

SB 231

HOUSE COMMITTEE REPORT

(11)

Date Referred: April 21, 1992

FURTHER REFERRALS:

Date of Committee Action: 4/30/92

The FINANCE Committee considered:

CSSB 231(CRA)

CS FOR SENATE BILL NO. 231 (CRA)

CONVEYANCE OF LAND: CHUGACH STATE PARK

"An Act authorizing the commissioner of natural resources to convey land within the Chugach State Park to the Municipality of Anchorage."

RECOMMENDATIONS:

be replaced with CS SB 231 (CRA) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) DNR 2/5/92

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>E P Maclean</u> Maclean	X	<u>Jenna Baeres</u> Baeres		X	
<u>Mike Navarre</u> Navarre	✓	<u>Phillips</u> Phillips		✓	
<u>Boyer</u> Boyer	X	<u>Sharp</u> Sharp		✓	
<u>Tan Brown</u> BROWN	✓	<u>Winn</u> Winn		X	
<u>Koonen</u> Koonen	✓				
<u>Larsen</u> Larsen	X				

Mike Navarre E P Maclean
 CO CHAIRMAN'S SIGNATURE
 Navarre Maclean

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSSB 231 (CRA)

Revision Date: 27-Jan-92 Department Affected: Natural Resources
 Title: Conveyance of Land BRU: Land Management
Chugach State Park Components: Land Management
 Sponsor: Senator Menard
 Requestor: Senate Finance COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
Funding Source:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
Funding Source:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Ron Swanson Phone: 762-2692
 Division: Land Management Date: 27-Jan-92

Approved by Commissioner: MB Harold C. Heinze Date: 27-Jan-92
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB, & Imp. Med Agency(ies).

CS FOR SENATE BILL NO. 231 (CRA)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 5/3/91
 Referred: Resources, Finance

Sponsor(s): SENATOR MENARD

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing the commissioner of natural resources to convey land within the
 2 Chugach State Park to the Municipality of Anchorage."

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

4 * Section 1. PURPOSE. The purpose of this Act is to authorize the commissioner of natural
 5 resources to convey certain state-owned land located within the Chugach State Park to the Municipality
 6 of Anchorage to enable the municipality to enter into the land exchange with the owners of U.S. Survey
 7 1069 that was authorized by Anchorage Ordinance 87-94. The legislature finds that the conveyance of
 8 land authorized by this Act and the exchange authorized by Anchorage Ordinance 87-94 will improve
 9 public access to Bird Creek, resolve pending litigation between the owners of U.S. Survey 1069, the
 10 state, and the municipality, and ensure that tidelands in the vicinity of Bird Creek will be managed in
 11 perpetuity as public trust land.

12 * Sec. 2. Notwithstanding AS 41.21.121, the commissioner of natural resources may convey to the
 13 Municipality of Anchorage not more than two acres from within ILMT 37208, Section 9, Township 10
 14 North, Range 1 West, Seward Meridian, if the commissioner determines, after consultation with the

1 commissioner of transportation and public facilities, that the conveyance will not unreasonably interfere
2 with the operation of the Department of Transportation and Public Facilities and that the Municipality
3 of Anchorage has agreed in writing to accept title to the land under this Act for the sole purpose of
4 implementing the land exchange authorized by Anchorage Ordinance 87-94.

5 * Sec. 3. The commissioner of natural resources may convey to the Municipality of Anchorage the
6 state interest in tidelands within the land authorized to be conveyed under sec. 2 of this Act only if the
7 Municipality of Anchorage agrees to convey to the state the tidelands on the parcel the Municipality of
8 Anchorage will receive.

9 * Sec. 4. If the commissioner conveys land to the Municipality of Anchorage under sec. 2 of this Act,
10 the commissioner shall, within 30 days of the conveyance, certify to the revisor of statutes the revision
11 of AS 41.21.121 that is necessary to reflect the conveyance made under this Act. The revisor of statutes
12 shall incorporate the revision into the next revisor's bill prepared under AS 01.05.036.



Alaska State Legislature

SENATE


Official Business

SENATOR CURT MENARD

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

MEMORANDUM

TO: Representative Mike Navarre, Co-Chairman
Representative Eileen MacLean, Co-Chairman
House Finance Committee

FROM: Senator Curt Menard 

DATE: April 15, 1992

RE: Request for hearing on CS SB 231 (CRA)

I would like to request a hearing before the House Finance Committee on CS SB 231 (CRA) at your earliest convenience.

