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SENATE COMMITTEE REPORT

E: 5/3/91

FURTHER: Finance

DATE TURNED INTO OFFICE: 5-13-91

Resources Committee considered SENATE BILL NO. 231

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

to merge into revised CIRA as per adopted rdp.

and recommended:

- replace with _____ CS
- or adopt _____ CS SB 231 (CIRA)
- attached amendment(s)
- _____ letter of intent adopted

- same title
- new title
- technical title change (HB only)

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

P. 4/21

- ATTACHES NEW FISCAL NOTE(S):
- fiscal note(s) _____ Dept/Date: _____
 - zero fiscal note(s) _____
 - appropriation-no fiscal note

- APPROVES PREVIOUS:
- fiscal note(s) _____ Dept/Date: _____
 - zero fiscal note(s) DNR 4/25/91
 - Governor's bill w/fiscal note

SIGNING DO PASS:

[Signatures] Cot
[Signatures] Zha
[Signatures] Fra
[Signatures] Amul

OTHER RECOMMENDATIONS:

[Signature]
 Chair: Signature and Recommendation



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.

AMENDMENT

TO: SB 231

Page 2, line 7

DELETE "retain"

INSERT "convey to the State"

Page 2, line 7 - 8

DELETE "permanently in public ownership and to manage the
tidelands as public trust land"

INSERT "on the parcel that they will receive"

PROPOSED BIRD CREEK LAND EXCHANGE SB 321

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 could be added to the Bird Creek Regional Park. 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.

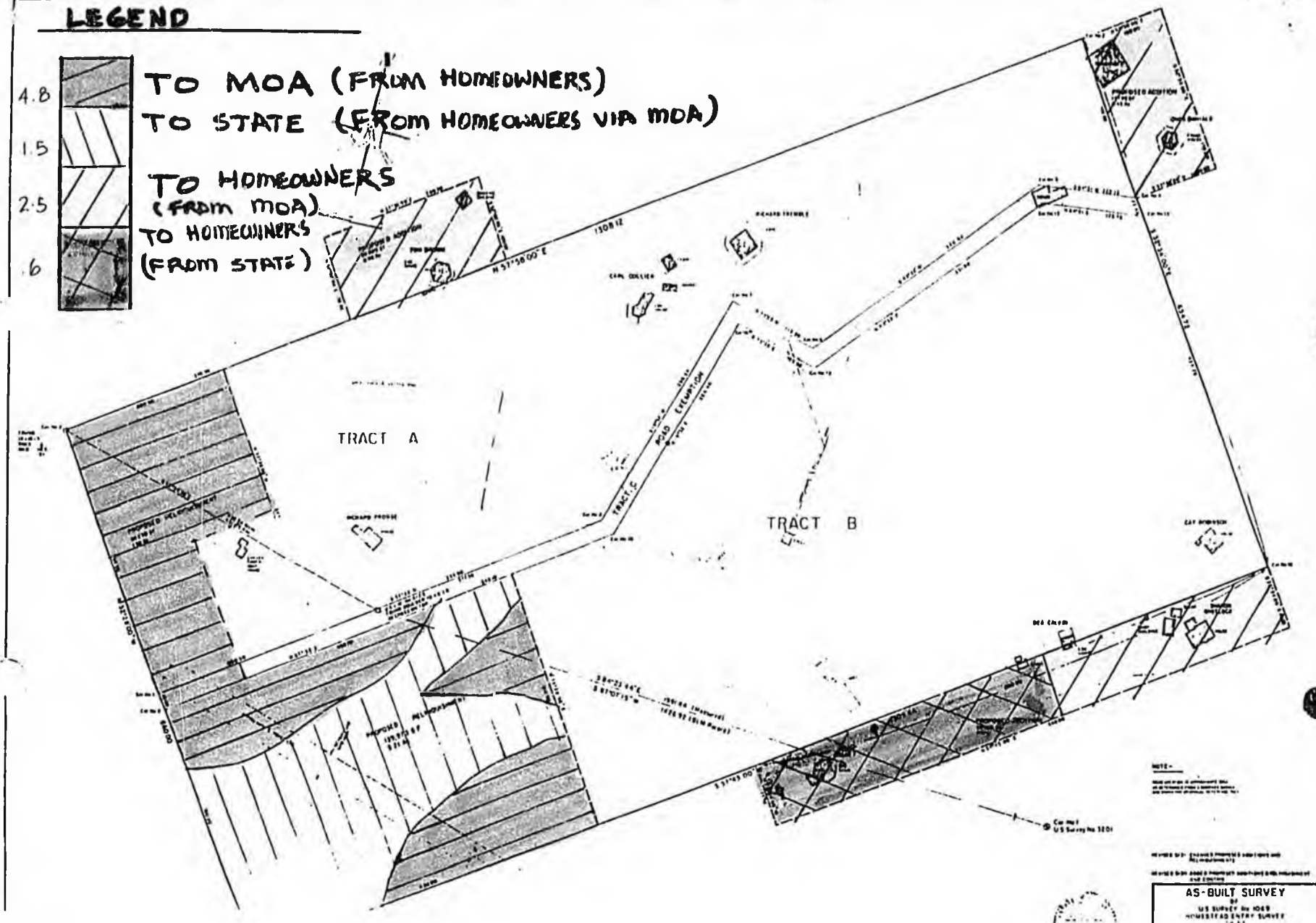
Until recently, the homeowners thought that they only had to trade land with the MOA. In 1987, voters in the Municipality of Anchorage approved the land exchange in a municipal election. However, a closer review of the land ownership in the area revealed that a portion of one of the three tracts to be 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. DOTFP 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 321, 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 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.

