

cords. Every department, office, institution or agency shall keep for its files a complete annual, earned compensatory and sick leave record, covering each of its employees, on forms prepared and supplied by the Director of Finance. (e) Transfers. When an officer or employee terminates employment with one department, office, institution or agency of the Territory and is employed by another department, office, institution or agency of the Territory without break in service to the Territory his accumulated annual, earned compensatory and sick leave shall transfer with said officer or employee and be credited to him in the employing de-

partment, office, institution or agency. (f) Exemptions. School employees under the jurisdiction of the Territorial Board of Education shall be exempted from the provisions of this Section. The annual and sick leave of such employees shall be as established by the rules and regulations of the Territorial Board of Education. (g) Regulations. The Director of Finance shall issue regulations for the uniform application of this Section.

Sec. 2. An emergency is hereby declared to exist and this Act shall be in full force and effect from and after the date of its passage and approval.

Approved April 6, 1957

CHAPTER 183

AN ACT

Relating to annexation and exclusion of areas by municipalities; and repealing Sec. 16-1-21, ACLA 1949, Sec. 16-1-22, ACLA 1949, as amended by Ch. 7, SLA 1951, and Ch. 25, SLA 1953; Sec. 16-1-23, ACLA 1949; Sec. 16-1-24, ACLA 1949, as amended by Ch. 7, SLA 1951; Ch. 25, SLA 1953 and Ch. 149, SLA 1955; Secs. 16-1-25 through 16-1-27, ACLA 1949; and Sec. 16-1-28, ACLA 1949, as amended by Ch. 25, SLA 1953.

(S. C. S. for H. B. 176)

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. **Short Title.** This Act shall be referred to as "The Annexation Act of 1957."

Sec. 2. **Definitions:** As used in this Act the terms defined herein shall have the meanings provided, unless context clearly requires otherwise:

(1) "Alaska" means the Territory

of Alaska or in the event of Statehood the State of Alaska.

(2) "Annexing City" means the city seeking to annex or annexing an area of lands contiguous to the city.

(3) "Area" means any lands, not heretofore incorporated as a city, lying contiguous to any annexing city, including such lands separated from any annexing city by water or by tide or shore lands.

(4) "Council" means the common council of the annexing city.

(5) "Substantial property interest" means any interest in real property or tidelands, or possessory rights, therein, or improvements thereon, and shall further include leaseholds of one year or more, equities created by contracts of purchase and sale, mining locations, and rights of adverse possession to either real property or tidelands, but shall not include such interests as month-to-month tenant or ownership of or other interest in trailers, wanigans, or other shelters or structures not permanently fixed to the real property or to tidelands.

Sec. 3. Petition for Annexation.

Upon the initiative of interested persons residing within an area contiguous to the municipality, a petition may be circulated within the area proposed to be annexed requesting that such annexation be made. The petition shall include:

(1) A concise written statement of its purpose,

(2) A legal description, as determined by an actual survey, of the boundaries of the area proposed to be annexed, and

(3) The estimated number of owners of substantial property interest within the area.

Whenever the petition has been signed by 30% or more of the owners of substantial property interests it may be presented to the Council, who shall fix a date for public hearing thereon at which time any voter of the city or any person owning a substantial property interest in the area proposed to be annexed, may appear and be heard. The Council shall cause notice of the hearing to be published once each week for two suc-

cessive weeks, prior to the date of hearing, in a newspaper of general circulation in the city, or if there be no such newspaper in the city, then such notice shall be published in a newspaper nearest to the city proposing such annexation, and shall cause notices of the hearing to be posted in two public places in the city and in two public places in the area proposed to be annexed for a like period.

After the hearing the Council may by resolution, passed by an affirmative vote of the majority of the Council members, declare an intention to accept and consent to the proposed annexation or it may dismiss the petition and deny the proposed annexation.

