

ALABAMA LEGISLATIVE COMMISSION FILES 90-1902-80/2

1218 HCRA LOCAL BOUNDARY COMM. REC. - NOME ANNEXATION

1981-1982

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LOCAL
BOUNDARY
COMMISSION
1982

RECOMMEN-
DATIONS

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

DIVISION OF LOCAL GOVERNMENT ASSISTANCE

POUCH B
JUNEAU, ALASKA 99811

January 14, 1982

JAN 15 1982

The Honorable Don Gilman, Chairman
C & RA Committee
Alaska State Senate
and
The Honorable Patrick O'Connell, Chairman
C & RA Committee
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Gentleman:

RE: PROPOSED JOINT COMMITTEE HEARINGS ON LBC RECOMMENDATIONS - SECOND SESSION

During this week three reports will be transmitted to the President of the Senate and the Speaker of the House concerning annexations approved by the Local Boundary Commission in the City of Nome, the City of Kodiak, and the Kodiak Island Borough. Those reports will undoubtedly be referred to your respective committees for review of the Local Boundary Commission actions and to permit the possible introduction of a resolution to disapprove any or all of the annexations.

Concerning the annexations in the City of Kodiak and the Kodiak Island Borough, to the best of my knowledge there is no controversy surrounding these two annexations and I would be surprised if there is any interest in introducing a resolution to disapprove either of these annexations. Concerning the Nome annexation, which was disapproved by both Houses of the Legislature last year, it appears that, despite the fact that the major objectors to the annexation last year (i.e. Alaska Gold Company and Icy View) did not object this year there were some objections expressed to the proposed annexation during the Local Boundary Commission hearing and I presume those same interests will approach the Legislature requesting that a resolution be introduced to disapprove the annexation in Nome.

The Honorable Don Gilman
The Honorable Patrick O'Connell
January 14, 1982
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On behalf of the Local Boundary Commission, we would like to request a joint hearing of the Senate and House Community and Regional Affairs Committees during which time the Local Boundary Commission would be available to answer questions concerning any of the three annexation actions and during which, the committees might well wish to hear testimony from others in the State who support or object to the annexations approved by the Local Boundary Commission. More specifically, the Local Boundary Commission, because of scheduling conflicts with its members, has requested that any joint hearing be scheduled during the first two weeks of February 1982.

On behalf of the Local Boundary Commission, your early consideration of this request will be appreciated.

Sincerely,

Lee McAnerney
Commissioner


BY: Palmer McCarter
Director

cc: Sheila Gallagher, Chair, Local Boundary Commission
Jim Sanders, Staff, Local Boundary Commission
Keith Specking, Legislative Assistant
Susan Greene, Special Assistant to the Governor



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

10 February 1982

The Honorable Frank Ferguson
Senate District P
Kotzebue, AK 99752

The Honorable Bob Mulcahy
Senate District P
Kodiak, AK 99615

The Honorable Jack Fuller
House District 22
Nome, AK

The Honorable Fred Zharoff
House District 14
Kodiak, AK 99615

SUBJECT: Boundary Annexations: City of Nome, City of Kodiak and
Kodiak Island Borough

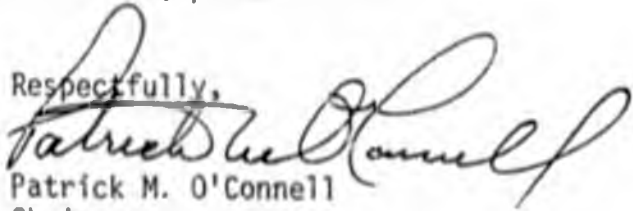
Gentlemen:

Upon receipt of the attached material regarding the Local Boundary Commission's Report to the Second Session of the Twelfth Legislature, it is the House Committee on Community & Regional Affairs opinion that there is no need for introduction of a resolution disapproving the Commission's recommendations.

Consequently, unless otherwise requested, it has been decided that there be no further legislative action or review regarding the annexations, and that the boundary changes recommended in the attached report be allowed to become effective.

If you have any further information or recommendations, please let me know immediately.

Respectfully,


Patrick M. O'Connell
Chairman
Committee on Community
and Regional Affairs

PMO/rmc

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

January 19, 1982

The Honorable Joe L. Hayes
Speaker
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Hayes:

Attached hereto is the Report to the Second Session of the Twelfth Legislature by the Local Boundary Commission. The report contains recommendations for changes to the boundaries of three municipalities which, pursuant to Article X, Section 12 of the State Constitution and AS 29.68.010, are to be presented to the Legislature. These recommended boundary changes 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.

Also attached is the executive summary of the study requested last year by Legislative Resolve Number 15 concerning the jurisdictional needs of the City of Nome. This study was conducted on behalf of the Department by Alaska Economics, Incorporated. The Department concurs with the study recommendations, except as indicated in the attached Local Boundary Commission Report.

Sincerely,

Lee McAnerney
Lee McAnerney
Commissioner



Official Business

Alaska State Legislature

House of Representatives

Office of the Chief Clerk

Pouch V
State Capitol
Juneau, Alaska 99811

January 19, 1982

Commissioner Lee McAnerney
Department of Community & Regional Affairs
Juneau, Alaska

Dear Commissioner McAnerney:

The Report to the Second Session of the Twelfth Legislature
by the Local Boundary Commission was received January 19, 1982
at 4:30 p.m. - the ninth day of the Session.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Emylou Lloyd".

Emylou Lloyd
Chief Clerk of the House

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

REPORT TO THE SECOND SESSION
OF THE TWELFTH LEGISLATURE

JANUARY 19, 1982

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SUMMARY OF ACTIVITIES OF THE
LOCAL BOUNDARY COMMISSION DURING 1981

During the last year the Local Boundary Commission dealt with petitions concerning the following proposed municipal incorporations and boundary changes:

- 1) City of Nome - The Commission approved the annexation of approximately 17.56 square miles, contingent upon Legislative concurrence.
- 2) Kodiak Island Borough - The Commission approved the annexation of the U.S. Coast Guard Reservation (54.93 square miles), contingent upon Legislative concurrence.
- 3) City of Kodiak - The Commission approved the annexation of approximately 1.42 square miles, contingent upon Legislative concurrence.
- 4) Cold Bay - The Commission approved a petition for the incorporation of Cold Bay as a city of the second class, pursuant to AS 29.18. Cold Bay voters subsequently approved the proposed incorporation. The City's boundaries encompass approximately 66 square miles.
- 5) City of Fairbanks - The Commission approved the annexation of approximately 12 acres requested by all of the property owners and residents involved, pursuant to AS 29.68.010(3).
- 6) City of Alakanuk - The Commission approved the annexation of 28.8 square miles, contingent upon voter approval pursuant to AS 29.68.010(1). The voters subsequently approved the measure.
- 7) City of Houston - The Commission approved the annexation of 0.25 square miles, contingent upon voter approval pursuant to AS 29.68.010(1). The voters subsequently approved the measure.
- 8) City of Palmer - The Commission approved three separate petitions for the annexation of territory requested by all of the property owners and residents involved, pursuant to AS 29.68.010(3).
- 9) City of Grayling - The Commission approved a correction to the community's boundary description.

- 10) City of Tuluksak - The Commission approved a correction to the community's boundary description.
- 11) City of Kodiak - The Commission approved two separate petitions for the annexation of territory requested by all of the property owners and residents involved, pursuant to AS 29.68.010(3).

The action of the Local Boundary Commission regarding the foregoing items one, two and three require review by the Legislature. A formal recommendation for each of these three actions begins on page 3 of this report. Article X, Section 12 of the Alaska Constitution and AS 29.68.010 provide that boundary changes recommended in this report 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.

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER ONE TO THE
SECOND SESSION OF THE
TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION
OF TERRITORY TO THE CITY OF NOME

WHEREAS, the First Session of the Twelfth Legislature adopted Legislative Resolve Number 15 calling for a study of the jurisdictional needs of the City of Nome; and

WHEREAS, said study was been completed by an independent consultant whose recommendations were presented to the Department of Community and Regional Affairs in September, 1981; and

WHEREAS, on November 5, 1981 the City of Nome submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, which requested the annexation of approximately 17.56 square miles; and

WHEREAS, on November 9, 1981 the Department determined the petition to be acceptable as to form and content; and

WHEREAS, the Department caused to be published, public notice of filing of the petition for annexation; and

WHEREAS, on December 7, 1981 the Commission held a public hearing in Nome, with prescribed notice, on the petition for annexation; and

WHEREAS, on December 8, 1981 the Commission rendered its decision on the petition for annexation;

THEREFORE, based upon the extensive briefing of the petitioner, the independent consultant's report of the jurisdictional needs of the City of Nome, the investigation and report of the petition by the Department, and the information obtained from the Nome public hearing, the Commission made the following findings of fact and entered its decision pursuant thereto:

The territory proposed for annexation by the City of Nome conforms to the consultant's report, with two exceptions. The tidelands and submerged lands out to the 50 foot contour were included by the City in anticipation of the development of a port facility. Secondly, the consultant's recommended boundaries had excluded a small portion of the current City boundaries.

The following described territory, shown on the map labeled "Exhibit A" warrants annexation to the present corporate territory of the City of Nome for the following reasons:

1. The territory is urban in character. Currently, there are 206 residents within the territory recommended for annexation.

Virtually all of this population stems from actual growth of the City of Nome beyond its legal boundaries, to the extent that approximately 6.7 percent of the greater-Nome population is now found in the territory. Icy View, a large subdivision, is located in the territory. Virtually all of the land is in private ownership. Much of the territory has been mined by dredging and is among the most readily developable property in the area due to its gravel base and melted permafrost. Some of the land in private ownership has been held for sale in the past.

