

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86/2

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ALASKA LOCAL BOUNDARY COMMISSION
225 Cordova, Building "B"
Anchorage, Alaska 99501

IN THE MATTER OF THE ANNEXATION)
BY THE CITY OF NOME, An Alaska)
Municipal Corporation.)
_____)

POST-HEARING BRIEF OF THE ALASKA GOLD COMPANY

INDEX

- A. Introduction
- B. Procedural
- C. Substantive
- D. Conclusion

A. INTRODUCTION

Pursuant to the Commission's instructions of November 21, 1980, the Alaska Gold Company submits this post-hearing brief for the Commission's consideration. Section B contains a review of the various procedural defects which have pervaded this annexation effort. Section C addresses those substantive matters mentioned by the city on November 21 in support of its petition, and considers briefly the city's motivations for making this effort. Respondents Brief is truly brief, since this Commission already has the significant facts before it.

B. PROCEDURAL

The petition was defective from the start. 19 A.A.C. 10.040(4) requires that there be appended to the petition "a certified copy of the resolution or ordinance authorizing the municipality to file the petition". The certified copy of the ordinance authorizing the petition actually appended to the petition failed to authorize the annexation of Township 12S, Range 32W, Sections 17 and 22, and Township 11S, Range 34W, Sections 1 through 30, 35, and

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1 36. On November 5, 1980, the Nome Council passed resolution
2 81-11-1 at the request of the Commission's staff in order to
3 remedy the ordinance's failure to authorize annexation of
4 Township 12S, Range 32W, Section 17 and 22. The staff
5 assistant on September 10, 1980, characterized this action
6 as "necessary". The city has never authorized the annexation
7 of Township 11S, Range 34W, Sections 1 through 30, 35, and
8 36. The significance of this failure cannot be belittled.
9 The referenced sections contain all of the territory contiguous
10 to the present City of Nome. Non-contiguous territory may
11 not be annexed except in certain narrow circumstances which
12 are not met here. 19 A.A.C. 05.010(b). Thus, at least two
13 of the requirements of the Commission's own regulations have
14 clearly not been met by the City of Nome. The Alaska Supreme
15 Court in United States Smelt., R. & M. Co. v. Local Bound.
16 Com'n., 489 P.2d 140 (Alas. 1971) found that AS 44.19.260(a)
17 required the development of standards and procedures by this
18 Commission. If the Commission may ignore those standards
19 and procedures, it is as if the Commission has no standards
20 and procedures.

21 Second, our fellow respondent, the Bering Straits
22 Native Corporation, correctly points out that the census
23 submitted with the petition entirely fails to meet the
24 requirements of 19 A.A.C. 10.040(2) (Br. at 12-15.) Population
25 growth is a significant factor in weighing the necessity for
26 an annexation, and only the fortuitous delay of these
27 proceedings until the preliminary 1980 census figures were
28 revealed prevented this Commission from being substantially
29 misled.

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1 Third, this respondent reiterates that the city
2 has completely ignored yet another of the Commission's
3 regulations, 19 A.A.C. 05.020. That provision states that:

4 No annexation will be approved unless the annexing
5 city demonstrates to the satisfaction of the
6 commission that it is capable of extending and
willing to extend services to the annexed area as
follows:

7 (1) . . . full municipal services shall be extended
8 to the annexed area immediately except where
impossible for want of necessary capital facilities.
9 Where full municipal services may not be provided
10 immediately, the annexing city shall satisfy the
commission that it will provide those services
within a reasonable time.

11 The City of Nome has given no consideration to what services
12 it will extend to which areas, and on what timetable. The
13 City Manager unveiled a three-tiered taxation proposal for
14 the first time before this Commission on November 21, 1980.
15 This proposal must be seen as a last minute, unofficial
16 reaction to criticisms leveled by this respondent and
17 others. Even if the City Manager's proposal were the
18 reasoned product of a properly convened City Council, it is
19 entirely insufficient to meet the requirements of law.
20 There has been no consideration given to what percentage of
21 the territory would fall into which category, what amount of
22 tax will be levied on each category, and what standards will
23 determine what territory fits in which category. And the
24 fact that a plot is deemed "developable", for instance,
25 promises no nexus between the level of services offered and
26 amount of tax levied. In short, the city has failed to
27 address another most significant regulatory standard.

28 Fourth, proceedings thus far are pervaded with the
29 aura, if not the reality, of ex parte contracts. Resolution
30 81-11-1, amending the ordinance authorizing annexation, was
31 passed, according to the minutes of the Nome Common Council's
32 special meeting of November 5, 1980, because "[t]he Local

1 Boundary Commission has requested that the Council pass a
2 resolution on the two parcels and reaffirming annexation".
3 Just days before the hearing of November 21, 1980, and
4 apparently at the request of someone outside the Department,
5 the Department of Community and Regional Affairs amended its
6 recommendation to include territory containing a restaurant
7 popularly known as the Roadhouse. Contacts between the city
8 and the Commission's staff on the day of the hearing apparently
9 led to a hastily called meeting wherein the Council purported
10 to reverse its reaffirmation of November 5 and endorse the
11 Department's recommendations. Since the Commission under-
12 standably relies to some significant extent on its support
13 staff, and undoubtedly gives the pronouncements of that
14 staff great weight, respondent's right to an "impartial
15 tribunal" appears to have been compromised to the extent
16 that the Commission's staff and the city have worked in
17 tandem on this matter. See K & L Distributor v. Murkowski,
18 486 P.2d 351, 357 (Alas. 1971); United States Smelt., R. &
19 M. Co. v. Local Bound. Com'n., 489 P.2d at 143.

20 A similar objection must be made regarding the
21 staff's recommendation itself. It is not obvious that the
22 Commission can act as an impartial tribunal when its staff
23 takes an independent position. Respondent recognizes that
24 19 A.A.C. 10.120 directs the Department to prepare a report
25 on "the" proposed boundary change, and states that the
26 report may contain "recommendations". This regulation
27 authorizes the Department only to address the boundary
28 change proposal, not to stake out and advocate an independent
29 position. If the regulation is not so interpreted, the
30 Commission's impartiality is threatened, for it must and
31 presumably does give great weight to positions advocated by
32 its own staff.

1 The Department of Community and Regional Affairs'
2 last minute inclusion of additional territory within its
3 recommendation was quite possibly prejudicial to the property
4 owners in the newly included area. Said property owners may
5 have thought themselves safe after determining that the
6 city's proposal had no chance of success and after finding
7 themselves outside the Department's original recommendation,
8 only to find after the hearing that their sanguineness was
9 not justified. Such lack of notice does not comport with
10 our notions of "due notice and opportunity to be heard".
11 See K & L Distributors v. Murkowski, supra; United States
12 Smelt., R. & M. Co. v. Local Bound. Com'n, supra.

13 The "work session" held by the Nome City Council
14 on November 21, 1980, constitutes a fertile ground for
15 objection.. Attorneys for this respondent called City Hall
16 on the morning of the 21st, specifically asked whether the
17 Council would be meeting during that day, and were informed
18 that the Council had no plans to meet that day. In fact,
19 the gathering which apparently took place was illegal. AS
20 29.23.210 requires 24 hours written or oral notice of a
21 special meeting except in an emergency. No such notice was
22 given, and this Commission's visit hardly constituted an
23 emergency. Therefore, the Council members had no authority
24 to accomplish anything at their gathering. A journal was
25 not kept of the proceedings, and there were no recorded roll
26 call votes. AS 29.23.210(b), (d). In short, the City
27 Council did not authorize an annexation along the lines of
28 that recommended by the Department of Community and Regional
29 Affairs. The city has authorized but one annexation petition -
30 the one filed with the Commission on July 14, 1980. That is
31 the only annexation petition before this Commission.

32 //

1 It is, of course, just as well that the city had
2 no power to and did not alter its petition at its "work
3 session" of November 21, 1980. If it had, the lack of time
4 provided the respondents and the public for reviewing and
5 preparing comments on the newly authorized annexation would
6 have constituted an obvious violation of the regulations,
7 the statute, and due process of law. Such a procedure is
8 anything but "consistent with a fair trial". See K & L
9 Distributors v. Murkowski, supra; United States Smelt., R. &
10 M. Co. v. Local Bound. Com'n, supra.