CS SB 231 will resolve the longstanding property title problem of a number of private landowners who inadvertently built homes outside of their property lines on state and Municipality of Anchorage land in the vicinity of Bird Creek.

The bill is supported by the Municipality of Anchorage, the Department of Natural Resources and all the impacted landowners.

Please find attached a sponsor statement and additional backup from the Department of Natural Resources and the Municipality of Anchorage.

Thank you for your consideration and attention to this request. If you have any questions or need additional information, please contact Johanna Munson on my staff.



Alaska State Legislature

Senator Curt Menard



*While in
Session:*
P.O. Box V
Juneau, Alaska
99811
(907)465-2679

Interim:
165 E. Parks
Highway
Wasilla, Alaska
99687
(907)373-2878

*Senate
District
E*

SPONSOR STATEMENT

SB 231 will resolve the longstanding property title problem of a number of private landowners who inadvertently built homes outside of their property lines on state and Municipality of Anchorage land in the vicinity of Bird Creek.

The three way land exchange described in SB 231 will result in the homeowners receiving approximately .6 acres of state land and approximately 1.5 acres of municipal land on which their homes were mistakenly built. In return the Municipality of Anchorage will receive approximately 4.8 acres of valuable public fishing and recreational access along Bird Creek.

Additionally, an amendment was adopted in the Community and Regional Affairs Committee which will remedy a surveying error which occurred when the land was originally conveyed from the Federal Government. Tidelands, normally reserved to the state in the original conveyances, were not identified along Bird Creek, and consequently were not identified in the State's later conveyance of the Bird Creek Regional Park land to the MOA. The C&RA committee substitute provides for the conveyance of approximately 1.0 - 2.5 acres of tidelands to the state.

Thank you for your consideration of SB 231. I would appreciate your support.

PROPOSED BIRD CREEK LAND EXCHANGE SB 231

The Municipality of Anchorage (MOA), the Alaska Department of Natural Resources (DNR) and a group of homeowners who own land along Bird Creek are proposing a land exchange. Bird Creek is located in Bird Creek Valley which is along Turnagain Arm southwest of Anchorage. The lands involved in the proposed land exchange are owned by the homeowners, the Municipality of Anchorage and the State.

The land exchange, as shown on the attached map, would give the public an additional 4.8 acres of land along Bird Creek. This land is heavily used by persons sport fishing for salmon in mid to late summer. This land also possess important fish and wildlife habitat values as a portion of it is a saltwater influenced wetland. This land along Bird Creek is proposed to be conveyed to the MOA and will be added to the Bird Creek Regional Park under municipal ordinance. Tidelands within this parcel, to be conveyed to the MOA will be reconveyed by the MOA to the state. The nearby municipal Bird Creek Regional Park is managed through a cooperative agreement with DNR as part of Chugach State Park. In exchange for this land, the homeowners will receive three pieces of public land totalling 2.05 acres which adjoin the parcel they presently own. The homeowners are interested in these tracts because they mistakenly placed some of their homes just off of the property that they own and on public land owned by the state and municipality.