2. The territory is in need of municipal services which the City of Nome can provide most efficiently. There is no other municipality in the vicinity. The City of Nome is providing many municipal services to the territory at the present time, and the City is capable of, and willing to extend additional services to the territory. The municipal services necessary to the territory include fire protection, law enforcement, education, street maintenance, solid waste disposal, water, electricity, health and construction regulation, animal control and planning.
3. The history of Nome and the present trend indicate that future growth and development of the community will likely occur within the territory. Potential development of remaining lots within the existing boundaries of the City of Nome is hampered by extensive wetland problems, substantial private holdings not held for sale

during the past decades, and the availability of more attractive lots for development on melted permafrost at such locations as Icy View Subdivision. Annexation of the territory will enable the City of Nome to plan for and control that development which has occurred, and which will continue to occur within the territory.

4. The health and safety of City residents presently is endangered by existing problems in the territory relating to animal control, flood control, fire protection, law enforcement and solid waste disposal. Annexation will alleviate these conditions by expanding enforcement jurisdiction, enabling planning and regulation and producing the tax base necessary for extending services to the territory.
5. The formal extension of police, fire protection, health, education and planning services to the territory is necessary to enable the City of Nome to provide adequate services to City residents. It is economically impractical and illegal for the City of Nome to extend these services unless the territory is within the boundaries of the City.
6. Residents and owners of property in the territory receive the benefit of City services without commensurate property tax contributions. These services include education and schools, fire protection, port facilities, cemeteries, city street maintenance, museum, library and solid waste disposal. Differential pricing of water and electrical

utilities, where in effect, does not contribute to the bonding base necessary to replace or upgrade aging capital facilities. No alternative method for offsetting the costs of providing services has been found satisfactory to the Commission. Therefore, differential tax zones are not appropriate.

7. The annexation is otherwise necessary to accomplish the valid public purpose of enfranchising the residents of the territory who are receiving substantial services without the opportunity to formally participate in the government. Annexation of the territory is also necessary to accomplish the valid public purpose of unifying the educational jurisdiction of the public school system. More generally, annexation is necessary to accomplish the public purpose of promoting a sense of community in the entire Nome area.

THEREFORE, the Commission hereby recommends to the Second Session of the Twelfth Legislature of the State of Alaska, annexation of the following described territory to the City of Nome:

Beginning at the common corner of protracted Section 2, 3, 10, and 11, T1S, R34W, Kateel River Meridian (K.R.M.); thence South 2.5 miles to the common quarter-corner of protracted Sections 22 and 23, T1S, R34W, K.R.M.; thence West 2 miles to the common quarter-corner of protracted Sections 20 and 21, T1S, R34W, K.R.M.; thence South to the mean high tideline of the Bering Sea; thence leaving the shoreline on a mean true bearing South 15° 36' 25.03" West for a distance of 8,866.73 feet to a point on the Bering Sea Latitude 64° 29' 05.2499" North,

Longitude $165^{\circ} 30' 49.8598''$ West; thence South $74^{\circ} 23' 10''$ East for a distance of 27,373.47 feet to a point on the Bering Sea Latitude $64^{\circ} 27' 52.7364''$ North, Longitude $165^{\circ} 20' 48.4693''$ West; thence in a northeasterly direction approximately 8,825 feet to the intersection point of an extension of the eastern right-of-way limit of the Beam Road and the mean high tideline of the Bering Sea; thence northeasterly along said extension of the eastern right-of-way limit of the Beam Road to the point of intersection of the eastern right-of-way limit of the Beam Road and the northern right-of-way limit of the Nome Council Road; thence northeasterly along the eastern right-of-way limit of the Beam Road to the point of intersection with the northernmost east-west sixteenth line of protracted Section 32, T11S, R33W, K.R.M.; thence West to the point of intersection with the monumented eastern corporate boundary of the City of Nome lying at Longitude $165^{\circ} 20' 39''$ West; thence North along said monumented eastern corporate boundary of the City of Nome to the monumented northeastern corner of the corporate boundary of the City of Nome lying at Latitude $64^{\circ} 31' 01''$ North, Longitude $165^{\circ} 20' 39''$ West; thence West along the monumented northern corporate boundary of the City of Nome to a point of intersection with the West 16th line of protracted Section 19, T11S, R33W, K.R.M.; thence North to the northernmost point of intersection with Mineral Survey No. 1177, thence continuing along the boundary of Mineral Survey No. 1177 in a westerly direction to the first point of intersection with the boundary of Mineral Survey No. 1228, thence westerly along the boundary of Mineral Survey No. 1228 to the point of intersection with the East 16th line of protracted Section 12, T11S, R34W, K.R.M., thence North along the East 16th line of protracted Section 12, T11S, R34W, K.R.M. to the northernmost point on the East 16th line of protracted Section 12, T11S, R34W, thence West to the common corner of protracted Sections 11, 12, 1 and 2, T11S, R34W, K.R.M.; thence North 1/4 mile to the common 16th corner of protracted Sections 1 and 2, T11S, R34W, K.R.M.; thence West 1 mile to the common 16th corner of protracted Sections 2 and 3, T11S, R34W, K.R.M.; thence South, 0.25 miles to the common corner of protracted Sections 2, 3, 10 and 11, T11S, R34W, K.R.M., the true point of beginning.



EXHIBIT A

NOME BOUNDARIES
APPROVED BY THE
LOCAL BOUNDARY COMMISSION

EXHIBIT A

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER TWO TO THE
SECOND SESSION OF THE
TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION OF
TERRITORY TO THE KODIAK ISLAND BOROUGH

WHEREAS, on November 17, 1981 the Kodiak Island Borough submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, which requested the annexation of approximately 54.93 square miles; and

WHEREAS, on November 19, 1981 the Department determined the petition to be acceptable as to form and content; and

WHEREAS, the Department caused to be published, proper notice of filing of the petition for annexation; and

WHEREAS, on December 13, 1981 the Commission held a public hearing in Kodiak, with prescribed notice, on the petition for annexation; and

WHEREAS, on December 17, 1981 the Commission rendered its decision on the petition for annexation;

THEREFORE, based upon the extensive briefing of the petitioner, the investigation and report of the petition by the Department, and the information obtained from the Kodiak public hearing, the Commission made the following findings of fact and entered its decision pursuant thereto:

The Kodiak Island Borough petitioned to annex the United States Coast Guard Reservation (formerly the Kodiak Naval Station) which was excluded from the territory originally incorporated as the Kodiak Island Borough. "Exhibit B" provides a map of the territory recommended for annexation. The subject territory is recommended for annexation for the following reasons:

1. The United States Coast Guard Reservation is entirely surrounded by, but is excluded from the Kodiak Island Borough.
2. Residents and leaseholders of property on the United States Coast Guard Reservation receive the benefit of organized borough services without commensurate property tax contributions. There are twenty-nine leaseholders on the State airport portion of the

Coast Guard Reservation which are currently enjoying property tax exempt status.

3. The residents of the Coast Guard Reservation constitute over twenty-five percent of the population of Kodiak Island. The residents of this territory are directly affected by actions of the Borough government, which includes the Borough school system. However, since these residents of the Island live outside of the jurisdiction of the Borough, they are denied the opportunity to vote in local elections. Annexation of the territory would enfranchise those residents.

THEREFORE, the Commission hereby recommends to the Second Session of the Twelfth Legislature of the State of Alaska, annexation of the following described territory to the Kodiak Island Borough:

All of the United States Coast Guard Reservation (formerly the Kodiak Naval Station) excluded in the Kodiak Island Borough Certificate of Incorporation dated July 18, 1968, and more specifically described as follows:

All of the United States Coast Guard Reservation located within and adjacent to United States Survey 2539 and including United States Surveys 1464 and 1673.