PROPOSED BIRD CREEK LAND EXCHANGE

LEGEND

4.8	TO MOA (FROM HOMEOWNERS)
1.5	TO STATE (FROM HOMEOWNERS VIA MOA)
2.5	TO HOMEOWNERS (FROM MOA)
6	TO HOMEOWNERS (FROM STATE)



NOTE -

THIS SURVEY IS A PRELIMINARY SURVEY AND IS NOT TO BE USED FOR TITLE PURPOSES.

REVISED BY: (NAME) (DATE) (SCALE) (BY) (DATE)

AS-BUILT SURVEY
 US SURVEY No 1049
 HOMESTEAD ENTRY SURVEY

7-LS1111A ✓
Luckhaupt
3/26/91

SENATE BILL NO. 231

IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR MENARD

Introduced:
Referred:

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 retain the tidelands permanently in public ownership and to manage
8 the tidelands as public trust land.

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.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
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April 24, 1991

The Honorable Steve Frank, Chair
Senate Community and Regional Affairs Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Frank:

Subject: SB 231, 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. We do, however, recommend an amendment relating to the ownership of tidelands that are part of the exchange.

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 know 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.

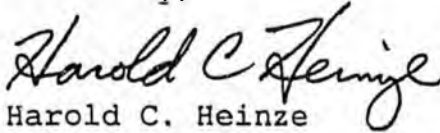
Recommendation: Amend page 2, line 7 to read:

Municipality of Anchorage agrees to convey to the State

(retain) the tidelands on the parcel it will receive
(permanently in public ownership and to manage the tidelands as
public trust land).

Please let me know if you need additional information about this
matter.

Sincerely,



Harold C. Heinze
Commissioner

cc: Members of the Committee
Senator Menard
Bruce Kendall, Legislative Liaison, Office of the Governor
Frank Turpin, Commissioner, Department of Transportation and
Public Facilities

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 231

Revision Date: _____ Department Affected: Natural Resources
 Title: Conveyance of Land BRU: Land & Water Management
Chugach State Park Components: Land & Water Management
 Sponsor: Senator Menard
 Requestor: Senate Community & Regional Affairs COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
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: Gary Gustafson Phone: 762-2692
 Division: Land & Water Management Date: 25-Apr-91

Approved by Commissioner: Harold Heinze Date: 25-Apr-91
 Agency: Department of Natural Resources

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