11 Lastly, respondent is constrained to reiterate
12 that this Commission is without authority to alter the
13 boundary change properly authorized by the City of Nome.
14 The Commission's authority stems in the first instance from
15 the Alaska Constitution, Article 10, Section 12. The
16 Constitution says, in pertinent part: "The Commission. . .
17 may consider any proposed local government boundary change".
18 In this case the change was proposed and authorized by the
19 City of Nome, though such proposals may also have their
20 genesis in the legislature or in the Department of Community
21 and Regional Affairs. AS 44.19.260(a)(3). The committee on
22 local government to the Alaska constitutional convention had
23 recommended that the Commission be allowed to make boundary
24 changes on its own motion, but that advice was rejected in
25 the final product. Alaska Constitution Convention, Commentary
26 on Proposed Article on Local Government, December 19, 1955
27 at 6. As this respondent noted in its Answering Brief, the
28 statute as well gives every indication that the Commission
29 must either accept or reject an annexation petition originating
30 with a municipal government. See AS 44.19.260(a)(3), AS
31 44.19.310, AS 44.19.330. The same is true of the pertinent
32 regulations. As an executive agency mandated by the Constitution

1 and created by statute, the Commission has only those powers
2 expressly granted it or necessarily implied. See Civil
3 Aeronautics Board v. Delta Air Lines, 367 U.S. 316, 322
4 (1961); Soriano v. United States, 494 F.2d 681, 683 (9th
5 Cir. 1974). It should be apparent, then, that the Commission
6 is not authorized to draw boundary lines. Respondents
7 submit that any action by this Commission amending the
8 city's petition would be ultra vires and void.

9 C. SUBSTANTIVE

10 Respondent listened carefully to the city's
11 presentation on November 21, hoping to get some inkling both
12 of the motivation behind this annexation attempt and of how
13 the city intended to justify this effort under the Commission's
14 criteria. More of the city's motivation in a moment.
15 Respondent was able to discern four arguments upon which the
16 city will apparently rely to qualify for annexation under 19
17 A.A.C. 05.010(a): (1) school needs; (2) lack of control over
18 city water; (3) desire to plan for future development; and
19 (4) fire protection in the territory. Respondent addressed
20 each of the four in its answering brief, and will elaborate
21 here.

22 Annexation is desirable, argues the city, because
23 the presence of territory students in Nome schools creates
24 administrative problems and leaves territory parents without
25 a sufficient voice in school affairs. It is this respondent's
26 contention that the bulk of existing administrative problems
27 are caused not by the existence of territory students in
28 Nome schools per se, but rather because of personality
29 conflicts and political intrigue between certain of the city
30 fathers and the Bering Straits School District. The situation
31 reflects a power struggle between the city and the spectre
32 of a borough form of government, if you will. The city's

1 concern for territorial parents is also an appealing one in
2 the abstract, but the Commission will have noted that
3 territorial residents unanimously expressed themselves as
4 opposed to annexation on November 21, 1980. The city's
5 concern for the territorial parents' ability to express
6 themselves is apparently not shared by the territorial
7 parents.

8 Little more need be said about the city's concern
9 for its water resource at Moonlight Springs or elsewhere.
10 The city has ample legal authority to annex the Springs, and
11 ample legal authority to do what it will with any watershed
12 beyond its boundaries. It need not annex 235 square miles
13 of tundra in order to protect its water.

14 The city also reiterates its desire to plan for
15 future development. Respondent need only observe once again
16 that future development is entirely speculative, that present
17 indications are that Nome's population is static, and that
18 Nome has shown no ability to plan for its present 525 acres.
19 Enviromental Services, Ltd., an Anchorage concern, is
20 currently in the preliminary stages of preparing compre-
21 hensive plans for both the City of Nome and the surrounding
22 area under joint federal, state and local auspices. Given
23 Nome's past planning record, this joint effort promises to
24 achieve a result by mid-1981 superior to anything the city
25 could achieve for years to come.

26 If the city's statements at the public hearing are
27 an accurate guide, the Fire Department's service to the
28 territory is the city's most compelling reason for seeking
29 this annexation. The department is, of course, an all
30 volunteer force. However, the city will contribute \$61,227.00
31 to the department for such things as training, machinery,
32 equipment and maintenance in 1980-81. The territory's

1 proportionate share of this sum, after per capita state
2 contributions, would be approximately \$1,750.00. (Answering
3 Brief of Alaska Gold Company at 12-13.) Annexation of 235
4 square miles is a rather dramatic way of raising \$1,750.00.
5 A membership or voluntary contribution program seems more
6 sensible. And respondent doubts that territory residents
7 should have to pay a strict per capita share, since response
8 times to a territory fire would almost always be greater
9 than to a city fire, and since the department simply could
10 not serve the more isolated territory residents in timely
11 fashion.

12 The city's representatives were particularly
13 impressed with the fact that as recently as November 5,
14 1980, the Fire Department was asked to and did respond to a
15 fire at the Alaska Gold Company's dredge number five. To
16 date, at least, cooperation between the city and the Gold
17 Company has been reciprocal. In the last decade, in excess
18 of 50 acres of Gold Company land within the Nome city limits
19 has been sold or conveyed to the city at its request. The
20 Gold Company donated to the city the 43 acres of thawed
21 ground which now features the Nome-Beltz School.

22 Although the city has not been able to justify its
23 annexation attempt under the administrative criteria con-
24 tained in Title 19 of the Alaska Administrative Code, it
25 does of course have its reasons for wishing to absorb the
26 southwestern portion of the Seward Peninsula. Some of these
27 reasons were evident at the November 21 hearing. There was
28 some evidence of the civic inferiority complex - i.e., a
29 city of 525 acres is just not big enough when compared to
30 its Alaskan brethren. But there is a good and historic
31 reason for Nome's size - the surrounding land was and is
32 more valuable for mining than for residential development.

1 Upwards of 20,000 people were once accomodated in the
2 present Nome city limits.

3 There appears also to be a notion that the Alaska
4 Gold Company, and eventua'ly the native corporations, represent
5 a convenient source of tax revenues for services not rendered.
6 The shortsightedness of such an approach is obvious. Annex-
7 ation for taxation alone is also violation of the due process
8 and equal protection provisions of the Alaska Constitution.

9 A notion similar to the last is that the oil
10 companies will discover oil in the Bering Sea and be forced
11 to come ashore in the expanded City of Nome, thereby en-
12 riching the city forever after.

13 Finally, there is a fear in some political quarters
14 in Nome that the city will one day "be ruled from Teller".
15 This fear also helps explain the city's difficulties with
16 the Bering Straits School District, and the city's refusal
17 to participate in the Bering Straits Coastal Resource Service
18 Area Board. In this instance, the idea seems to be that an
19 enlarged City of Nome will help neutralize the possibility
20 of a borough form of government.

21 D. CONCLUSION

22 Respondent does not offer the above speculations
23 regarding the city's motivations as absolute truth. Rather,
24 they are offered because they may help explain an annexation
25 effort which is otherwise mysterious. It should be fairly
26 clear by now t'at Nome is not growing, has no concrete
27 prosp s for growth, has not to this day managed to serve
28 the urban core properly or even to plan for the development
29 of the city, and has given no thought whatever to what it
30 would do with the territory if it got it - beyond, of
31 course, taxing the Gold Company, and eventually, the native
32 corporations, and perchance, the oil companies. The

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Commission should emphatically reject this effort at empire building.

DATED this _____ day of December, 1980.

ROBERTSON, MONAGLE, EASTAUGH & BRADLEY

By _____
Carl Winner
Of Attorneys for Respondent
Alaska Gold Company

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Alaska State Legislature

House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

M E M O R A N D U M

TO: Jack Chenoweth

THRU: Billy G. Berrier, Director
Division of Legal Services

FROM: Rep. Jack Fuller
Sen. Frank Ferguson

DATE: February 13, 1981

The Local Boundary Commission has accepted and acted on a petition from the City of Nome for annexation of territory, and duly reported their action to this legislature.

The legislature has 45 days after presentation to determine whether the annexation should stand or be denied. There is a contention by some people that the Boundary Commission erred both procedurally and substantively in the action taken.

I would like to know if there is sufficient legal grounds for a lengthy and/or successful court challenge to the annexation. Would such a prospect regardless of the merits or desirability of the annexation substantially impact or delay projects that I'm trying to accomplish in that area?