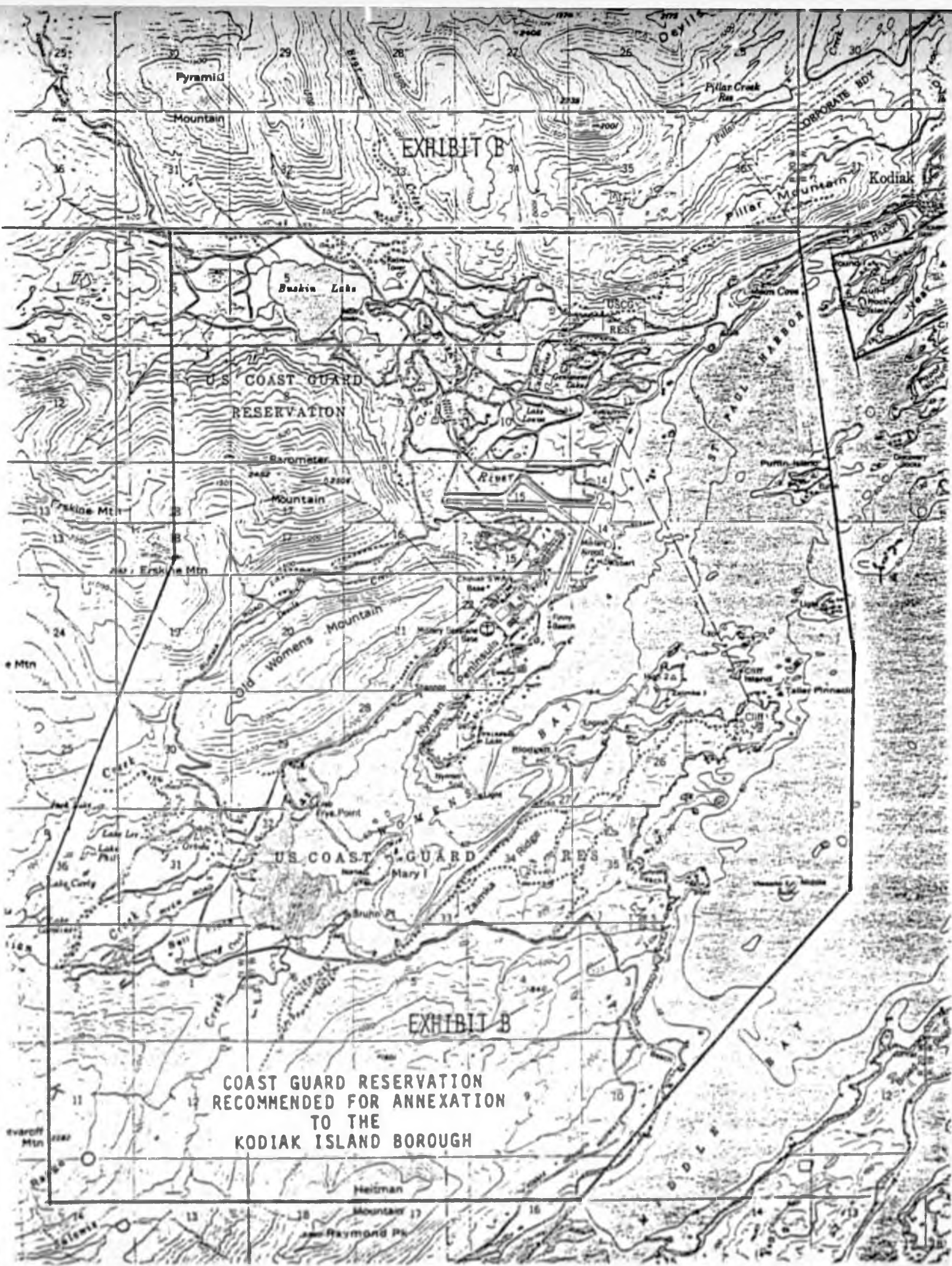


EXHIBIT B

COAST GUARD RESERVATION
RECOMMENDED FOR ANNEXATION
TO THE
KODIAK ISLAND BOROUGH

Pyramid

Mountain

Bushie Lake

U.S. COAST GUARD
RESERVATION

Barometer

Mountain

Old Womens Mountain

U.S. COAST GUARD

EXHIBIT B

Pillar Creek

Pillar Mountain

Kodiak

St. Paul Harbor

Winnan

Mary I

Heidman

Mountain

Raymond Pt

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER THREE TO THE
SECOND SESSION OF THE
TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION
OF TERRITORY TO THE CITY OF KODIAK

WHEREAS, on November 16, 1981 the City of Kodiak submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, which requested the annexation of approximately 1.42 square miles; and

WHEREAS, on November 19, 1981 the Department determined the petition to be acceptable as to form and content; and

WHEREAS, the Department caused to be published, proper notice of filing of the petition for annexation; and

WHEREAS, on December 13, 1981 the Commission held a public hearing in Kodiak, with prescribed notice, on the petition for annexation; and

WHEREAS, on December 17, 1981 the Commission rendered its decision on the petition for annexation;

THEREFORE, based upon the extensive briefing of the petitioner, the investigation and report of the petition by the Department, and the information obtained from the Kodiak public hearing, the Commission made the following findings of fact and entered its decision pursuant thereto:

Near, Gull and Uski Islands are already a part of the City of Kodiak. These islands were annexed in 1960 by Local Boundary Commission action. However, the Commission, in submitting its recommendation to the Legislature, only referenced the islands by name; the subsequent "Certification of Boundaries for the City of Kodiak" made no reference to the submerged lands surrounding the islands. This recommended annexation would clearly establish the City's jurisdiction throughout the subject submerged lands. "Exhibit C" provides a map of the area recommended for annexation. The subject boundary change is recommended for the following reasons:

1. The territory is urban in character. The area will soon be the location of a major port and harbor facility. The area recommended for annexation should be controlled by the City to allow for comprehensive

planning and management of the port facility.

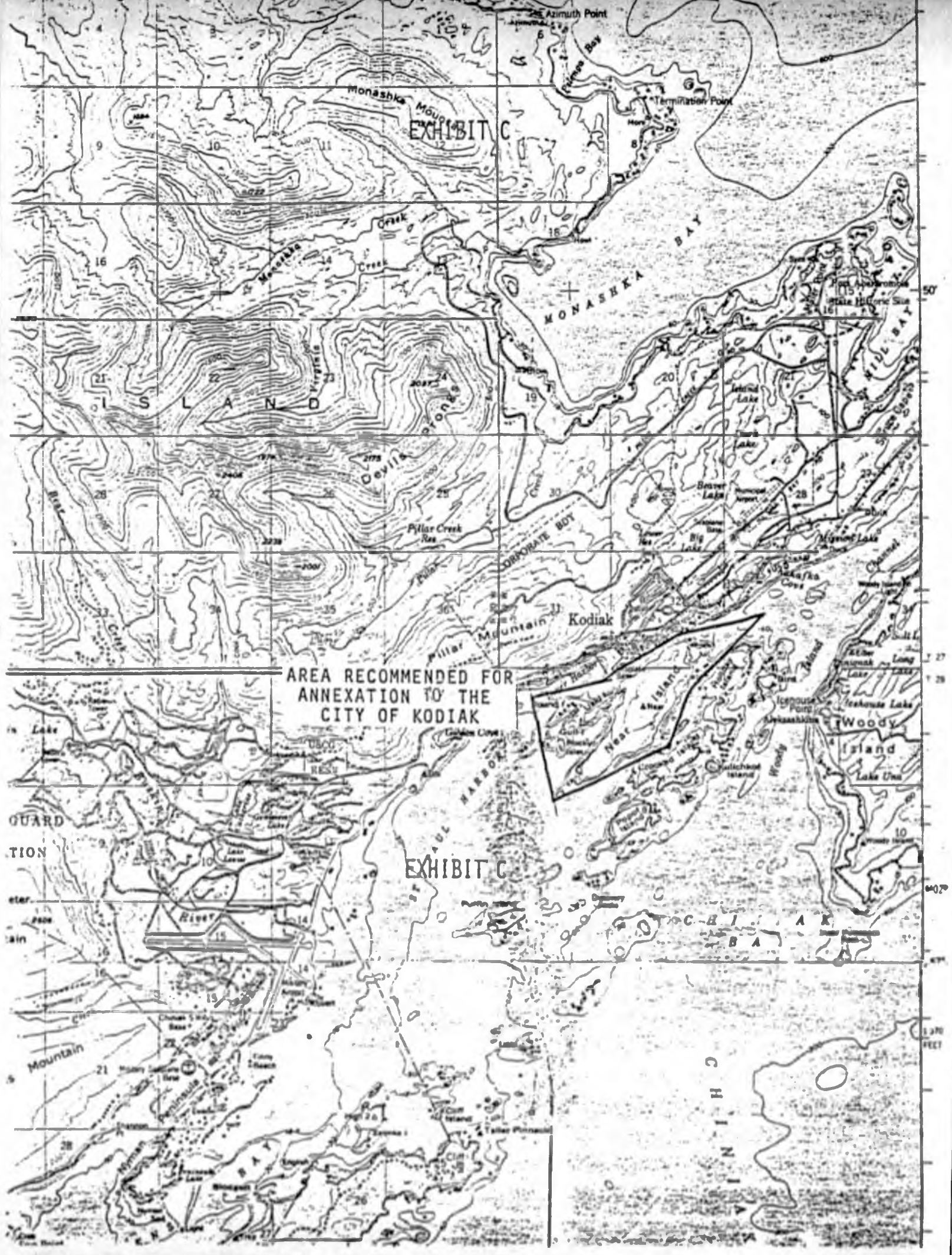
2. There is a likelihood that future growth and development of the City of Kodiak will occur within the territory proposed for annexation. In addition to the development of the port facility, a bridge is planned to connect Near Island with the community of Kodiak.

THEREFORE, the Commission hereby recommends to the Second Session of the Twelfth Legislature of the State of Alaska, annexation of the following territory to the City of Kodiak:

Beginning at M.C. 6, U.S. Survey No. 2873, identical to M.C. 1, U.S. Survey No. 3066; thence S 32°24' E, 1,162.00 feet along the easterly boundary of ATS 49 to the intersection point with the Directors Line in the middle of Kodiak Channel, said point being the TRUE POINT OF BEGINNING; thence,

- (1) S 42°22'00" W, 5,200.00 feet; thence,
- (2) S 0°50'00" E, 1,644.70 feet; thence,
- (3) S 58°06'00" W, 7,479.21 feet; thence,
- (4) N 34°55'37" W, 4,891.19 feet to intersect with the U.S. Coast Guard Boundary, identical with the southerlymost corner of the territory described in City of Kodiak Ordinance No 493. Thence along the boundaries described in City of Kodiak Ordinance No. 493, the following courses.
- (5) N 63°21'52" E, 1,644.99 feet, thence,
- (6) N 15°34'00" W, 1,090.00 feet to intersect with the original meander line of U.S. Survey 2537 B (Kodiak Townsite Survey), thence,
- (7) N 78°45'00" E, 227.62 feet along said meander line to the Northwest corner of ATS 49; thence the following courses along the boundary of ATS 49.
- (8) S 15°34'00" E, 1,290.00 feet;

- (9) N 71°22'00" E, 3,711.00 feet;
- (10) N 57°13'00" E, 3,600.00 feet;
- (11) N 68°33'30" E, 4,663.50 feet to the point of beginning.