In the event it declares an intention to accept and consent to the proposed annexation it shall set forth in such resolution:

(1) A legal description of the area in question,

(2) A detailed statement of the terms and conditions upon which the annexation shall be agreed to, the intended future improvements, if any, and services, if any, to be afforded the annexed area and an estimated tax rate or other assessments, if any, to be levied for a fixed period of time to be determined by the Council in the area sought for the purposes of rendering such improvements and services, and

(3) The proposed effective date of the annexation.

In the event the area, or any part thereof, to be annexed is situated within a public utility district and is subject to any existing or contingent obligations, the city shall also include in its resolution a statement setting forth:

(1) each obligation of the district, by name and amount;

(2) each such obligation or part thereof, if any, by name and amount, to be assumed by the city; and

(3) any liability, contingent or otherwise, which shall subject the property, included in the area to be annexed, to assessment or other legal action, to assure payment of such liability.

Sec. 4. Publication of Resolution. A copy of the resolution shall be published at least once a week for four successive weeks in a newspaper of general circulation in the city and such resolution shall be posted in two public places in the city for a like period.

Sec. 5. Filing of Objection by Owner. Any owner of substantial property interest residing within the city or the area proposed to be annexed may protest the annexation within 60 days of its enactment by filing with the City Clerk a written notice of objection.

Sec. 6. Procedure if no Objection. In the event no objection is filed within sixty (60) days after the enactment of the resolution, the Council may, by ordinance, and within twelve months after the expiration of the final date allowing such an objection to be filed, incorporate and adopt all the provisions of the resolution, consenting to the proposed annexation, and declare the area annexed to the city on a date certain, but not later than 90 days after passage of the ordinance.

Sec. 7. Election in Event of Objection. In the event an objection is filed within the time allowed, the Council shall, by ordinance, order

an election to be held in the area to be annexed.

Sec. 8. Qualifications of Electors. The qualifications of an elector shall be as follows:

(1) An elector shall be a person of the age of twenty-one years or more;

(2) An elector shall have been a resident of Alaska for not less than one year;

(3) An elector shall have been a resident of the area to be annexed for not less than thirty days prior to the election; and

(4) An elector shall be the owner of a substantial property interest within the area proposed to be annexed.

Sec. 9. Election: Notice: Ballots: Election Judges and Clerks: Canvass Certificate:

(1) The Council of such city shall thereupon submit the question to the electors in the area proposed to be annexed to such city in accordance with its ordinance. Such question shall be submitted at a general or special election to be held for that purpose;

(2) Such Council shall give notice thereof, by publication in a newspaper of general circulation in such area so proposed to be annexed or nearest thereto, for a period of four weeks prior to such election; also by posting notice thereof in three public places within the area for a like period. Such notices shall be posted and the first publication of such notice in the newspaper shall be at least four weeks before the election. Such notice shall distinctly state (a) the proposition to be so submitted, (b) shall designate specifically the boundaries of the

area so proposed to be annexed, (c) shall give a detailed statement of the terms and conditions upon which the annexation is to be agreed to, identifying the future improvements to be made, if any, the services to be afforded the annexed area, if any, the tax rate or other assessments to be levied, if any, for a period determined by the Council next preceding in the area sought for the purpose of rendering such improvements and services, (d) each obligation of the district, by name and amount; each such obligation or part thereof, if any, by name and amount, to be assumed by the city; and any liability, contingent or otherwise, which shall subject the property, included in the area to be annexed, to assessment or other legal action, to assure payment of such liability, and (e) the proposed effective date of the annexation.