I am enclosing background information on the proposed annexation; please return it to me. If you have questions or need for additional information do not hesitate to call me (465-3750).

There will be a Joint House and Senate Community and Regional Affairs Committee teleconference on the annexation Tuesday, February 17 at 3:00 p.m.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITAL
JUNEAU, ALASKA 99801
907 465 3600

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 13, 1981

SUBJECT: Annexation to the City of Nome (Local Boundary
Commission Recommendation No. 3 of the 1981
session)

TO: Representative John G. Fuller,
Senator Frank R. Ferguson

FROM: John B. Chenoweth
Legislative Counsel

Overnight, and for several hours this morning, I reviewed briefly the materials pertaining to the proposed Nome annexation which you provided with your inquiry, together with the complete file on the same subject prepared by the Department of Community and Regional Affairs for submission to the House and Senate Community and Regional Affairs Committees.

Without regard to the merits of the annexation, there appear to be, in the documents which are part of the annexation record supplemented by briefs subsequently submitted, sufficient grounds to sustain a court challenge to the annexation. These grounds generally relate to procedures which the City of Nome and the Local Boundary Commission may or may not have followed. Of particular relevance are claims that, under provisions of law formerly designated AS 44.19.260(a) (now AS 44.47.507(a)), the Local Boundary Commission had no authority to alter the boundary description of the area that was the subject of the annexation before accepting and acting on the petition, and questions concerning compliance by the petitioner and the Local Boundary Commission in submitting and accepting a petition and supporting documents containing all information required by the Commission's regulations as a requisite to action on the proposal. Beyond these alleged procedural irregularities, the attorneys for all parties contest whether the Local Boundary Commission properly

Representative John G. Fuller
Senator Frank R. Ferguson
Page 2
February 13, 1981

examined and interpreted evidence relating to substantive provisions of the proposed boundary change, and whether the Commission properly applied its own regulations to evaluate the evidence in the record that permitted acceptance and approval of the petition. I am not saying that those who challenge the annexation and the decision of the Local Boundary Commission will prevail, or even whether they should prevail. I am suggesting that there are certainly sufficient allegations on record and in subsequent briefs -- and certainly sufficient resources of the potential challengers -- to sustain litigation through the Alaska Supreme Court.

I am not familiar with particulars of projects which either of you is concerned with in the area proposed for annexation, and cannot suggest whether extended litigation arising out of this proposed annexation will adversely effect your plans or the execution of those projects.

JBC:ljb

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

Petition for annex-)
ation of territory)
to the City of Nome)

STATEMENT OF DECISION

WHEREAS, on July 14, 1980 the City of Nome submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Alaska 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 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 November 21, 1980 the Commission conducted a physical inspection of the area proposed for annexation and held a public hearing, with prescribed notice, on the petition for annexation; 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 makes the following findings of fact and enters its decision pursuant thereto:

Much of the area proposed for annexation by the City of Nome is uninhabited, unlikely to be developed in the foreseeable future, and does not otherwise satisfy the standards for annexation set forth in 19 AAC 05.010. However, the territory described on page six of this Statement of Decision, and outlined, approximately, in red on "Attachment A" to this Statement of Decision, warrants annexation to the present corporate boundaries of the City of Nome for the following reasons:

1. The territory is urban in character. Approximately 246 of the estimated 252 residents of the area proposed for annexation by the Petitioner reside in this territory. Virtually all of the population in the territory stems from actual growth of the City of

Nome beyond its legal boundaries, to the extent that approximately eight percent of the greater-Nome population is now found in the territory. Icy View, a large subdivision, is located in the territory. Most of the land is in private ownership. Much of the property has been mined by dredging, and is appropriately included with the territory to be annexed by reason of its suitability for prospective urban purposes due to the 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 region. The City of Nome is providing many services to the territory at the present time, and the City of Nome is capable of, and willing to extend additional services to the territory. The municipal services necessary to the territory include fire protection, law enforcement, schools and education, street maintenance and snow removal, solid waste disposal, water, electricity, animal control and health regulation.

3. The history of Nome and the present trend indicates 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 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 problems relating to animal control, flood control, fire protection, law enforcement, and solid waste disposal existing in the territory. Annexation will alleviate these conditions by expanding enforcement jurisdiction, enabling planning and regulation, and producing a 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 legally impossible and economically impractical for the City of Nome to extend these services effectively unless the territory is within the boundaries of the City.

6. Residents of, and owners of property in the territory receive the benefit of City services without commensurate tax contributions. These services include education and schools, fire protection 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 Department or this Commission.

7. The annexation is otherwise necessary to accomplish the valid public purpose of enfranchising the residents of the territory who are already receiving substantial services without participation in 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.

8. The Commission finds as further support for annexation of the territory described below, the statement of facts pertaining thereto by the Petitioner and the Department.

THEREFORE, the Commission hereby approves and will recommend to the First Session of the Twelfth Legislature of the State of Alaska, annexation of the following described territory 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 28, 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, excluding the existing boundaries of the City of Nome, containing 17.83 square miles, more or less, situated in the Second Judicial District, State of Alaska, as outlined, approximately, in red on "Attachment A" hereto.

Decided this 11th Day of December, 1980.

LOCAL BOUNDARY COMMISSION

By: Sheila Gallagher
Sheila Gallagher, Chairman

STATE OF ALASKA

THE LEGISLATURE

1979

Source

Legislative
Resolve No.

HCR 7 am

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Relating to an annexation of territory to the City of Kodiak.

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

WHEREAS the road system extending north and northeast of the present boundaries of the City of Kodiak to those areas popularly known as Spruce Caps, Island Lake, Mill Bay, and Monashka Bay defines a natural community of residents whose lives and activities generally involve interaction with residents of and services provided in the City of Kodiak; and

WHEREAS, after public hearings and a public decisional meeting, the Local Boundary Commission of the State of Alaska has recommended annexation of a major portion of the area described by the road network to the City of Kodiak; and

WHEREAS the Legislature, by its adoption of House Joint Resolution 10, has disapproved the annexation submitted by the Department of Community and Regional Affairs on behalf of the Local Boundary Commission; and

WHEREAS, after opportunity for public comment before legislative committees, it appears that an adequate municipal services draft annexation plan was not earlier available for public review; and

WHEREAS there is ample evidence in the record of hearings before the Local Boundary Commission and the legislative committees that growth and development are occurring in the area; and

WHEREAS population growth and development have in some areas created a situation which endangers the public health, and require that certain services be provided;

BE IT RESOLVED by the Alaska State Legislature that the Governor is respectfully requested to direct the commissioner

of the Department of Community and Regional Affairs immediately to

(1) work with the appropriate departments of the state government, the City of Kodiak and the Kodiak Island Borough to alleviate the public health problem in the areas of Island Lake, Dark Lake and their drainage;

(2) work with the City of Kodiak and the Kodiak Island Borough to examine alternatives, including their impact, which might be applicable to the provision of appropriate services to the area located generally north and northeast of the corporate limits of the City of Kodiak, including but not limited to

(A) step annexation, by which residents of the annexed area would pay a percentage of the full city property tax rate equal to the total percentage cost of all services provided;

(B) annexation, with an adequate draft municipal services plan which may include provision for differential tax zones;

(C) unification; and

(D) any other methods of providing services throughout the road system extending north and northeast of the City of Kodiak; and

(3) convene one or more public meetings with interested residents of the area for the purpose of ascertaining the nature and degree of essential services and to review information relating to costs and benefits of the various alternatives for delivering services; and be it

FURTHER RESOLVED that the commissioner of the Department of Community and Regional Affairs evaluate, after consultation with the City of Kodiak and the Kodiak Island Borough, the alternatives and recommend a plan of implementation; and be it

FURTHER RESOLVED that the commissioner transmit a report to the Second Session of the Eleventh Legislature not later than January 20, 1980.

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Relating to federal po

BE IT RESOLVED BY THE

WHEREAS the develop-
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"The Congress decl
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February 15, 1981

MEMORANDUM

TO: Representative Jack Fuller
FROM: Cheryl Frasca *CFRASCIA*
SUBJECT: Nome Annexation

The City of Nome originally petitioned to annex 235.65 square miles. The Department of Community and Regional Affairs, acting as staff to the Local Boundary Commission, reviewed the petition to determine which of the standards for annexation were met. Based on its evaluation, C&RA recommended annexation of 13.7 square miles. The reduction was because only the populated areas met virtually all standards. C&RA then amended its recommendation to 14.5 square miles so that the Roadhouse was included in the annexed territory. The Local Boundary Commission's recommendation to the legislature is for 17.83 square miles. The area was increased so that the boundaries could be drawn on existing section lines.