AREA RECOMMENDED FOR
ANNEXATION TO THE
CITY OF KODIAK

EXHIBIT C

CHINIAK

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

DIVISION OF LOCAL GOVERNMENT ASSISTANCE

POUCH B
JUNEAU, ALASKA 99811

January 14, 1982

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Gentleman:

RE: PROPOSED JOINT COMMITTEE HEARINGS ON LBC RECOMMENDATIONS - SECOND SESSION

During this week three reports will be transmitted to the President of the Senate and the Speaker of the House concerning annexations approved by the Local Boundary Commission in the City of Nome, the City of Kodiak, and the Kodiak Island Borough. Those reports will undoubtedly be referred to your respective committees for review of the Local Boundary Commission actions and to permit the possible introduction of a resolution to disapprove any or all of the annexations.

Concerning the annexations in the City of Kodiak and the Kodiak Island Borough, to the best of my knowledge there is no controversy surrounding these two annexations and I would be surprised if there is any interest in introducing a resolution to disapprove either of these annexations. Concerning the Nome annexation, which was disapproved by both Houses of the Legislature last year, it appears that, despite the fact that the major objectors to the annexation last year (i.e. Alaska Gold Company and Icy View) did not object this year there were some objections expressed to the proposed annexation during the Local Boundary Commission hearing and I presume those same interests will approach the Legislature requesting that a resolution be introduced to disapprove the annexation in Nome.

The Honorable Don Gilman
The Honorable Patrick O'Connell
January 14, 1982
Page 2

On behalf of the Local Boundary Commission, we would like to request a joint hearing of the Senate and House Community and Regional Affairs Committees during which time the Local Boundary Commission would be available to answer questions concerning any of the three annexation actions and during which, the committees might well wish to hear testimony from others in the State who support or object to the annexations approved by the Local Boundary Commission. More specifically, the Local Boundary Commission, because of scheduling conflicts with its members, has requested that any joint hearing be scheduled during the first two weeks of February 1982.

On behalf of the Local Boundary Commission, your early consideration of this request will be appreciated.

Sincerely,

Lee McAnerney
Commissioner


BY: Palmer McCarter
Director

cc: Sheila Gallagher, Chair, Local Boundary Commission
Jim Sanders, Staff, Local Boundary Commission
Keith Specking, Legislative Assistant
Susan Greene, Special Assistant to the Governor

JAY S. HAMMOND, GOVERNOR

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Page 2

On behalf of the Local Boundary Commission, we would like to request a joint hearing of the Senate and House Community and Regional Affairs Committees during which time the Local Boundary Commission would be available to answer questions concerning any of the three annexation actions and during which, the committees might well wish to hear testimony from others in the State who support or object to the annexations approved by the Local Boundary Commission. More specifically, the Local Boundary Commission, because of scheduling conflicts with its members, has requested that any joint hearing be scheduled during the first two weeks of February 1982.

On behalf of the Local Boundary Commission, your early consideration of this request will be appreciated.

Sincerely,

Lee McAnerney
Commissioner


BY: Palmer McCarter
Director

cc: Sheila Gallagher, Chair, Local Boundary Commission
Jim Sanders, Staff, Local Boundary Commission
Keith Specking, Legislative Assistant
Susan Greene, Special Assistant to the Governor

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, Governor

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

January 19, 1982

The Honorable Joe L. Hayes
Speaker
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Hayes:

Attached hereto is the Report to the Second Session of the Twelfth Legislature by the Local Boundary Commission. The report contains recommendations for changes to the boundaries of three municipalities which, pursuant to Article X, Section 12 of the State Constitution and AS 29.68.010, are to be presented to the Legislature. These recommended boundary changes 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.

Also attached is the executive summary of the study requested last year by Legislative Resolve Number 15 concerning the jurisdictional needs of the City of Nome. This study was conducted on behalf of the Department by Alaska Economics, Incorporated. The Department concurs with the study recommendations, except as indicated in the attached Local Boundary Commission Report.

Sincerely,

Lee McAnerney
Lee McAnerney
Commissioner



Official Business

Alaska State Legislature

House of Representatives
Office of the Chief Clerk

Pouch V
State Capitol
Juneau, Alaska 99811

January 19, 1982

Commissioner Lee McAnerney
Department of Community & Regional Affairs
Juneau, Alaska

Dear Commissioner McAnerney:

The Report to the Second Session of the Twelfth Legislature
by the Local Boundary Commission was received January 19, 1982
at 4:30 p.m. - the ninth day of the Session.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Emylou Lloyd".

Emylou Lloyd
Chief Clerk of the House

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

REPORT TO THE SECOND SESSION
OF THE TWELFTH LEGISLATURE

JANUARY 19, 1982

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SUMMARY OF ACTIVITIES OF THE
LOCAL BOUNDARY COMMISSION DURING 1981

During the last year the Local Boundary Commission dealt with petitions concerning the following proposed municipal incorporations and boundary changes:

- 1) City of Nome - The Commission approved the annexation of approximately 17.56 square miles, contingent upon Legislative concurrence.
- 2) Kodiak Island Borough - The Commission approved the annexation of the U.S. Coast Guard Reservation (54.93 square miles), contingent upon Legislative concurrence.
- 3) City of Kodiak - The Commission approved the annexation of approximately 1.42 square miles, contingent upon Legislative concurrence.
- 4) Cold Bay - The Commission approved a petition for the incorporation of Cold Bay as a city of the second class, pursuant to AS 29.18. Cold Bay voters subsequently approved the proposed incorporation. The City's boundaries encompass approximately 66 square miles.
- 5) City of Fairbanks - The Commission approved the annexation of approximately 12 acres requested by all of the property owners and residents involved, pursuant to AS 29.68.010(3).
- 6) City of Alakanuk - The Commission approved the annexation of 28.8 square miles, contingent upon voter approval pursuant to AS 29.68.010(1). The voters subsequently approved the measure.
- 7) City of Houston - The Commission approved the annexation of 0.25 square miles, contingent upon voter approval pursuant to AS 29.68.010(1). The voters subsequently approved the measure.
- 8) City of Palmer - The Commission approved three separate petitions for the annexation of territory requested by all of the property owners and residents involved, pursuant to AS 29.68.010(3).
- 9) City of Grayling - The Commission approved a correction to the community's boundary description.

10) City of Tuluksak - The Commission approved a correction to the community's boundary description.

11) City of Kodiak - The Commission approved two separate petitions for the annexation of territory requested by all of the property owners and residents involved, pursuant to AS 29.68.010(3).

The action of the Local Boundary Commission regarding the foregoing items one, two and three require review by the Legislature. A formal recommendation for each of these three actions begins on page 3 of this report. Article X, Section 12 of the Alaska Constitution and AS 29.68.010 provide that boundary changes recommended in this report 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.

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER ONE TO THE
SECOND SESSION OF THE
TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION
OF TERRITORY TO THE CITY OF NOME

WHEREAS, the first Session of the Twelfth Legislature adopted Legislative Resolve Number 15 calling for a study of the jurisdictional needs of the City of Nome; and

WHEREAS, said study was been completed by an independent consultant whose recommendations were presented to the Department of Community and Regional Affairs in September, 1981; and

WHEREAS, on November 5, 1981 the City of Nome submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, which requested the annexation of approximately 17.56 square miles; and

WHEREAS, on November 9, 1981 the Department determined the petition to be acceptable as to form and content; and

WHEREAS, the Department caused to be published, public notice of filing of the petition for annexation; and

WHEREAS, on December 7, 1981 the Commission held a public hearing in Nome, with prescribed notice, on the petition for annexation; and

WHEREAS, on December 8, 1981 the Commission rendered its decision on the petition for annexation;

THEREFORE, based upon the extensive briefing of the petitioner, the independent consultant's report of the jurisdictional needs of the City of Nome, the investigation and report of the petition by the Department, and the information obtained from the Nome public hearing, the Commission made the following findings of fact and entered its decision pursuant thereto:

The territory proposed for annexation by the City of Nome conforms to the consultant's report, with two exceptions. The tidelands and submerged lands out to the 50 foot contour were included by the City in anticipation of the development of a port facility. Secondly, the consultant's recommended boundaries had excluded a small portion of the current City boundaries.

The following described territory, shown on the map labeled "Exhibit A" warrants annexation to the present corporate territory of the City of Nome for the following reasons:

1. The territory is urban in character. Currently, there are 206 residents within the territory recommended for annexation.

Virtually all of this population stems from actual growth of the City of Nome beyond its legal boundaries, to the extent that approximately 6.7 percent of the greater-Nome population is now found in the territory. Icy View, a large subdivision, is located in the territory. Virtually all of the land is in private ownership. Much of the territory has been mined by dredging and is among the most readily developable property in the area due to its gravel base and melted permafrost. Some of the land in private ownership has been held for sale in the past.

2. The territory is in need of municipal services which the City of Nome can provide most efficiently. There is no other municipality in the vicinity. The City of Nome is providing many municipal services to the territory at the present time, and the City is capable of, and willing to extend additional services to the territory. The municipal services necessary to the territory include fire protection, law enforcement, education, street maintenance, solid waste disposal, water, electricity, health and construction regulation, animal control and planning.
3. The history of Nome and the present trend indicate that future growth and development of the community will likely occur within the territory. Potential development of remaining lots within the existing boundaries of the City of Nome is hampered by extensive wetland problems, substantial private holdings not held for sale

during the past decades, and the availability of more attractive lots for development on melted permafrost at such locations as Icy View Subdivision. Annexation of the territory will enable the City of Nome to plan for and control that development which has occurred, and which will continue to occur within the territory.

