carpenter</i>	<i>Phillip R. Carpenter</i>	P.O. Box 761
<i>Mildred</i>	<i>Mildred</i>	Box 713
<i>Milt Filipich</i>	<i>Milt P. Filipich</i>	Box 185 Dlg.
<i>Wanda M. Oberholzer</i>	<i>Wanda M. Oberholzer</i>	Box 285 Dlg.
<i>Mari B. Lemmon</i>	<i>MARIE B. TENNYSON</i>	Box 710 Dlg.

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PLEASE PRINT NAME

WRITTEN SIGNATURE

ADDRESS

PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
ANNAMARIA FERRARO	<i>Annamaria Ferraro</i>	Box 253 Dillingham, Ak. 99576
Dorothy B. Angasan	<i>Dorothy B. Angasan</i>	Box 623 Dillingham, AK 99576
Zacharias Brink	<i>Zacharias Brink</i>	Box 666 Dillingham, AK 99576
Cristy Willer Tilden	<i>Cristy Willer Tilden</i>	P.O. Box 780 Dillingham, AK 99576
Jacqueline Bennis Greenhagen	<i>Jacqueline Bennis Greenhagen</i>	P.O. Box 565 Dillingham, AK 99576
Brenda Akelkek	<i>Brenda Akelkek</i>	P.O. Box 39 Dillingham, AK 99576
Wassilissa Pennis	<i>Wassilissa Pennis</i>	Box 406 Dillingham, AK 99576
Alan Sylvester	<i>Alan Sylvester</i>	P.O. Box 915 Dillingham, AK 99576
Alan Backford	<i>Alan Backford</i>	P.O. Box 22 Dillingham, AK 99576
Adolph Johnson	<i>Adolph Johnson</i>	P.O. Box 264 Dillingham, AK 99576
Debbie Lee	<i>Debbie Lee</i>	P.O. Box 634 Dillingham, AK 99576
DARYL MOORE	<i>Daryl Moore</i>	Box 662 Dillingham, AK 99576
Charles S. Dutton	<i>Charles S. Dutton</i>	Box 554 Dillingham, AK 99576
D. P. K.	<i>D. P. K.</i>	Box 2155 Dillingham, AK 99576

Petition to State Legislature Regarding Dillingham Land Annexation Proposal.

PLEASE PRINT NAME

WRITTEN SIGNATURE

ADDRESS

PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
Shirley Higgins	Shirley Higgins	Pin. 1379 Dillingham, AK
DAVID M. JACKSON	David M. Jackson	Box 3 Dillingham, AK
KATHERINE C. JACKSON	Katherine C. Jackson	Box 3 DLG, AK 99576
MARY D. SAGMOEN	Mary D. Sagmoen	Box 54 Dillingham, AK 99576
RONALD J. KIBBLE	Ronald J. Kibble	Box 467 Dillingham, AK
ANNE C. LONG	Anne C. Long	Box 1310 Dillingham, AK
ANNA K. LONG	Anna K. Long	Box 1310 Dillingham, AK
MARY P. WATTS	Mary P. Watts	Box 843 Dillingham, AK
HENRY J. KILMER	Henry J. Kilmer	Box 1189 Dillingham, AK
DOUGLAS A. TURNER	Douglas A. Turner	Box 904 Dillingham, AK
E. FRED TURNER	E. Fred Turner	Box 362 Dillingham, AK
DOROTHY S. WILSON	Dorothy S. Wilson	Box 142 DLG.
MARJORIE A. NELSON	Marjorie A. Nelson	Box 572 DLG
MARIO FERRARO	Mario Ferraro	Box 253 DLG
GEORGE M. FLASBURG	George M. Flasburg	Box 72 DLG
MARILYN SHULER	Marilyn Shuler	Box 266 DLG
BOB PETERSEN	Bob Petersen	Box 397 DLG
JAM EVESTAGE	Sam Evestage	Box 314 DLG
JOAN EVESTAGE	Joan Evestage	Box 755 DLG
SHELLEY FARLER	Shelley Farler	Box 130 DLG
DAVID FARLER	David Farler	Box 618 DLG
STEVEN SHADER	Steven Shader	Box 871 DLG
CHUCK WALLACE	Chuck Wallace	Box 431 DLG
BOB WALLACE	Bob Wallace	Box 472 DLG
BOB WALLACE	Bob Wallace	Box 752 DLG
BOB WALLACE	Bob Wallace	Box 752 DLG
BOB WALLACE	Bob Wallace	Box 305 DLG