The commission held a public hearing in Nome on November 21, 1980. At a work session earlier that day, the city council informally supported C&RA's recommendation of 14.5 square miles. This caught a number of people who were prepared to testify off guard as they were prepared to testify on the original plan of over 235 square miles. Objections, however, ranged from concern that subsistence activities would be hampered to the fact that the city does not presently provide

adequate level of services to some areas within its present boundaries to concern for increased taxes.

The city, however, has proposed a differential taxation system with three categories: developed, undeveloped and developable land. Areas farther away from the city will be taxed at a lesser mill rate. (Concern for increased property taxes may be minimized with the movement toward full funding of municipal assistance and revenue sharing so as to virtually eliminate personal property taxes. With the increased population the city of Nome may also receive increased state and federal funds that are based on a per capita formula.)

A brief summary of testimony at the hearing also follows.

WHAT HAPPENED WHEN:

- August 28, 1978 city authorized annexation petition for 235.65 square miles
- July 25, 1980 the Department of Community and Regional Affairs accepted the petition
- October 29, 1980 C&RA issues its recommendations and report to the Local Boundary Commission
- November 5, 1980 the Nome City Council passes a resolution (at the request of C&RA staff) to authorize annexation of Township 12S, range 12W, section 17 and 22 which had been left out of original petition
- November 18, 1980 C&RA issues an addendum to its October

WHAT HAPPENED WHEN:

- August 28, 1978 city authorized annexation petition for 235.65 square miles.
- July 25, 1980 the Department of Community and Regional Affairs accepted the petition.
- October 29, 1980 C&RA issues its recommendations to the Local Boundary Commission reducing the amount of territory to 13.7 square miles from the 235.65 square miles originally petitioned for by the city.
- November 5, 1980 the Nome City Council passes a resolution (at the request of C&RA staff) to authorize annexation of Township 12S, range 32W, section 17 and 22 which had been omitted from original petition. The council also reaffirmed its original petition to annex 235.65 square miles.
- November 18, 1980 C&RA issues an addendum to its October 29, 1980 report changing the boundaries to include the Roadhouse, increasing the size of the annexed territory to 14.5 square miles.
- November 21, 1980 the Nome City Council held a work session at which it informally supported C&RA's annexation recommendation of 14.5 square miles.
- November 21, 1980 Local Boundary Commission conducts a public hearing in Nome.
- December 11, 1980 Local Boundary Commission takes official action adding some territory to square up boundaries along

Nome Annexation
What Happened When (continued)

section lines of C&RA proposal. Final plan of annexation adds 17.8 square miles to the City of Nome.

~~29th report changing the boundaries to include the
Roadhouse~~

- ~~• November 21, 1980 Local Boundary Commission conducts
public hearing in Nome~~

CHALLENGE BY ALASKA GOLD COMPANY

In the city's original petition, the Alaska Gold Company and Sitnasauk and King Island Village Corporations were the largest land owners (pending conveyance completion). Under the scaled down annexation plan, Alaska Gold Company is. Following the November public hearing, their attorneys issued a post-hearing brief stipulating the basis for challenging the Local Boundary Commission's report due to procedural violations. Jack Chenoweth reviewed the challenge as well as documents of the proceedings and finds that there are sufficient allegations made by Alaska Gold Company to sustain litigation through the Alaska Supreme Court.

The basis for the challenge is that the petition that was originally adopted by the city council failed to include by reference a section of land that was contiguous to the present city limits. After C&RA brought this to the city's attention, on November 5th, 1980, the city council passed a resolution including this area in the territory to be annexed as well as reaffirming the annexation petition. Alaska Gold Company contends that two violations occurred -- non-contiguous land can not be annexed so the original petition is in error and that

the city council failed to properly authorize the land to be annexed.

Alaska Gold Company also contends that the commission is without authority to alter boundary changes that were authorized by the city. The commission must either accept or reject an annexation petition -- it is not authorized to draw boundaries. As a result, actions amending the petition is beyond the commission's legal authority and void.

STANDARDS FOR ANNEXATION

Territory to be annexed must meet at least one or more of established standards. The following summarizes determinations and comments made by the Department of Community and Regional Affairs in its report to the Local Boundary Commission, the City of Nome, Alaska Gold Company and the Local Boundary Commission's final determination.

STANDARD #1: All land to which the territory is contiguous is within the city's boundaries

C&RA: This standard is not met as all territory is outside the city's boundary.

STANDARD #2: All land in the territory is wholly owned by the city

C&RA: This standard is met to a limited degree as a small portion of the land is owned by the city: 43 acres at the

Nome Beltz Complex and 12 acres at Moonlight Springs.

STANDARD #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.

NOME: The populated areas of the territory is the same density as that of Nome. The reasons for people living outside the present city limits is due to lack of suitable residential areas within the city's legal boundaries. The core of the territory is desirable because much of the permafrost has thawed so it is more suitable for construction.

C&RA: This standard is met as part of the proposed annexed territory is urban with 9.7% of Nome's population living in its boundaries (252 people). Of the 252, 96.8% (244) live within a six square mile area that is contiguous to the city.

COMMISSION: Agree that the populated areas of the territory are urban in character. Concurred with C&RA's determination.

STANDARD #4: The territory is presently in need of a municipal

service or services which the city can provide more efficiently than another municipality.

NOME: Nome Volunteer Fire Department provides the only fire fighting equipment for the annexed area. The city has the only rescue vehicle. Only four State Troopers are in the region and are often elsewhere. The city's police have assisted in the territory but have no legal jurisdiction. The city is presently capable of providing fire and police protection and the city has the only schools. The city presently pipes water to some of the residential areas and has the only source of electricity (43% of the city's generator load presently goes outside the city limits).

C&RA: This standard is met. The 244 people living in the territory presently receive a number of services without paying property taxes. The only differential paid by those outside the city limits is for electricity (20.4¢ or 4¢/kwh) and a \$5.00 fee/unit for truck delivered water.

ALASKA GOLD COMPANY: The city has given no consideration of what services it will extend to where as well as under what timetable they will operate.

COMMISSION: Standard is met. Concurred with department's findings.

STANDARD #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.

NOME: The city needs to expand its sphere of planning influence outside existing boundaries because of the likelihood of population growth in that territory, potential for OCS development and planned port construction. The present land available for construction within the city's boundaries is unsuitable for building and therefore any growth must occur outside its limits. The city, therefore, must have the ability to plan for this growth and development.

C&RA: This standard is met only by the populated areas of the territory. In fact, this is the primary basis for the petition. The city has a need to regulate growth in the area that is adjacent to the present city limits but this does not hold true for the outlying areas that are sparsely populated. There is insufficient evidence as of yet as to what impact any offshore development will have on Nome. In addition, proposed port development will not have a significant impact on Nome's growth.

ALASKA GOLD COMPANY: Future development is speculative. Nome has not shown the ability to plan for its present 525 acres and what makes it think it can do it for an expanded area.

COMMISSION: This standard is met. No suitable lots are in the city's present boundaries -- Icy View is an example of how people have to go outside the city to develop residential areas. The city does need to have the ability to plan and control this type of development.

STANDARD #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.

NOME: There are presently no restraints on animals outside the city limits and the city needs to be able to exercise animal control. Even though the city has the statutory authority to safeguard its water supply, it is presently too expensive to protect an area so far from town. If police protection is expanded into the proposed territory, it will provide the economy of scale necessary to expand services so far from the city. Expansion of services to all populated areas will make it less expensive for a-1.

CSRA: This standard is applicable as the city does need the ability to control animals as well as protect its water supply at Moonlight Springs.

ALASKA GOLD COMPANY: The city already has the authority to protect its water supply -- "it doesn't need to annex 235 square miles of tundra in order to protect its water".

COMMISSION: This standard is met. The health and safety of the residents is endangered by problems that are related to the city's ability to control animals, flood control, fire protection, law enforcement and sewage disposal. Annexation will provide expanded jurisdiction, allow for planning and regulation and expand the tax base in order to pay for the services.