4. The health and safety of City residents presently is endangered by existing problems in the territory relating to animal control, flood control, fire protection, law enforcement and solid waste disposal. Annexation will alleviate these conditions by expanding enforcement jurisdiction, enabling planning and regulation and producing the tax base necessary for extending services to the territory.
5. The formal extension of police, fire protection, health, education and planning services to the territory is necessary to enable the City of Nome to provide adequate services to City residents. It is economically impractical and illegal for the City of Nome to extend these services unless the territory is within the boundaries of the City.
6. Residents and owners of property in the territory receive the benefit of City services without commensurate property tax contributions. These services include education and schools, fire protection, port facilities, cemeteries, city street maintenance, museum, library and solid waste disposal. Differential pricing of water and electrical

utilities, where in effect, does not contribute to the bonding base necessary to replace or upgrade aging capital facilities. No alternative method for offsetting the costs of providing services has been found satisfactory to the Commission. Therefore, differential tax zones are not appropriate.

7. The annexation is otherwise necessary to accomplish the valid public purpose of enfranchising the residents of the territory who are receiving substantial services without the opportunity to formally participate in the government. Annexation of the territory is also necessary to accomplish the valid public purpose of unifying the educational jurisdiction of the public school system. More generally, annexation is necessary to accomplish the public purpose of promoting a sense of community in the entire Nome area.

THEREFORE, the Commission hereby recommends to the Second Session of the Twelfth Legislature of the State of Alaska, annexation of the following described territory to the City of Nome:

Beginning at the common corner of protracted Section 2, 3, 10, and 11, T11S, R34W, Kateel River Meridian (K.R.M.); thence South 2.5 miles to the common quarter-corner of protracted Sections 22 and 23, T11S, R34W, K.R.M.; thence West 2 miles to the common quarter-corner of protracted Sections 20 and 21, T11S, R34W, K.R.M.; thence South to the mean high tideline of the Bering Sea; thence leaving the shoreline on a mean true bearing South 15° 36' 25.03" West for a distance of 8,066.73 feet to a point on the Bering Sea Latitude 64° 29' 05.2499" North,

Longitude 165° 30' 49.8598" West; thence South 74° 23' 10" East for a distance of 27,373.47 feet to a point on the Bering Sea Latitude 64° 27' 52.7364" North, Longitude 165° 20' 48.4693" West; thence in a northeasterly direction approximately 8,825 feet to the intersection point of an extension of the eastern right-of-way limit of the Beam Road and the mean high tideline of the Bering Sea; thence northeasterly along said extension of the eastern right-of-way limit of the Beam Road to the point of intersection of the eastern right-of-way limit of the Beam Road and the northern right-of-way limit of the Nome Council Road; thence northeasterly along the eastern right-of-way limit of the Beam Road to the point of intersection with the northernmost east-west sixteenth line of protracted Section 32, T11S, R33W, K.R.M.; thence West to the point of intersection with the monumented eastern corporate boundary of the City of Nome lying at Longitude 165° 20' 39" West; thence North along said monumented eastern corporate boundary of the City of Nome to the monumented northeastern corner of the corporate boundary of the City of Nome lying at Latitude 64° 31' 01" North, Longitude 165° 20' 39" West; thence West along the monumented northern corporate boundary of the City of Nome to a point of intersection with the West 16th line of protracted Section 19, T11S, R33W, K.R.M.; thence North to the northernmost point of intersection with Mineral Survey No. 1177, thence continuing along the boundary of Mineral Survey No. 1177 in a westerly direction to the first point of intersection with the boundary of Mineral Survey No. 1228, thence westerly along the boundary of Mineral Survey No. 1228 to the point of intersection with the East 16th line of protracted Section 12, T11S, R34W, K.R.M., thence North along the East 16th line of protracted Section 12, T11S, R34W, K.R.M. to the northernmost point on the East 16th line of protracted Section 12, T11S, R34W, thence West to the common corner of protracted Sections 11, 12, 1 and 2, T11S, R34W, K.R.M.; thence North 1/4 mile to the common 16th corner of protracted Sections 1 and 2, T11S, R34W, K.R.M.; thence West 1 mile to the common 16th corner of protracted Sections 2 and 3, T11S, R34W, K.R.M.; thence South, 0.25 miles to the common corner of protracted Sections 2, 3, 10 and 11, T11S, R34W, K.R.M., the true point of beginning.

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER TWO TO THE
SECOND SESSION OF THE
TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION OF
TERRITORY TO THE KODIAK ISLAND BOROUGH

WHEREAS, on November 17, 1981 the Kodiak Island Borough submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, which requested the annexation of approximately 54.93 square miles; and

WHEREAS, on November 19, 1981 the Department determined the petition to be acceptable as to form and content; and

WHEREAS, the Department caused to be published, proper notice of filing of the petition for annexation; and

WHEREAS, on December 13, 1981 the Commission held a public hearing in Kodiak, with prescribed notice, on the petition for annexation; and

WHEREAS, on December 17, 1981 the Commission rendered its decision on the petition for annexation;

THEREFORE, based upon the extensive briefing of the petitioner, the investigation and report of the petition by the Department, and the information obtained from the Kodiak public hearing, the Commission made the following findings of fact and entered its decision pursuant thereto:

The Kodiak Island Borough petitioned to annex the United States Coast Guard Reservation (formerly the Kodiak Naval Station) which was excluded from the territory originally incorporated as the Kodiak Island Borough. "Exhibit B" provides a map of the territory recommended for annexation. The subject territory is recommended for annexation for the following reasons:

1. The United States Coast Guard Reservation is entirely surrounded by, but is excluded from the Kodiak Island Borough.
2. Residents and leaseholders of property on the United States Coast Guard Reservation receive the benefit of organized borough services without commensurate property tax contributions. There are twenty-nine leaseholders on the State airport portion of the

Coast Guard Reservation which are currently enjoying property tax exempt status.

3. The residents of the Coast Guard Reservation constitute over twenty-five percent of the population of Kodiak Island. The residents of this territory are directly affected by actions of the Borough government, which includes the Borough school system. However, since these residents of the Island live outside of the jurisdiction of the Borough, they are denied the opportunity to vote in local elections. Annexation of the territory would enfranchise those residents.

THEREFORE, the Commission hereby recommends to the Second Session of the Twelfth Legislature of the State of Alaska, annexation of the following described territory to the Kodiak Island Borough:

All of the United States Coast Guard Reservation (formerly the Kodiak Naval Station) included in the Kodiak Island Borough Certificate of Incorporation dated July 18, 1968, and more specifically described as follows:

All of the United States Coast Guard Reservation located within and adjacent to United States Survey 2539 and including United States Surveys 1464 and 1673.

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER THREE TO THE
SECOND SESSION OF THE
TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION
OF TERRITORY TO THE CITY OF KODIAK

WHEREAS, on November 16, 1981 the City of Kodiak submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, which requested the annexation of approximately 1.42 square miles; and

WHEREAS, on November 19, 1981 the Department determined the petition to be acceptable as to form and content; and

WHEREAS, the Department caused to be published, proper notice of filing of the petition for annexation; and

WHEREAS, on December 13, 1981 the Commission held a public hearing in Kodiak, with prescribed notice, on the petition for annexation; and

WHEREAS, on December 17, 1981 the Commission rendered its decision on the petition for annexation;

THEREFORE, based upon the extensive briefing of the petitioner, the investigation and report of the petition by the Department, and the information obtained from the Kodiak public hearing, the Commission made the following findings of fact and entered its decision pursuant thereto:

Near, Gull and Uski Islands are already a part of the City of Kodiak. These islands were annexed in 1960 by Local Boundary Commission action. However, the Commission, in submitting its recommendation to the Legislature, only referenced the islands by name; the subsequent "Certification of Boundaries for the City of Kodiak" made no reference to the submerged lands surrounding the islands. This recommended annexation would clearly establish the City's jurisdiction throughout the subject submerged lands. "Exhibit C" provides a map of the area recommended for annexation. The subject boundary change is recommended for the following reasons:

1. The territory is urban in character. The area will soon be the location of a major port and harbor facility. The area recommended for annexation should be controlled by the City to allow for comprehensive

planning and management of the port facility.

2. There is a likelihood that future growth and development of the City of Kodiak will occur within the territory proposed for annexation. In addition to the development of the port facility, a bridge is planned to connect Near Island with the community of Kodiak.