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PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS BOX 768 DLG
Martin L. Smeaton	Martin L. Smeaton	10 mile
Marie A. Luckhurst	Marie A. Luckhurst	P.O. Box 637 Dillingham AK
UIC. A. LUCKHURST	UIC. A. LUCKHURST	P.O. Box 637 Dillingham AK
Carolyn Hoge	Carolyn Hoge	Box 183 DLG AK 99576
Virgil Luckhurst	Virgil Luckhurst SR	Box 409 DLG AK 99576
MICHAEL Smeaton	Michael Smeaton	Box 895 DLG AK 99576
Robert D. Kallstrom	Robert D. Kallstrom	Box 550 DLG AK 99576
Diane E. Folsom	Diane E. Folsom	Box 444 DLG AK 99576
MARK K. DIXON	Mark K. Dixon	Box 1064 DLG AK 99576
Will C. Luckhurst	Will C. Luckhurst	Box 633 DLG AK 99576
Gay Zuck	Gay Zuck	Box 133 DLG AK 99576
LARRY WESSBOM	Larry Wessbom	Box 398 DLG AK 99576
Rene Brown	Rene Brown	Box 183 DLG AK 99576

Petition to State Legislature Regarding Dillingham Land Annexation Proposal.

PLEASE PRINT NAME

WRITTEN SIGNATURE

ADDRESS

PLEASE PRINT NAME	WRITTEN SIGNATURE	ADDRESS
Ronald F. Brennan	Ronald F. Brennan	Box 567 Dlg. AK
Jackson McCormick	Jackson McCormick	P.O. Box 157 Dlg. AK
Keith H. Roullet	Keith H. Roullet	D.L.G.
Patricia Roullet	Patricia Roullet	Box 333, Dlg., AK
Wendy B. Lockhurst	Wendy B. Lockhurst	Box 11 Dlg. AK
George Skille	George Skille	Box 17 Dlg. AK
Joe Chowey	Joe Chowey	Box 13
Wendy B. Lockhurst	Wendy B. Lockhurst	Box 16 Dlg. AK, 99576
Gloria Oberholzer	Gloria Oberholzer	Simpson Estates
Rick Murphy	Rick Murphy	Box 232 Dlg.
Doris Sitsaf	Doris Sitsaf	Box 1449 Dlg.
Richard C. Schweister	Richard C. Schweister	Box 915 Dlg.
Mystice Noden	Mystice Noden	Box 47 Dlg.
Tatiana R. McCormick	Tatiana R. McCormick	Box 157, Dlg. AK
Jim Libby	Jim Libby	Box 646 - Dlg. AK
FRED NODEN	FRED NODEN	47 Dlg
Amelia Christensen	Amelia Christensen	P.O. Box 203 Dlg. AK
Nick Christensen	Nick Christensen	P.O. Box 203 Dlg. AK
Eunice Wall	Eunice Wall	P.O. Box 14 Dlg. AK
Cheryl Shad	Cheryl Shad	Box 172 Dlg. AK
Betty Lopez	Betty Lopez	Box 28 Dlg.
Evelyn J. Barrett	Evelyn J. Barrett	P.O. Box 55
Ronald W. Caldwell	Ronald W. Caldwell	P.O. Box 694
Charles N. Backford	Charles N. Backford	Box 414
Leo S. Aguilera Jr.	Leo S. Aguilera Jr.	Box 138
Louise R. James	Louise R. James	

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

Robert Eder, Chairman
Josephine Anderson
Bert Greist
David Hanson
Charles Bettisworth



Report
to the
First Session
of the
Fifteenth Legislature

SENATE-HOUSE JOINT JOURNAL SUPPLEMENT

1/29/87

THURSDAY

No. 3

ALASKA LOCAL BOUNDARY COMMISSION

January 28, 1987

REPORT TO THE FIRST SESSION OF THE FIFTEENTH
LEGISLATURE ON CALENDAR YEAR 1986 ACTIVITIES
AND RECOMMENDATIONS FOR CHANGES TO THE
BOUNDARIES OF THE FOLLOWING MUNICIPALITIES:

1. CITY OF DILLINGHAM (Recommendation for the annexation of approximately 40 square miles)
2. CITY OF FAIRBANKS (Recommendation for the annexation of the Old Richardson Highway service area and for annexation of the Fairbanks Industrial Park)
3. CITY OF KODIAK (Recommendation for the annexation of Tract S-4A)
4. CITY OF PELICAN (Recommendation for the annexation of approximately 168 acres)



Alaska State Legislature

SENATE

P.O. Box V
State Capitol
Juneau, Alaska 99811

TO: Senate C&RA Members Feb 18, 1987

FROM: Senate C&RA Staff

MJK

RE: Local Boundary Commission

The Senate C&RA committee will meet with the Local Boundary Commission on Thursday, February 19th at 3:30 PM. At that time, the Commission will make its presentation to the legislature on its activities for 1986.