STANDARD #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.

NONE: City police are hampered as they have no jurisdiction outside the city limits. Expanded tax base will also allow for expanded fire and police protection and animal control service.

C&RA: This standard is met by the populated areas. Police and fire protection service would be enhanced.

ALASKA GOLD COMPANY: The ability to provide fire protection is the most compelling reason for annexation. However, annexing 235 square miles is a rather dramatic way of expanding the tax base for a volunteer fire department.

COMMISSION: This standard is met. Adequate, effective level of protection can't be met unless the tax base is expanded.

STANDARD #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.

NOME: Those outside the city limits have free fire protection, emergency medical services, law enforcement, libraries, cemetery, port facilities and use of maintained roads. They don't pay ad valorem taxes yet use the schools. They pay the same rates for water, sewage and solid waste disposal. Only differential charged is for electricity.

C&RA: This standard is met for the same reasons expressed in discussion of Standard #4.

COMMISSION: This standard is met. Those outside the city limits do receive benefits without contribution to the tax revenue. Charging differentials does not contribute to the bonding base necessary to replace or upgrade capital facilities.

STANDARD #9: The annexation is otherwise necessary to accomplish a valid public purpose.

NOME: Those outside the city's boundaries presently can not vote in local elections. They should have the right to participate.

C&RA: This standard is met indirectly. Those who have access to municipal services should have the right to participate in municipal affairs.

COMMISSION: This standard is met. Annexation will promote a sense of community in the entire Nome area.

THOSE WHO TESTIFIED

Other than representatives from the city and Alaska Gold Company, the following individuals testified at the November public hearing:

- George Walters, President, Bering Straits Regional Corporation. Objected to original annexation plan due to subsistence activity interruption of the village corporations selected lands. Presented resolution passed at the AFN convention opposing the annexation of native lands.
- John Van Winkle on behalf of Sitnasauk Native Corporation. Objected for similar reasons as expressed by Mr. Walters.
- John Garrison, employee of Sitnasauk Native Corporation. Objected to original plan for similar reasons as above. Agreed that land that is urban in character should be included.
- Dennis Maloney representing Wien Air Alaska. Objected because of the increased taxes that will have to be paid by Wien. The increased costs will be passed on to consumers in higher freight rates, tickets. Asked that a different formula be established for taxing the airport based on the services provided.
- Vernon Kugzruk of Teller. Objected for similar reasons as Mr. Walters. Also concerned that if airport is included the cost of higher taxes will be felt in surrounding villages.

airport stay under the jurisdiction of the state because of a fear that higher taxes will result in increased passenger and freight fares.

- Ron Sheardown of Greatland Exploration. Objects because if there is planning in the area it will probably destroy mining.
- Louise Bockman representing NSHC. Objected because the annexation will not improve or enhance the health status of residents. While the city has made improvements in health care, there is still a long way to go just in the present city limits.
- Barbara Shaffer supported annexation just as she did while on the city council. There is much validity in planning based on a larger area.
- Doug Doyle objected because of potential taxes on mining property.
- Thom Frank of the Nome branch of Alaska Miners Association objected and presented a petition passed by the association opposing annexation.
- L. A. Douglas objected as may injure economic well-being of Alaska Gold Company for which he works.
- Bob Bean indicated support assuming the taxation plan offered by the city is equitable.

- Darrell Hargarves representing the school board.
Supported because the school district has 88 students outside the city limits attending Nome Public Schools. The REAA now has the ability to threaten to pull these students out of the public schools. This can be held as a club over the Nome City School District and if more clearly defined lines are drawn it will enhance the relationship between the two school districts.
- Myron Michaels lives outside present city limits. Objects because wasn't brought before the people for a vote.
- Judy Martinson objects because city can't provide adequate services to those presently within its boundaries.
- Francis Elmore objects because city has no concrete plan for services. Believes those who are going to come under jurisdiction of a new governing body have the right to know what is and is not going to happen.
- Bonnie Hahn objects because of the probable increase in taxes.
- Neil Foster objects as he owns an air taxi service and feel they already get sufficient services at the airport from the state. Also presented a resolution from Garbell City Council urging that the

- Martin Olesen expressed opposition to the manner in which the Commission was considering the revised plan. Was unfair to the residents who didn't have time to consider the new plan
- Lec Rasumssen supported and commented that any property taxes could be cut in half or be eliminated based on the Governor's proposals for this year.

WORK ORDER REQUEST FORM

N2 - 0648

KEYWORDS: boards and commissions
municipalities

ASSIGNED TO Cook

REQUEST FOR: BILL RESOLUTION HJR RESEARCH OTHER

SUBJECT Local Boundary Commission Recommendation

REQUESTED FOR SCBA BY David Dye EXT. _____

* DELIVER TO Senator Gilman TAKEN BY Cook

INSTRUCTIONS, EXPLANATIONS As attached regarding local boundary commission recommendation for annexation of territory to the City of Rome.
Would like concurrent resolution if that is appropriate.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH _____

RETURN _____

TO REQUESTER

APPROVED: BCB Director, Legal Services

REVIEWED _____
IN 2/10 DUE 2/17 12:00 19
Possible

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

DRAFT

FINAL



Official Business

Alaska State Legislature

Senate

Office of the Secretary

Pouch V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M

TO: Senator Don Gilman
Chairman
Community and Regional Affairs Committee

FROM: Peggy Mulligan
Secretary of the Senate *Peggy Mulligan*

DATE: January 22, 1981

The attached report by the Local Boundary Commission pursuant to AS 29.68.010 has been referred to your committee.

Enc.

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811

January 21, 1981

The Honorable Jalmar Kerttula
President
Alaska Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Kerttula:

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 Tri 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 29.65.010 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 184 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 substantial

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 18, 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 29.18.011. 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 18, 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. F031704, thence N 180° W along the west boundary of N.A. No. F031704 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 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 28, 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° 18' 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 28, 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 1, 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.

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

Petition for annex-)
ation of territory)
to the City of Nome)

STATEMENT OF DECISION

WHEREAS, on July 14, 1980 the City of Nome submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Alaska 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 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 November 21, 1980 the Commission conducted a physical inspection of the area proposed for annexation and held a public hearing, with prescribed notice, on the petition for annexation; 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 makes the following findings of fact and enters its decision pursuant thereto:

Much of the area proposed for annexation by the City of Nome is uninhabited, unlikely to be developed in the foreseeable future, and does not otherwise satisfy the standards for annexation set forth in 19 AAC 05.010. However, the territory described on page six of this Statement of Decision, and outlined, approximately, in red on "Attachment A" to this Statement of Decision, warrants annexation to the present corporate boundaries of the City of Nome for the following reasons:

1. The territory is urban in character. Approximately 246 of the estimated 252 residents of the area proposed for annexation by the Petitioner reside in this territory. Virtually all of the population in the territory stems from actual growth of the City of

Nome beyond its legal boundaries, to the extent that approximately eight percent of the greater-Nome population is now found in the territory. Icy View, a large subdivision, is located in the territory. Most of the land is in private ownership. Much of the property has been mined by dredging, and is appropriately included within the territory to be annexed by reason of its suitability for prospective urban purposes due to the 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 region. The City of Nome is providing many services to the territory at the present time, and the City of Nome is capable of, and willing to extend additional services to the territory. The municipal services necessary to the territory include fire protection, law enforcement, schools and education, street maintenance and snow removal, solid waste disposal, water, electricity, animal control and health regulation.
3. The history of Nome and the present trend indicates 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 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 problems relating to animal control, flood control, fire protection, law enforcement, and solid waste disposal existing in the territory. Annexation will alleviate these conditions by expanding enforcement jurisdiction, enabling planning and regulation, and producing a 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 legally impossible and economically impractical for the City of Nome to extend these services effectively unless the territory is within the boundaries of the City.

6. Residents of, and owners of property in the territory receive the benefit of City services without commensurate tax contributions. These services include education and schools, fire protection 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 Department or this Commission.

7. The annexation is otherwise necessary to accomplish the valid public purpose of enfranchising the residents of the territory who are already receiving substantial services without participation in 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.

8. The Commission finds as further support for annexation of the territory described below, the statement of facts pertaining thereto by the Petitioner and the Department.