THEREFORE, the Commission hereby recommends to the Second Session of the Twelfth Legislature of the State of Alaska, annexation of the following territory to the City of Kodiak:

Beginning at M.C. 6, U.S. Survey No. 2873, identical to M.C. 1, U.S. Survey No. 3066; thence S 32°24' E, 1,162.00 feet along the easterly boundary of ATS 49 to the intersection point with the Direct^rs Line in the middle of Koud^r Channel, said point being the TRUE POINT OF BEGINNING; thence,

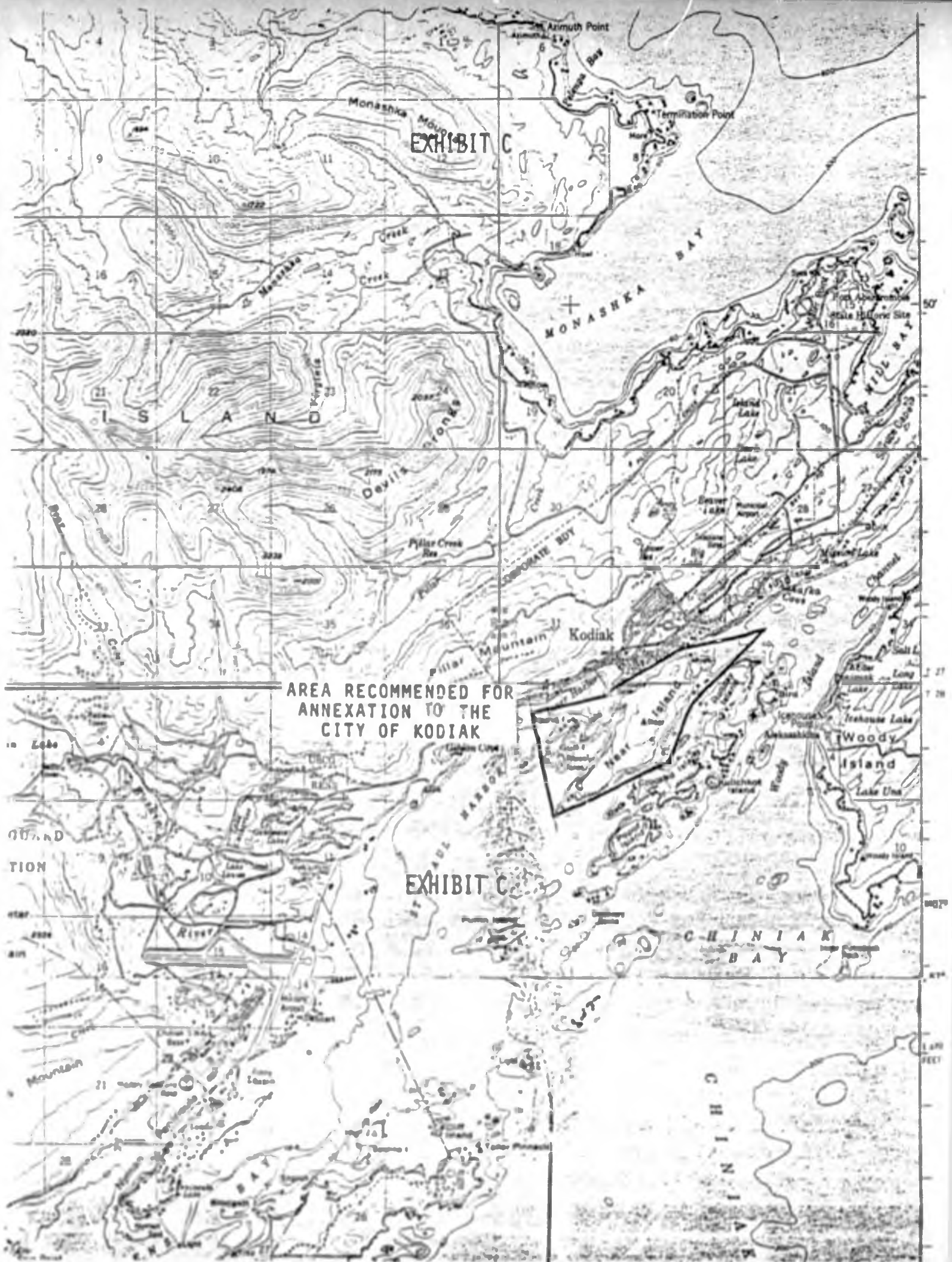
- (1) S 42°22'00" W, 5,200.00 feet; thence,
- (2) S 0°50'00" E, 1,644.70 feet; thence,
- (3) S 58°06'00" W, 7,479.21 feet; thence,
- (4) N 34°55'37" W, 4,891.19 feet to intersect with the U.S. Coast Guard Boundary, identical with the southerlymost corner of the territory described in City of Kodiak Ordinance No. 493. Thence along the boundaries described in City of Kodiak Ordinance No. 493, the following courses.
 - (5) N 63°21'52" E, 1,644.99 feet, thence,
 - (6) N 15°34'00" W, 1,090.00 feet to intersect with the original meander line of U.S. Survey 2537 B (Kodiak Townsite Survey), thence,
 - (7) N 78°45'00" E, 227.62 feet along said meander line to the Northwest corner of ATS 49; thence the following courses along the boundary of ATS 49.
 - (8) S 15°34'00" E, 1,290.00 feet;

- (9) N 71°22'00" E, 3,710.00 feet;
- (10) N 57°13'00" E, 3,600.00 feet;
- (11) N 60°33'30" E, 4,663.50 feet to the point of beginning.

EXHIBIT C

AREA RECOMMENDED FOR
ANNEXATION TO THE
CITY OF KODIAK

EXHIBIT C



NOME
ANNEX-
ATION

STATE OF ALASKA

C+RA

JAY S. HAMMOND, Governor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811

January 21, 1981

The Honorable Speaker
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Speaker of the House:

Attached hereto is the Report to the First Session of the Twelfth Legislature by the Local Boundary Commission. The report contains recommendations for changes to the boundaries of three municipalities which, pursuant to Article X, Section 12 of the State Constitution and AS 29.68.010, are to be presented to the Legislature. These recommended boundary changes 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.

Sincerely,

Lee McAnerney
Lee McAnerney
Commissioner

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

REPORT TO THE FIRST SESSION OF
THE TWELFTH LEGISLATURE

JANUARY 21, 1981

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SUMMARY OF ACTIVITIES OF THE LOCAL BOUNDARY COMMISSION
DURING THE CALENDAR YEAR 1980

During the past year, the Local Boundary Commission dealt with petitions concerning the following matters:

1. Detachment of the approximate 3,125 square mile Salcha Voting Precinct from the Fairbanks North Star Borough.
- ✓2. Annexation of approximately 0.05 square miles to the City of St. Mary's.
- ✓3. Annexation of approximately 4.20 square miles to the City of King Cove.
- ✓4. Annexation of approximately 235.65 square miles to the City of Nome.
5. Incorporation of the City of Iri Valley as a city of the second class, comprising an area of approximately 0.99 square miles.
6. Annexation of approximately 20.50 square miles to the City of Emmonak.

The action of the Local Boundary Commission with regard to items two, three and four above, requires review by the Legislature. A boundary change recommendation and individual summary of the activities associated with each of these three petitions begins on page 8 of this report. Article X, Section 12 of the State Constitution and AS 29.68.010 provide that

boundary changes recommended in this report 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.

A synopsis of the activities associated with the three petitions which do not require Legislative review follows immediately:

PROPOSED DETACHMENT OF THE SALCHA VOTING PRECINCT FROM THE FAIRBANKS NORTH STAR BOROUGH - On December 12, 1979 the petition for detachment, signed by 154 qualified individuals, was submitted to the Department of Community and Regional Affairs. Eight days later, the Department determined the petition to be acceptable in form and content.

At the time the petition was submitted, no standards had been established to judge a borough detachment proposal. Such standards were subsequently developed and were approved by the Local Boundary Commission on August 18, 1980. The Commissioner of the Department of Community and Regional Affairs adopted the standards as regulations on September 2, 1980. These standards, along with subst tial

revisions to other regulations concerning Commission matters, were then submitted to the Department of Law for review and approval required by AS 44.62.060. At this date, the regulations are still under review by the Department of Law. Notwithstanding, the standards established to that degree were used to reach a decision in the Salcha matter.

On September 26, 1980 the Local Boundary Commission held, with prescribed notice, a public hearing on this matter in the Salcha Elementary School. After supplemental information was obtained, the Commission held a meeting on October 27, 1980 in the Fairbanks North Star Borough Assembly Chambers, at which time it decided to reject the petition.

While the Commission was sympathetic to certain concerns expressed by the petitioners, it was determined that the proposed action failed to meet the standards for detachment. Particularly significant in this matter was the fact that a small group of people (seven-tenths of 1% of the population of the Borough) attempted to detach a large area (40% of the Borough). In addition, the detachment would have had severe adverse financial consequences for the Borough through detachment of nearly 20% of its taxable property.

Beyond rejecting the detachment petition, in an effort to deal with the heart of this matter, the Commission has requested that the Borough develop and implement a plan to address the concerns of the Salcha area residents.

Specific suggestions made by the Commission in this regard include review of existing property taxing practices and improvement of communication with, and representation of, the outlying areas of the Borough.

Since no boundary change was recommended by the Commission in this instance, Legislative review is not necessary.

PROPOSED INCORPORATION OF THE CITY OF TRI VALLEY - On March 16, 1980 the incorporation petition for this community, near Healy, was submitted containing the signatures of 29 qualified individuals. On July 22, 1980, the Department of Community and Regional Affairs determined the petition to be acceptable in form and content. On August 19, 1980 the Department held, with prescribed notice, the public informational meeting at the Tri Valley School as required by AS 29.18.070. On September 27, 1980 the five members of the Commission conducted a physical inspection of the territory proposed for incorporation and held a public hearing on the matter, with prescribed notice, in the Tri Valley School. Immediately following the public hearing,

the Commission rendered its decision to reject the petition for incorporation.

The petition was rejected as the Commission determined that the proposal failed to meet the necessary standards prescribed in AS 29.13.011. Specifically, the boundaries proposed did not include all areas necessary to provide municipal services on an efficient scale. Further, the economy of the community did not include the human and financial resources necessary to provide local services

Legislative review is not necessary in matters of incorporation.

ANNEXATION OF APPROXIMATELY 20.50 SQUARE MILES TO THE CITY OF EMMONAK - On August 16, 1980, the City of Emmonak submitted its petition for annexation by election of residents of the territory. The petition was determined to be acceptable in form and content by the Department of Community and Regional Affairs on September 18, 1980.