(3) The electors shall be invited thereby to vote upon such proposition by placing upon their ballots the words "for annexation to the city of" or "against annexation to the city of", or words equivalent thereto;

(4) Such Council shall also designate the time and place or places at which the polls will be open within the area proposed to be annexed, which place or places shall be those usually used for that purpose within such area, if any such there be;

(5) Such Council shall also appoint the judges and clerks of election. The judges and clerks before entering upon the discharge of their duties at such election shall each take and subscribe before an officer authorized to administer the same, an oath for the honest and faithful

discharge of his or her duties as such judge or clerk. In case of the absence or inability of any judge or clerk appointed to act at such election, the qualified electors present at the polls before proceeding to vote, may choose an elector to act in his or her place from among their number, who shall duly qualify as aforesaid before entering upon the discharge of his or her duties as judge or clerk at such election;

(6) Such Council shall meet on the Monday next succeeding the day of such election at one o'clock p.m. or as soon thereafter on the same day, as possible, and canvass the votes cast thereat, and the Council shall issue under their hands, and the seal of the city, a certificate showing the number of votes cast in favor of annexation and the number of votes cast against the annexation;

(7) Said certificate together with all the ballots cast and the oaths of the judges and clerks of election shall immediately be filed with the city.

Sec. 10. Declaration of Annexation. If it shall appear to the Council from the certificate of election filed as aforesaid that a majority of the votes cast at said election were in favor of annexation, then the Council shall by an ordinance duly passed

(1) incorporate and adopt all the terms and conditions upon which the annexation has been agreed to by the Council and ratified by a majority of those voting;

(2) each obligation of the district, by name and amount; each such obligation or part thereof, if any, by name and amount, to be assumed by the city; and any liability, contingent or otherwise, which shall

subject the property, included in the area to be annexed, to assessment or other legal action, to assure payment of such liability;

(3) specifically restate the boundaries of the area annexed; and

(4) formally declare such annexation of the area, and the area shall thereafter be a part of the city. Provided, however, that nothing herein shall be construed to interfere with the normal operation and maintenance of any public or private utility company or association to continue in business, in its usual manner, unless prohibited from such activities through due process of law.

Sec. 11. Cost of Annexation. The costs of annexation proceedings whenever the petition is instituted by the city shall be borne by the city.

Sec. 12. Enforcement of Annexation Terms and Conditions. Any owner of a substantial property interest may request the Attorney General to petition the appropriate Court to issue such legal process as may be necessary to compel performance of any term or condition of annexation set forth in the applicable ordinance or ordinances. The Attorney General may, for good cause, decline, in whole or in part, any such request, whereupon the owner of a substantial property interest may petition the Court for such relief as it deems equitable and proper, and the Court in exercising its discretion may enforce, rescind, amend or modify the applicable ordinance or ordinances; provided, however, no such action shall be instituted any time after 90 days has elapsed following the time fixed in the ordinance for the performance of any term or condition therein.

Sec. 13. Review by Court. Any action of the Council shall be subject to review in the appropriate court in such matters coming within its jurisdiction in the same manner as provided with respect to other actions of law.

Sec. 14. Annexation of City-Owned Property. The Council may annex by ordinance any property owned by the city and situated adjacent to the city boundaries.

Sec. 15. Proceedings for Exclusion of an Area. Any area may be excluded from any city in the same manner and following the same procedure as in the case of annexation, except that if the area is to be excluded, the petition to be filed shall be signed by a majority of property owners as herein defined, owning property within the area sought to be excluded, and the electors shall be invited to vote upon such proposition by placing upon their ballots the words "for exclusion from the city of.....", or "against exclusion from the city of.....", and the votes shall be canvassed, the results of the election certified and all other steps taken in like manner as provided in this Act for the annexation of any area.

Sec. 16. Repealer. The following Acts or parts thereof, or any other Acts or parts thereof inconsistent with this Act, are hereby repealed: Sec. 16-1-21, ACLA 1949; Sec. 16-1-22, ACLA 1949, as amended by Ch. 7, SLA 1951, and Ch. 25, SLA 1953; Sec. 16-1-23, ACLA 1949; Sec. 16-1-24, ACLA 1949, as amended by Ch. 7, SLA 1951; Ch. 25, SLA 1953, and Ch. 149, SLA 1955; Secs. 16-1-25 through 16-1-27, ACLA 1949; and Sec. 16-1-28, ACLA 1949, as amended by Ch. 25, SLA 1953.