THEREFORE, the Commission hereby approves and will recommend to the First Session of the Twelfth Legislature of the State of Alaska, annexation of the following described territory 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 28, 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, excluding the existing boundaries of the City of Nome, containing 17.83 square miles, more or less, situated in the Second Judicial District, State of Alaska, as outlined, approximately, in red on "Attachment A" hereto.

Decided this 11th Day of December, 1980.

LOCAL BOUNDARY COMMISSION

By: Sheila Gallagher
Sheila Gallagher, Chairman

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 43 acres at the Nome Beltz 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

square miles. However, of the 252 individuals indentified in the census, 244 (96.8%) live within only a six square mile area contiguous to the City.

It is apparent that the 244 individuals immediately beyond the existing City boundaries need the municipal services of the City of Nome and generally receive many such services without paying property taxes for same; thus, a portion of the territory meets the fourth and eighth standards. These services include: education, fire protection, emergency medical services, law enforcement assistance, museum, library, cemetery, and port facilities. Municipal water and electrical utilities are also available and provided to these residents. Electrical utility customers outside the City's boundaries (except at the Nome Beltz complex) pay an additional 4 cents per kilowatt hour (20.4% price differential). No price differential is charged to nonresident municipal water customers served by pipeline, which includes the Nome Beltz complex, FAA/weather bureau housing, and the State trailer court (approximately 55% of the residents). The remaining nonresident water customers receive water delivered by truck and pay a \$5 fee, per dwelling unit, in addition to the same charge for water paid by residents.

Of the remaining eight individuals who reside in the territory year-round, six live within a small subdivision at 7 Mile,

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 Sitsnasuak 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

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

V. CONCLUSION AND RECOMMENDATION

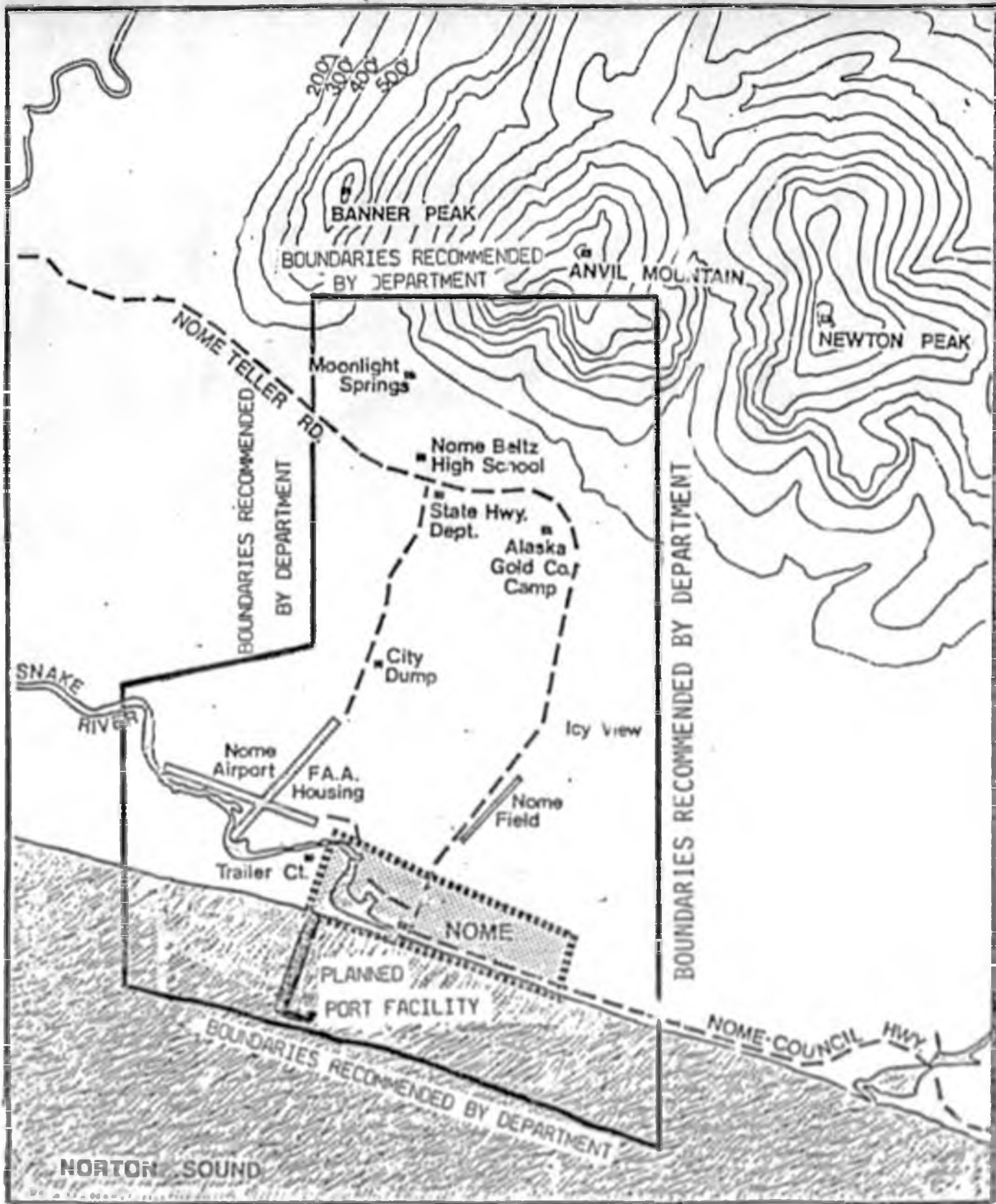
As outlined in the preceding section, the populated and developed area outside the City boundaries meets virtually all of the standards for annexation. However, the territory beyond these lands meets virtually none of the necessary standards. Therefore, the Department recommends that the Local Boundary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



ANNEXATION PROPOSAL

CITY OF NOME



SCALE IN MILES

AREAS OF SIGNIFICANT DEVELOPMENT
OUTSIDE EXISTING CITY BOUNDARIES

BOUNDARIES RECOMMENDED BY DEPARTMENT



ADDENDUM NUMBER ONE TO THE
OCTOBER 25, 1980 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

November 18, 1980

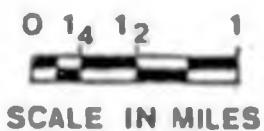
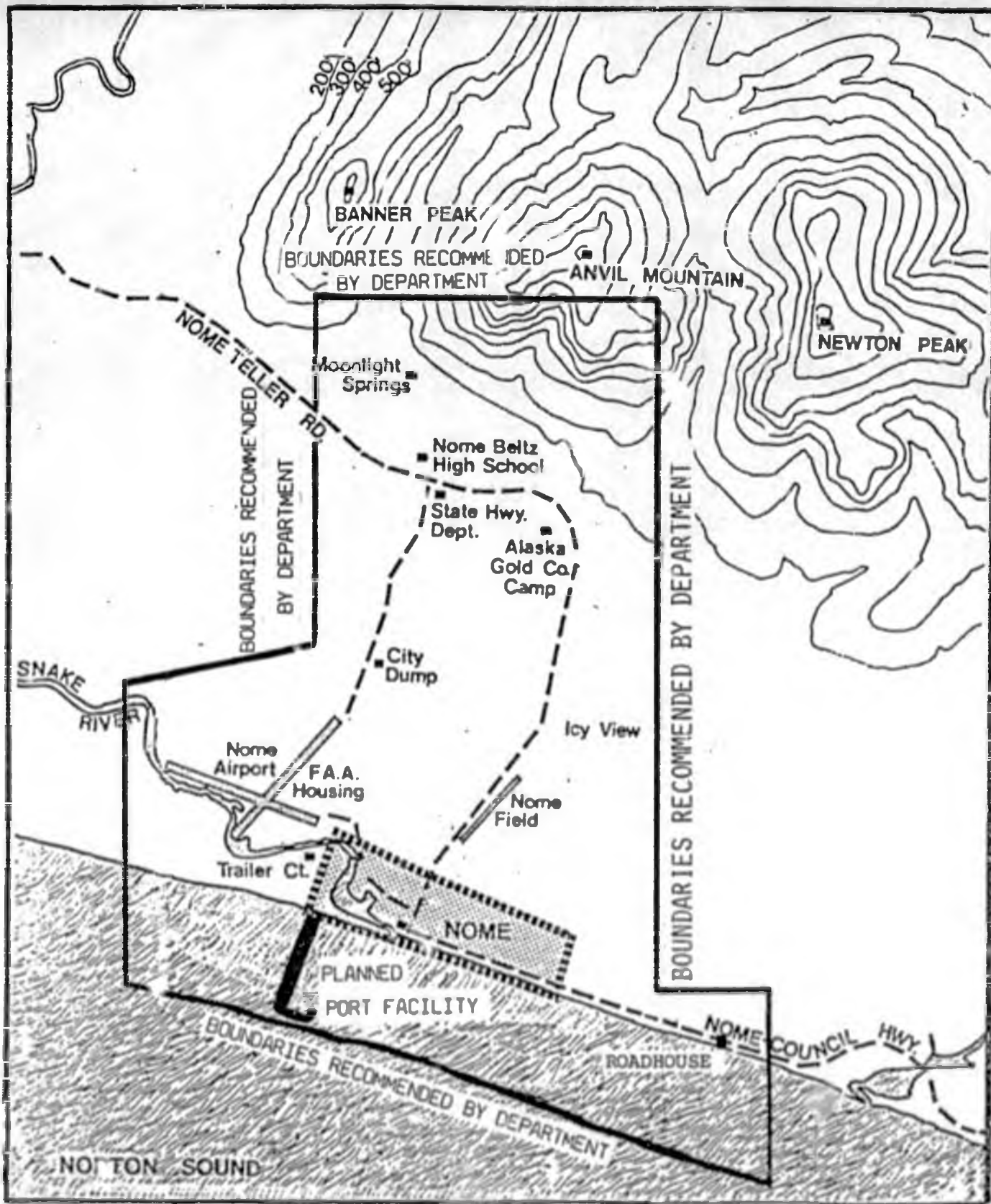
The Department feels that an oversight was made in its October 29, 1980 report to the Local Boundary Commission in that the Fort Davis Roadhouse was not included within the territory proposed for annexation. This addendum remedies that oversight by recommending the extension of the boundaries to include that property.