On October 20, 1980 the Commission conducted a review limited to a determination that the annexation would not be inimical to the interests of the State or any municipality, and that the area of territory proposed for annexation is

not so disproportionate to the population as to warrant adjustment of the proposed boundaries or rejection of the petition.

On October 27, 1980 the Commission approved the petition.
In late December the annexation proposal was put before the voters, but was rejected.

Even if the voters had approved the annexation measure, Legislative review is not required for this type of annexation.

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER ONE TO THE FIRST
SESSION OF THE TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION OF TERRITORY
TO THE CITY OF ST. MARY'S

WHEREAS, on August 9, 1979, the City of St. Mary's submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") pursuant to the provisions of 19 AAC 15.010 - .130 requesting the annexation of Lots 1A and 1B of Block 1 in Tract A and all of Tract B, USS #5507, Andreafsky Townsite; and

WHEREAS, on October 4, 1979, the Department determined the petition to be acceptable in form and content; and

WHEREAS, for compelling reasons, the Commission elected to exercise its authority under the provisions of 19 AAC 15.070(e) to treat the petition as a legislative review annexation proposal; and

WHEREAS the Commission conducted a physical inspection of the territory proposed for annexation and held a public hearing on the matter, with prescribed notice, in the St. Mary's City Council Chambers on November 15, 1979; and

WHEREAS a majority of the testimony presented at the hearing as well as written materials received subsequent to the hearing, including materials from representatives of the City of St. Mary's and the Andreafsky Townsite Council, indicated that the interests of the State, the City of St. Mary's and the Andreafsky Townsite would best be served through annexation of the entire Andreafsky Townsite; and

WHEREAS the Commission held, with prescribed notice, a meeting to render a decision on the petition for annexation February 29, 1980;

NOW, THEREFORE, based upon the petition of the City of St. Mary's, the investigation and report of the Department, the physical inspection of the territory by the Commission, and the information obtained from the public hearing, the Commission recommends that the following described territory be annexed to the City of St. Mary's:

Beginning at a point which is Corner No. 2 of U.S. Survey No. 2984 in Section 27, T23N, R76W, Seward Meridian, proceed on a bearing approximately N 110° W a distance of 5,800 feet more or less to the NW Corner of N.A. No. FO31704, thence N 180° W along the west boundary of N.A. No. FO31704 and beyond to the north bank of the Andreafsky River a distance of 4,250 feet more or less, thence north and east along the Meander of the north bank of the Andreafsky River to the Meander Corner, Corner No. 1 of U.S. Survey No. 2984 a distance of 7,600 feet more or less, thence N 21° 27' W along the west boundary of U.S. Survey No. 2984 to the point beginning a distance of 2,700 feet, more or less and containing 374 acres, more or less, situated in the Second Judicial District, State of Alaska.

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER TWO TO THE FIRST
SESSION OF THE TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION OF TERRITORY
TO THE CITY OF KING COVE

WHEREAS, on August 21, 1980, the City of King Cove submitted a petition for legislative review to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, requesting the annexation of approximately 4.2 square miles of territory; and

WHEREAS, on September 8, 1980, the Department determined the petition to be acceptable in form and content; and

WHEREAS, on September 28, 1980 the Commission conducted a physical inspection of the territory proposed for annexation and held a public hearing on the matter, with prescribed notice, in the King Cove School Library; and

WHEREAS, on October 27, 1980 the Commission held, with prescribed notice, a meeting to render a decision on the petition for annexation;

NOW, THEREFORE, based upon the City of King Cove's petition, the investigation and the report of the Department the physical inspection of the territory by three members of the Commission, and the information obtained from the public hearing, the Commission recommends that the following described territory be annexed to the City of King Cove:

Beginning at the protracted NW corner of the SE 1/4 of Section 16, T59S, R86W, Seward Meridian; thence east to the line of mean high water of King Cove Lagoon; thence meandering northeasterly along the line of mean high water of King Cove Lagoon to the point of intersection with the west boundary of Section 11, T59S, R86W, S.M.; thence north to the protracted NW corner of Section 11, T59S, R86W, S.M.; thence east to the protracted NE corner of Section 11, T59S, R86W, S.M.; thence south to the protracted SE corner of Section 26, T59S, R86W, S.M.; thence west to the protracted SW corner of the SE 1/4 of Section 26, T59S, R86W, S.M.; thence north to the line of mean high water of King Cove; thence meandering northeasterly along the line of mean high water of King Cove to the point of intersection with the north boundary of Section 28, T59S, R86W, S.M.; thence west to the protracted SW corner of the SE 1/4 of Section 21, T59S, R86W, S.M.; thence north to the protracted NW corner of the SE 1/4 of Section 16, T59S, R86W S.M., the point of beginning; excepting those lands identified as Bureau of Land Management Serial no. AA 2612, an Indian Allotment Application, lying within protracted Sections 15 and 16, T59S, R86W, S.M.; and excepting the area now comprising the City of King Cove, which is described as follows: The area bounded by the King Cove's shoreline and latitude 55° 03' 06" north to the south; by the King Cove Lagoon shoreline and latitude 55° 04' 06" north to the north; by longitude 162° 19' 48" west to the west; and by longitude 162° 16' 06" west to the east, and commonly known as the King Cove Village Site; containing 6.5 square miles, more or less, situated in the Third Judicial District, State of Alaska.

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER THREE TO THE FIRST
SESSION OF THE TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION OF TERRITORY
TO THE CITY OF NOME

WHEREAS, on July 14, 1980 the City of Nome submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, requesting the annexation of approximately 235.65 square miles; and

WHEREAS, on July 25, 1980 the Department determined the petition to be acceptable in form and content; and

WHEREAS, on November 21, 1980 the Commission conducted a physical inspection of the area proposed for annexation and held a public hearing on the matter, with prescribed notice, in the Nome City Council Chambers; and

WHEREAS, on December 11, 1980 the Commission held, with prescribed notice, a meeting to render a decision on the petition for annexation;

NOW, THEREFORE, based upon the extensive briefings of the Petitioner and the Respondents, the investigation and the report as amended by the Department, the physical inspection of the territory by two members of the Commission, and the information obtained from the public hearing, the Commission recommends that the following described territory be annexed to the City of Nome:

Beginning at the protracted NW corner of Section 11, T11S, R34W, Kateel River Meridian; thence east to the protracted NE corner of Section 7, T11S, R33W, K.R.M.; thence south to the protracted SE corner of Section 31, T11S, R33W, K.R.M.; thence continuing south along the same line to a point 4,000 feet seaward of the mean high tide line of Norton Sound; thence meandering northwesterly along a line 4,000 feet seaward of and paralleling the mean high tide line of Norton Sound to a point due south of the protracted SW corner of the SE 1/4 of the SE 1/4 of Section 26, T11S, R34W, K.R.M.; thence north to the protracted NW corner of the NE 1/4 of the NE 1/4 of Section 21, T11S, R34W, K.R.M.; thence east to the protracted SE corner of Section 15, T11S, R34W, K.R.M.; thence north to the protracted NW corner of Section 11, T11S, R34W, K.R.M., the point of beginning; excepting the area now comprising the City of Nome; containing 17.83 square miles, more or less, situated in the Second Judicial District, State of Alaska.

REPORT TO THE LOCAL BOUNDARY COMMISSION
ON THE CITY OF NOME'S PETITION TO ANNEX
TERRITORY TO THE CITY OF NOME

DEPARTMENT OF COMMUNITY
AND REGIONAL AFFAIRS

October 29, 1980

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I. INTRODUCTION

The City of Nome, a first class city within the unorganized borough, was incorporated in 1901. The original corporate boundaries of the City of Nome, which are identical to those of today, contain 525.45 acres (0.82 square miles).

In 1968, the City of Nome successfully petitioned the State of Alaska for the annexation of approximately 9,802 acres (15.32 square miles) of territory. However, the action was subsequently challenged by what is now the Alaska Gold Company, owner of an estimated 75 percent of the territory affected. In 1971, the annexation was invalidated by the Alaska Supreme Court on the basis that the Local Boundary Commission judged the matter in the absence of required standards.

II. PROCEEDINGS TO DATE

On August 28, 1978, the Council of the City of Nome adopted Ordinance Number 0-78-5-1 authorizing the current petition for annexation. Nearly two years later, on July 14, 1980, the City of Nome formally submitted its petition for the annexation of approximately 150,816 acres (235.65 square miles) of land contiguous to the existing municipal boundaries. The petition, however, requested the annexation of territory beyond that authorized in Ordinance Number 0-78-5-1 (Sections 17 and 22,

T12S, R32W, Kateel River Meridian). The Department has requested a resolution of the Council of the City of Nome affirming its current support of the annexation proposal and remedying the discrepancy of land proposed for annexation.

The petition was determined to be sufficient as to form and content and was accepted by the Department on July 25, 1980. The requirement that the petitioner give public notice of filing the petition was fulfilled through the publication of such notice on August 15, 1980 in the Bering Straights, a newspaper of general circulation in the Nome area. The Local Boundary Commission public hearing on the annexation proposal has been scheduled for November 21, 1980 at 7:30 p.m. in the City of Nome Council Chambers. Notice of the hearing is to be published three times in the Nome Nugget, a newspaper of general circulation in the Nome area. Staff from the Department visited Nome on October 13-14 to review the territory proposed for annexation and to discuss the matter with City officials and other interested parties.