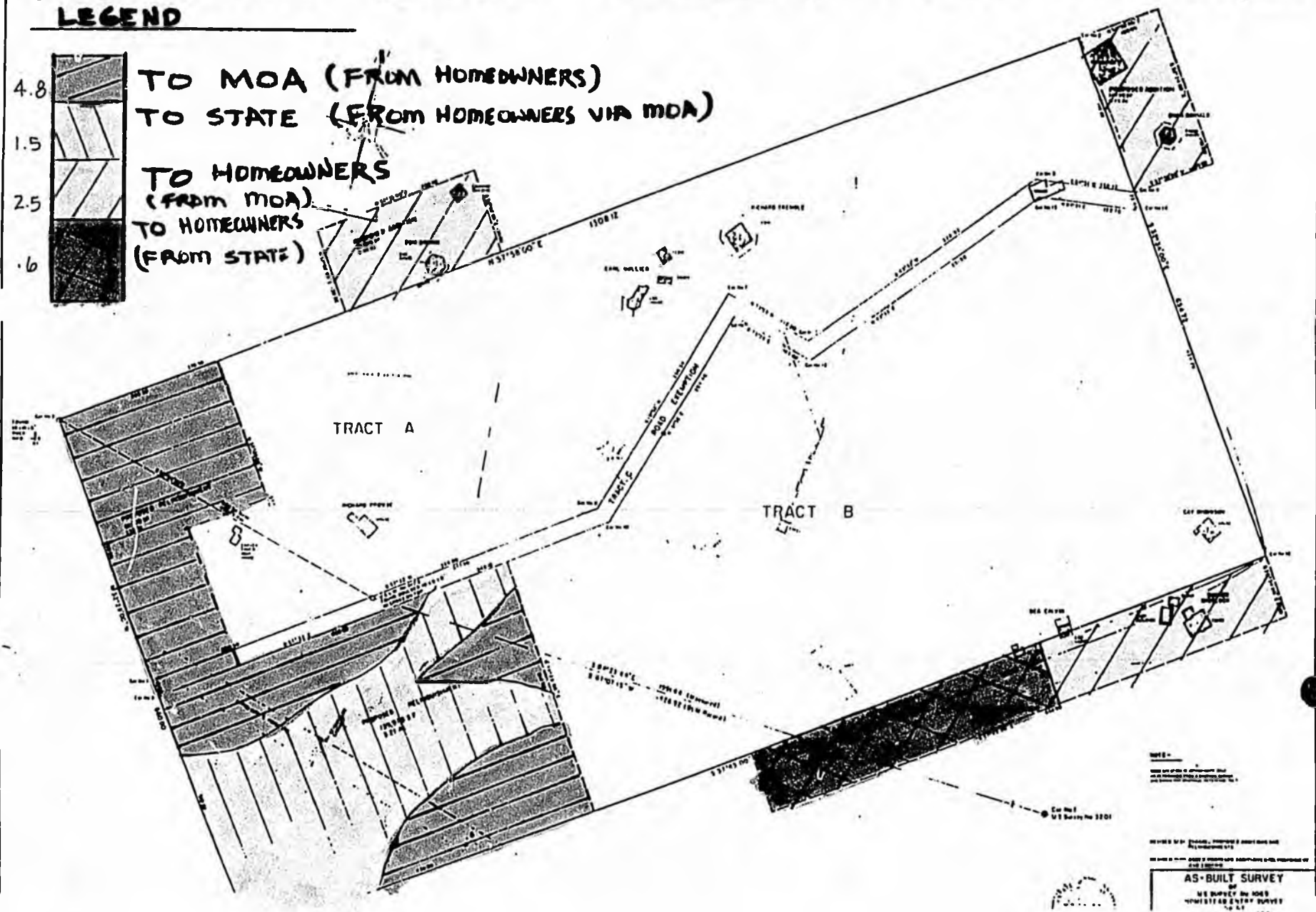
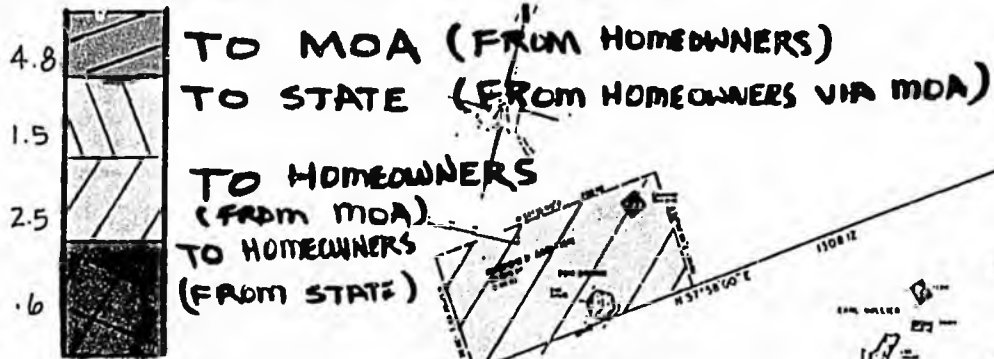
Until recently, the homeowners thought that they only had to trade land with the MOA. In 1987, voters in the Municipality of Anchorage approved the land exchange in a municipal election. However, a closer review of the land ownership in the area revealed that a portion of one of the three tracts to be conveyed to the homeowners, by the MOA, included an Alaska Department of Transportation and Public Facilities's (DOTPF) material site that is within Chugach State Park. This portion of land is estimated to be 0.6 acres in size. The actual size of the tracts will not be confirmed until the land is surveyed. The material site was established before the land became part of Chugach State Park. DOTPF has agreed to give up their interest in the tract to be conveyed to the homeowners if it is surveyed before it is conveyed. However, because the land is part of Chugach State Park the Alaska State Legislature must authorize the removal of this land from the park.