The Fort Davis Roadhouse is located along the Nome-Council Highway approximately one-half mile beyond the eastern boundary initially recommended by the Department. The Fort Davis Roadhouse is a substantial commercial establishment serving significant numbers of the public. Electricity and trucked water utility services are provided by the City of Nome.

Clearly the third, fourth and eighth standards for annexable territory outlined in the October 29, 1980 report* warrant the inclusion of the property within Nome's municipal boundaries. Therefore, the Department amends its October 29, 1980 report to recommend that the boundaries of the City of Nome be expanded as described on the following page and shown on the attached map.

-
- 19 AAC 05.010
 - (3) The territory is urban in character...
 - (4) The territory is presently in need of municipal services...
 - (6) Residents of, or owners of property in the territory receive...the benefit of city services without commensurate tax contributions...

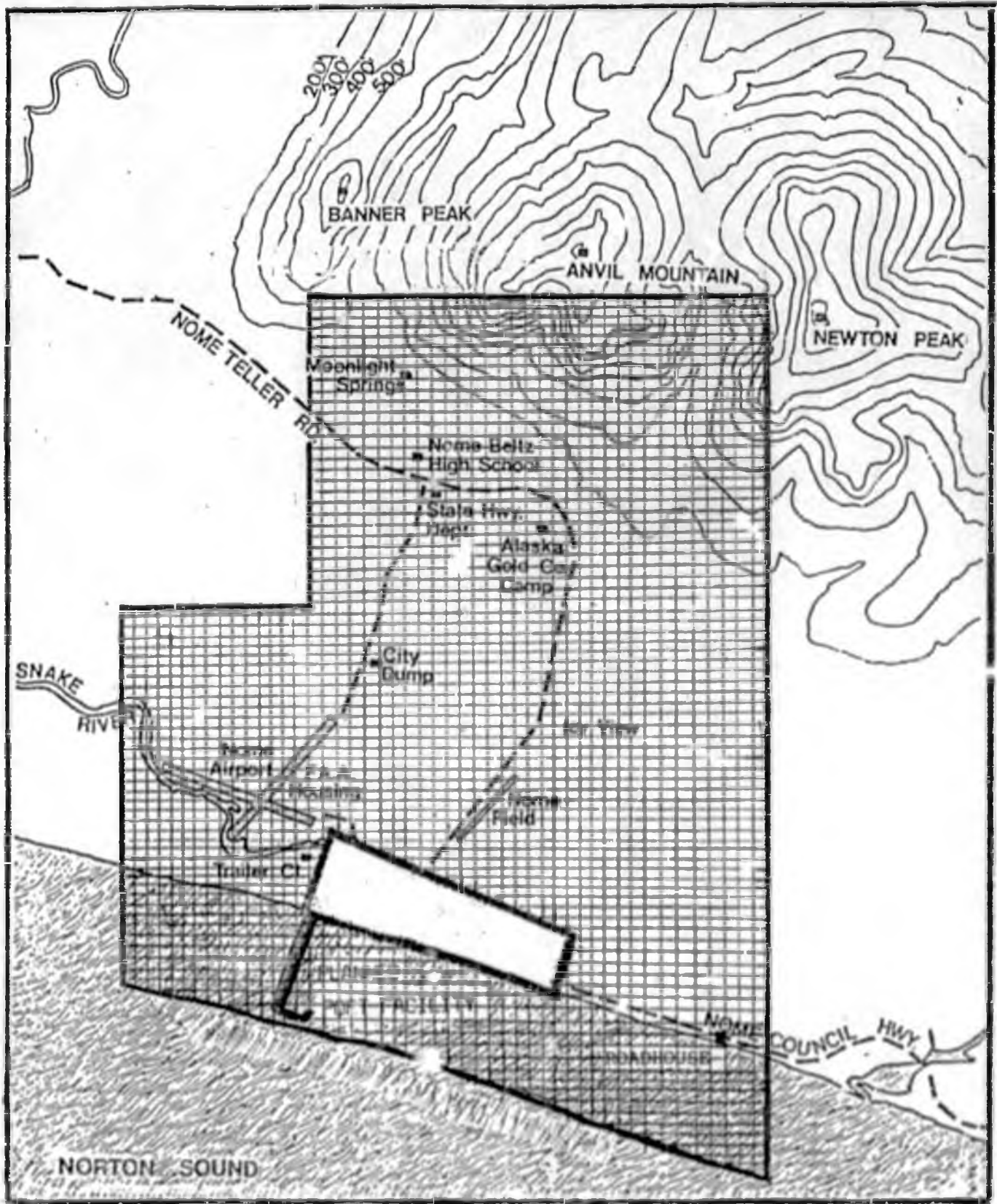
Beginning at the protracted NW corner of Section 11, T11S, R34W, Kateel River Meridian; thence east to the protracted NE corner of the NW 1/4 of the NW 1/4 of Section 7, T11S, R33W, K.R.M.; thence south to the protracted SE corner of the SW 1/4 of the NW 1/4 of Section 31, T11S, R33W, K.R.M.; thence east to the NE corner of the SE 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 NW 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 14.5 square miles, more or less; situated in the Second Judicial District, State of Alaska.