III. STANDARDS FOR ANNEXATION

Section 10, Chapter 5, Title 19 of the Alaska Administrative Code contains the standards for annexation of contiguous territory to a city; these standards are presented on the following page:

- (1) all land to which the territory is contiguous is within the city's boundaries; or
- (2) all land in the territory is wholly owned by the city; or
- (3) the territory is urban in character. In determining whether territory is urban in character, the commission may consider, without limitation, whether the property is platted or held for sale for urban, residential or commercial purposes, 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, and whether the property is valuable primarily by reason of its suitability for prospective urban purposes; or
- (4) the territory is presently in need of a municipal service or services which the city can provide more efficiently than another municipality; or
- (5) there is a likelihood that future growth and development of the city will occur within the territory and annexation of the territory will enable the city to plan for and control that development; or
- (6) the health or safety of city residents is endangered by conditions existing or developing in the territory and annexation will enable the city to remove or alleviate those conditions; or
- (7) the extension into the territory of city water, sewer, street, or other facilities, or of city police, fire, health or other services is necessary to enable the city to provide adequate service to city residents; and it is impossible or impractical for the city to extend such facilities or services unless the territory is within the city's boundaries; or
- (8) residents of, or owners of property in, the territory receive or may be reasonably expected to receive the benefit of city services without commensurate tax contributions whether such services are rendered or received inside or outside the territory. In determining whether this standard is met, the commission will consider alternate methods available to the city for offsetting the cost of providing services to individuals or property beyond its property taxation powers; or
- (9) the annexation is otherwise necessary to accomplish a valid public purpose.

IV APPLICATION OF STANDARDS

The annexation proposal fails to meet the first standard, in that all of the territory proposed for annexation lies outside the City's boundaries.

A small portion of the territory proposed for annexation is owned by the City; therefore, to a limited degree the second standard is met. The City owns 13 acres at the Nome Lutz complex, the site for the City school, located some two and one-half miles north of the existing municipal boundaries. The City also owns approximately 12 acres of land at Moonlight Springs, the City's water supply, located three miles north of the existing municipal boundaries.

The petition correctly states that a part of the territory proposed for annexation is urban in character; therefore, a portion of the territory meets the third standard. In 1978, the City of Nome conducted a census which identified 252 individuals residing in the general area outside its municipal boundaries year-round. These individuals represent the equivalent of 8.7% of the population of the City of Nome. The statement in the petitioner's brief that most of these 252 individuals reside "in an area bounded by Sunset Creek and the Snake River on the west, Banner Peak and Anvil Mountain to the north and Cape Nome to the east", however, certainly warrants refinement. The foregoing area encompasses in excess of 100

Teller Road; the remaining two live 11 miles to the east of the City near Cape Nome. This outlying area also contains 40 or so cabins and camps which are used only on a seasonal basis for recreational and subsistence purposes. For the large part, these cabins and camps have been established for many years. It can be said these eight year-round residents do benefit from the city's education service; however, other City services are not generally available.

Nonresidents contribute to the City revenues to the extent that they purchase goods and services which are subject to the City's 3% sales tax. In addition to the sales tax, the City of Nome levies a 15 mill tax on taxable property within the City of Nome. The City's estimate of \$27,664,000 in taxable property within the territory proposed for annexation is considered by the petitioner to be conservative. Given the nature of land ownership and development within the territory proposed for annexation, the vast majority of the taxable property, like the population, lies close in to the City boundaries. The annexation of the populated territory would have the effect of increasing the assessed value of the City by approximately 60%. At the current mill rate, this would increase the City's annual revenues by nearly \$400,000; or viewed at the other end of the spectrum, given the current level of expenditure, would allow the mill rate to be reduced to approximately 9.4 mills.

It is apparent that the fifth standard, the need to plan and

control development, is the primary basis for the City's petition for an expansion of its boundaries substantially beyond the populated territory. The City proposes to push its boundaries 24 miles to the west, 12 miles to the east and as much as 11 miles to the north. The petitioner's brief cites the following as the basis for the need to extend planning to the area outside the existing municipal boundaries:

1. Likelihood of continued residential growth in the area beyond the current City boundaries.
2. Potential for offshore petroleum exploration and development.
3. Construction of a modern port facility to expand Nome's role as the regional shipping center.

The City's desire and the need to plan and regulate residential and commercial growth in the area immediately beyond the City is certainly legitimate. Most of the land contained in this area is privately owned, and given its proximity to Nome's infrastructure, will be the most readily developed area as future routine growth occurs.

The same does not hold true for the outlying areas. These areas are virtually unpopulated, have little access to the community's infrastructure and are generally of restricted ownership. Further, there is no evidence that significant

growth in the community is imminent. It is not yet known whether petroleum resources exist in the Norton Sound/Bering Sea area in quantities sufficient to allow feasible development. The first petroleum lease sale (OCS lease sale #57) will not take place for two years. If it occurs at all, OCS development which will have a significant impact on Nome is several years away. The Nome port facility is planned to be constructed near the Snake River at the west end of the existing corporate boundaries of the City of Nome. The total cost of the project (1980 dollars) is estimated to be \$26.2 million. Project funding is contingent upon Statewide voter approval of future State G.O. Bond issues. While the new port facility, if constructed, will greatly facilitate shipping (by eliminating the necessity to lighter materials ashore) its impact in terms of growth will not be significant in the foreseeable future.

The Sitnasuak Native Corporation, which has an interest in the greatest amount of land in the outlying area, is currently finalizing its plan for the use of such lands. The draft plan relates to virtually all of the planning issues affecting the outlying lands which are detailed in the petitioner's brief (i.e. recreational, subsistence, grazing and mining uses). If local government planning is warranted at all in the area beyond Nome's populated area, it is of a regional nature. Only the populated territory outside the boundaries of the City of Nome meets the fifth standard.

The sixth standard, that territory to be annexed to mitigate a threat to the health and safety of City residents, applies with respect to the need to control animals and to insure the protection of the City's water supply. Under the current circumstances it is difficult for the City to properly regulate and control animals that frequent the City but are owned by nonresidents. Also, the City's water supply at Moonlight Springs is exposed and virtually unprotected; it is legitimate that the City desires to extend its jurisdiction to include that area. However, with respect to the watershed above Moonlight Springs, the review of the territory by the Department staff showed no evidence of "construction and development on Anvil Mountain above Moonlight Springs (which) could pose a serious pollution problem to the water of the City of Nome" as stated in the petitioner's brief. Should this concern prove legitimate, the City need only to employ the provisions of AS 29.48.037 (b) which allows a municipality to protect a watershed located beyond its corporate boundaries.

Similarly, police and fire protection services to the City residents, as outlined in the Petitioner's brief, would be enhanced by the annexation of the populated territory; thus the populated territory meets the seventh standard.

The ninth and final standard, that annexation be carried out to accomplish a valid public purpose, is a catchall provision. It applies only indirectly in this instance. As stated in the petitioner's brief, those individuals who live outside the City

CORRECTION

CORRECTION

The sixth standard, that territory to be annexed to mitigate a threat to the health and safety of City residents, applies with respect to the need to control animals and to insure the protection of the City's water supply. Under the current circumstances it is difficult for the City to properly regulate and control animals that frequent the City but are owned by nonresidents. Also, the City's water supply at Moonlight Springs is exposed and virtually unprotected; it is legitimate that the City desires to extend its jurisdiction to include that area. However, with respect to the watershed above Moonlight Springs, the review of the territory by the Department staff showed no evidence of "construction and development on Anvil Mountain above Moonlight Springs (which) could pose a serious pollution problem to the water of the City of Nome" as stated in the petitioner's brief. Should this concern prove legitimate, the City need only to employ the provisions of AS 29.48.01 (b) which allows a municipality to protect a watershed located beyond its corporate boundaries.

Similarly, police and fire protection services to the City residents, as outlined in the Petitioner's brief, would be enhanced by the annexation of the populated territory; thus the populated territory meets the seventh standard.

The ninth and final standard, that annexation be carried out to accomplish a valid public purpose, is a catchall provision. It applies only indirectly in this instance. As stated in the petitioner's brief, those individuals who live outside the City

boundaries who have access to virtually all of the municipal services should have the right to participate in municipal affairs.

V. CONCLUSION AND RECOMMENDATION

As outlined in the preceding section, the populated and developed area outside the City boundaries meets virtually all of the standards for annexation. However, the territory beyond these lands meets virtually none of the necessary standards. Therefore, the Department recommends that the Local Boundary Commission reduce the boundaries of the territory proposed for annexation to the following:

Beginning at the protracted NW corner of Section 11, T11S, R34W, Kateel River Meridian; thence east to the protracted NE corner of the NW 1/4 of the NW 1/4 of Section 7, T11S, R33W, K.R.M.; thence south to the protracted SE corner of the SW 1/4 of the NW 1/4 of Section 31, T11S, R33W, K.R.M.; thence due south to a point 4,000 feet seaward of the mean high tide line of Norton Sound; thence meandering northwesterly along a line 4,000 feet seaward of and paralleling the mean high tide line of Norton Sound to a point due south of the protracted SW corner of the SE 1/4 of the SE 1/4 of Section 28, T11S, R34W, K.R.M.; thence north to the protracted NE corner of the SE 1/4 of the SE 1/4 of Section 21, T11S, R34W, K.R.M.; thence easterly to the protracted NE corner of the SE 1/4 of Section 22, T11S, R34W, K.R.M.; thence north to the protracted NW corner of Section 11, T11S, R34W, K.R.M., the point of beginning, containing 13.7 square miles, more or less; situated in the Second Judicial District, State of Alaska.