It is expected that there will be several items of particular interest that will be addressed during the meeting. The Commission approved four annexations that are subject to legislative review. These annexation involve the cities of Dillingham, Fairbanks, Kodiak, and Pelican.

These annexations will take effect on March 14th unless the House and Senate pass a concurrent resolution disapproving an annexation before that date. No correspondence regarding the Fairbanks, Kodiak, or Pelican annexations has been received.

The committee has received five public opinion messages opposing the Dillingham annexation and a rather lengthy document and petition urging the legislature to reject the Dillingham annexation. The document and petition are included in this packet but the POM's are not included since each Senator has already received a copy.

As part of its report it is expected that the LBC will discuss municipal dissolution. The committee has SB 50 - Municipal Dissolutions, currently before it and members may wish to bring their SB 50 packets to the meeting.

The LBC will be conducting a regular meeting prior to meeting with the committee. If any members wish to have staff attend, this meeting will start at 10 A.M. and will be in the third floor conference room of the Department of Community and Regional Affairs.

Enclosed in this packet are: a copy of the relevant section of Title 29, a letter and report from the LBC, and the above referenced document and petition from persons opposed to the Dillingham annexation. An executive summary of the report begins on page 10 and the summary of actions requiring legislative oversight is on pages 13 and 14.

(2) to each city located within a borough, 25 percent of the amount of tax revenue collected in the city from taxes levied under [by] this chapter; and

(3) to each borough

(A) 50 percent of the amount of tax revenue collected in the area of the borough outside cities from taxes levied under [by] this chapter; and

(B) 25 percent of the amount of tax revenue collected in cities located within the borough from taxes levied under [by] this chapter.

(b) In the event of the formation of a new borough, the Commissioner of Revenue shall pay

(1) to each city located within the borough, 45 percent of the tax revenue collected in the city from taxes levied under this chapter during that part of the first calendar year in which the borough is incorporated; this percentage of such revenues decreasing in each following calendar year by increments of 5 percent to a minimum of 25 percent; and

(2) to each borough

(A) 50 percent of the amount of tax revenue collected in the area of the borough outside cities from taxes levied under this chapter; and,

(B) 5 percent of the amount of tax revenue collected in cities located within the borough from taxes levied under this chapter during that part of the first calendar year in which the borough is incorporated; this percentage of such revenues increasing in each following calendar year by increments of 5 percent to a maximum of 25 percent.

Or:

(1) to each city located within the borough, 45 percent of the tax revenue collected in the city from taxes levied under this chapter during that part of the first calendar year in which the borough is incorporated; 40 percent of the tax revenue collected in the city from taxes levied under this chapter during the second calendar year of borough incorporation; 35 percent of the tax revenue collected in the city from taxes levied under this chapter during the third calendar year of borough incorporation; 30 percent of the tax revenue collected in the city from taxes levied under this chapter during the fourth calendar year of borough incorporation; and 25 percent of the tax revenue collected in the city from taxes levied under this chapter during the fifth and additional calendar years of borough incorporation; and

(2) to each borough

(A) 50 percent of the amount of tax revenue collected in the area of the borough outside cities from taxes levied under this chapter; and,

(B) 5 percent of the amount of tax revenue collected in cities located within the borough from taxes levied under this chapter during that part of the first calendar year in which the borough is incorporated; 10 percent of the amount of tax revenue collected in cities located within the borough from taxes levied under this chapter during the second year of borough incorporation; 15 percent of the amount of tax revenue collected in cities located within the borough from taxes levied under this chapter during the third year of borough incorporation; 20 percent of the amount of tax revenue collected in cities located within the borough from taxes levied under this chapter during the fourth year of borough incorporation; and 25 percent of the amount of tax revenue collected in cities located within the borough from taxes levied under this chapter during the fifth and additional years of borough incorporation.

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

*Melvin
Campbell*



**AN ALEUTIANS EAST BOROUGH—
WHY IS IT BEING CONSIDERED?**

JANUARY, 1987