AREAS OF SIGNIFICANT DEVELOPMENT
OUTSIDE EXISTING CITY BOUNDARIES

BOUNDARIES RECOMMENDED BY DEPARTMENT
PER ADDENDUM NUMBER ONE



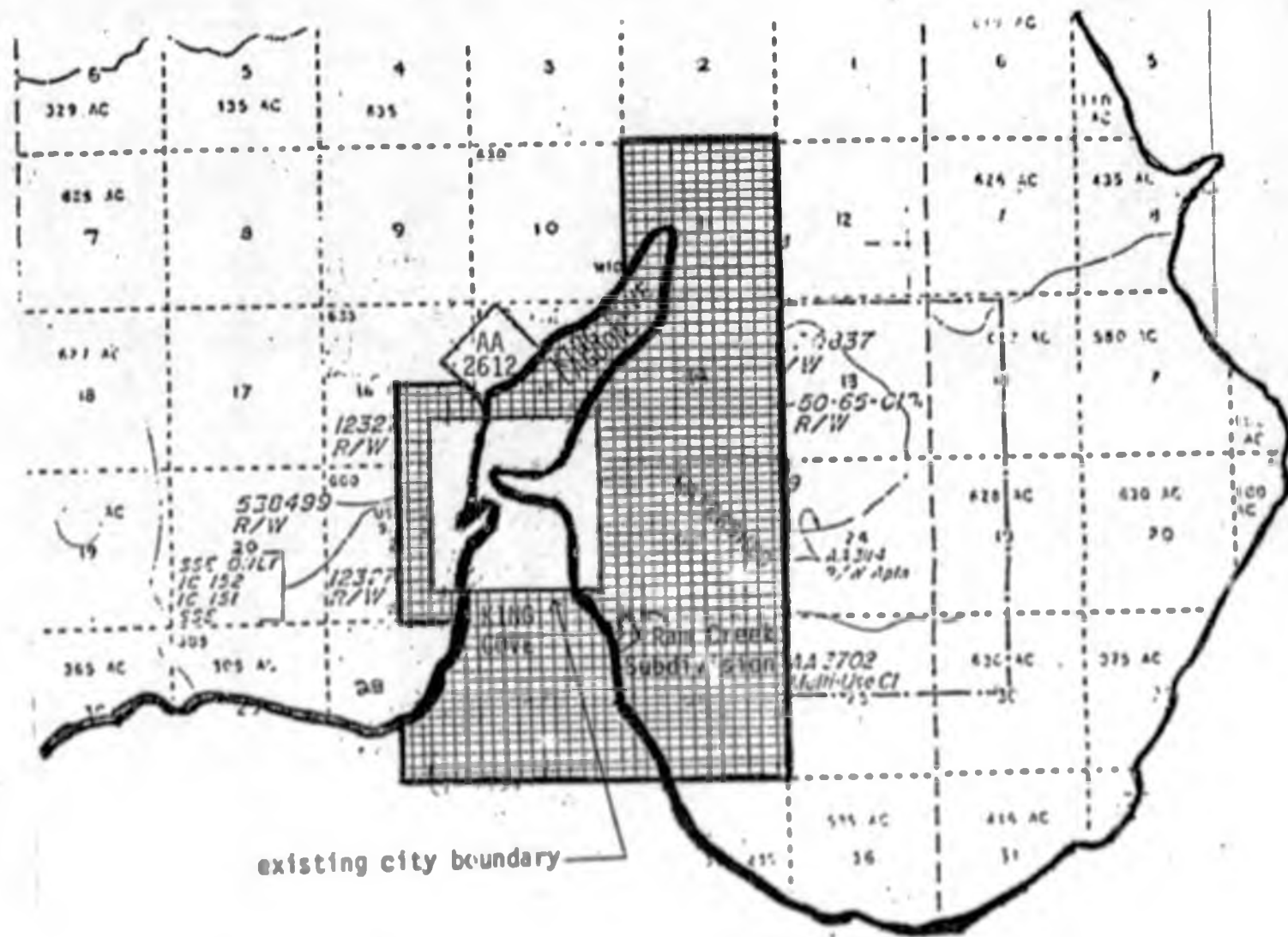


CITY OF NOME

Scale in miles:



Territory recommended for annexation (approximately 17.83 square miles)

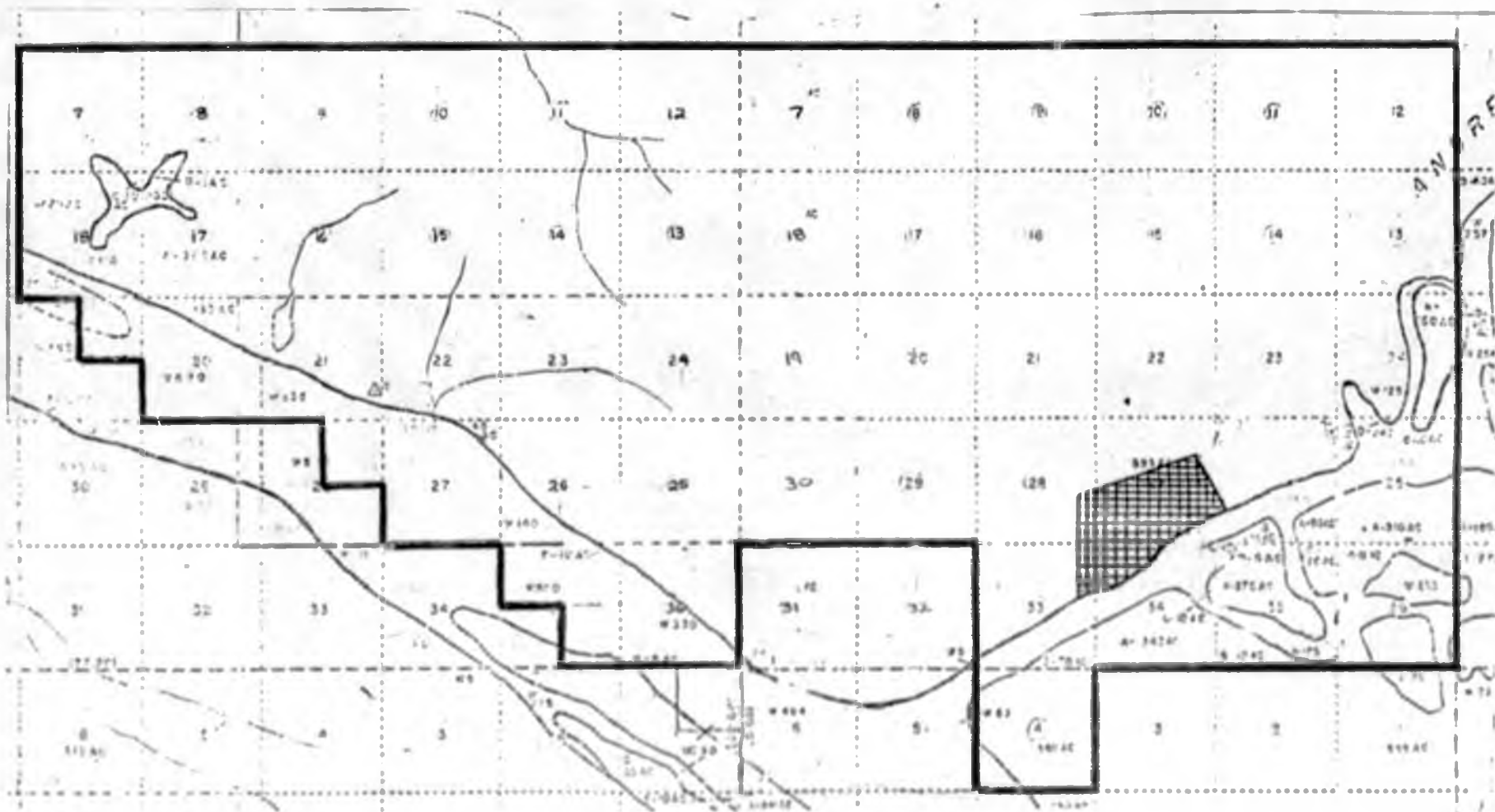


existing city boundary

CITY OF KING COVE

Scale in miles: 0 1 2

 Territory recommended for annexation (approximately 6.5 square miles)



CITY OF ST. MARY'S

Scale in miles: 0 1 2

 Territory recommended for annexation (approximately 374 acres)

REPORT TO THE LOCAL BOUNDARY COMMISSION
ON THE CITY OF KING COVE'S PETITION
FOR THE ANNEXATION OF TERRITORY
TO THE CITY OF KING COVE

DEPARTMENT OF COMMUNITY AND
REGIONAL AFFAIRS

SEPTEMBER 25, 1980

I. PROCEEDINGS TO DATE

On September 8, 1980 the Department of Community and Regional Affairs (DCRA) completed its review and subsequently accepted as to form and content, the City of King Cove's petition for annexation by legislative review.

There being no newspaper of general circulation in the King Cove area, public notice of the filing of the petition for annexation was posted in three prominent locations within the community on August 22, 1980.

The public hearing before the Local Boundary Commission on the issue was scheduled for September 26, 1980 at 1:30 p.m. in the King Cove sch. 1 library. The following day, September 29, was scheduled as an alternate date for the hearing in the event weather prevented the Local Boundary Commission from traveling to King Cove on the 26th. Notice of the public hearing was posted in three locations within the community on September 10, 1980.

II. STANDARDS FOR ANNEXATION BY CITIES OF CONTIGUOUS TERRITORY

Standards by which King Cove's annexation proposal are to be judged are found in the Alaska Administrative Code and are cited on the following page.