SB 231, if enacted into law, will authorize the Commissioner of DNR to remove the land from the park and convey it to the MOA if: 1) it is determined that it will not interfere with DOTPF's use of the material site, and 2) MOA will only use the land for the purposes of the proposed land exchange. The land conveyed to the MOA, estimated to be 0.6 acres, will be in addition to the lands it has received from the State under its municipal land entitlement. The acreage of the tidelands that the MOA will reconvey to the State is not know, but is estimated at 1.0 to 2.5 acres.

by DNR/Parks 4/24/91 (revised 5/9/91, 4/7/92)

PROPOSED BIRD CREEK LAND EXCHANGE

LEGEND



NOTE -
 THIS SURVEY IS FOR INFORMATION ONLY
 AND DOES NOT CONSTITUTE A WARRANTY OF TITLE

AS-BUILT SURVEY
 OF
 THE SURVEY BY 1965
 REVISITED SURVEY
 1985

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FACSIMILE: (907) 586-2754

February 27, 1992

The Honorable Jerry Mackie, Chair
House Community and Regional Affairs Committee
State Capitol
Juneau, AK 99811-1182

Dear Representative Mackie:


Subject: CSSB 231 (CRA), which authorizes the conveyance of up to two acres of state land within Chugach State Park to the Municipality of Anchorage.

Position: The Department of Natural Resources supports this bill because it will correct the problems of private land holders who inadvertently built homes outside of their property lines, on state and municipal land, and will allow the Municipality of Anchorage to acquire valuable public fishing and recreational access along Bird Creek.

Background: The Municipality of Anchorage, the Department of Natural Resources and a group of Bird Creek area homeowners would like to complete a three way land exchange that has been discussed for many years. As a result of the exchange, the homeowners would receive approximately .6 acres of state land and approximately 1.5 acres of municipal land on which their homes were mistakenly built. In return, the public would receive approximately 4.8 acres of sport fishing land along Bird Creek. The exact amount of acreage to be exchanged will not be known until a survey is completed.

This bill authorizes the Department of Natural Resources to convey up to two acres of public land to the Municipality of Anchorage. The area to be conveyed contains a gravel pit managed by the Department of Transportation and Public Facilities and will only be transferred if it does not interfere with DOT/PF use of the site. After receiving the land from the state, the municipality will convey it to the Bird Creek homeowners. In return, the homeowners will convey about 4.8 acres of land along Bird Creek to the municipality to include in the nearby municipal park. The park is managed under a cooperative agreement with the state as part of Chugach State Park. Municipality of Anchorage voters approved the exchange in a 1987 municipal election.

Sincerely,


Harold C. Heinze
Commissioner

cc: Senator Menard
Paul Fuhs, Legislative Liaison, Office of the Governor
Frank Turpin, Commissioner, Department of Transportation and
Public Facilities
Neil Johannsen, Director, Division of Parks and Outdoor
Recreation

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSSB 231 (CRA)

Revision Date: 27-Jan-92 Department Affected: Natural Resources
 Title: Conveance of Land BRU: Land Management
Chugach State Park Components: Land Management
 Sponsor: Senator Menard
 Requestor: Senate Finance COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS.CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
Funding Source:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
Funding Source:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Ron Swanson Phone: 762-2692
 Division: Land Management Date: 27-Jan-92

Approved by Commissioner: MB Harold C. Heinze Date: 27-Jan-92
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,
& Impacted Agency(ies).

**MUNICIPALITY OF ANCHORAGE
1992 LEGISLATIVE PROGRAM
POSITION PAPER**

Bill: CS for SB 231

Title: An Act authorizing the commissioner of natural resources to convey land within the Chugach State Park to the Municipality of Anchorage.

Analysis: This act provides for a three-way land exchange, with the homeowners receiving approximately .6 acres of state land and approximately 1.5 acres of Municipal land on which their homes were mistakenly built in the Bird Creek area. In return, the Municipality of Anchorage will receive approximately 4.8 acres of valuable public fishing and recreational access along Bird Creek. This exchange was approved by the voters of the Municipality of Anchorage in 1987.

The Department of Cultural and Recreational Services recommends support for the legislation which adds acreage to Bird Creek Park. We have a management agreement with the State of Alaska providing for their management of this park for the Municipality.

Contact: Connie Jones, Director, Cultural and Recreational Services, Municipality of Anchorage.
Phone: 343-4365