



State of Alaska
Local Boundary Commission

Statement of Decision

**IN THE MATTER OF THE MARCH 5, 1999
PETITION OF THE CITY OF ALEKNAGIK FOR
ANNEXATION OF APPROXIMATELY 24.29
SQUARE MILES**

SECTION I INTRODUCTION

As allowed by 3 AAC 110.410, the City of Aleknagik petitioned the Local Boundary Commission on March 5, 1999 to annex 24.29 square miles within the unorganized borough. The petitioner estimated that the area proposed for annexation had eight year round residents and fifty seasonal residents. The City's current jurisdictional boundaries encompass about 19.46 square miles and 259 residents.

SECTION II PROCEEDINGS

Upon a staff determination that the form and content of the City's annexation petition were sufficient, notice of filing of the petition was published and posted in accordance with 3 AAC 110.450. Notice was also mailed to 52 potentially interested individuals and organizations and June 4, 1999 was established as the deadline for filing of comments and responsive briefs. Copies of the petition were served on potentially interested parties as required by 3 AAC 110.460.

No responsive briefs were filed under 3 AAC 110.480. Thirteen parties submitted timely written comments in response to the notice of the filing of the petition.

The City of Aleknagik submitted a reply brief under 3 AAC 110.490. Preliminary and final staff reports together with written comments were made a part of the record.

Notice of the Commission's November 20, 1999 hearing in the territory proposed for annexation was published in the *Bristol Bay Times* on October 13, October 20 and October 27 in accordance with 3 AAC 110.550. Copies of the notice along with the November 20 hearing agenda and guidelines for testimony were made available to the public through the offices of the Aleknagik City Administrator on October 12, 1999. Further, the notice, agenda, and testimony guidelines were distributed to 60 individuals and organizations by DCED on October 12, 1999. The City of Aleknagik posted notice of the hearing in three locations within the existing boundaries of the City and four locations in the area proposed for annexation. DCED also requested that radio station KDLG serving Aleknagik broadcast public service announcements concerning the hearing from October 29 through November 20. No objections to notice of the hearing were raised to staff or the Commission in this proceeding.

On Saturday, November 20, 1999, the Commission convened a formal hearing on the petition. The hearing began at 2:25 p.m. in the gymnasium of the Aleknagik School.

During the hearing, the Commission received comments from City Attorney Brooks Chandler, Fred Nishimura, Business Manager of Aleknagik Natives Ltd. (ANL), Bobby Andrew, President of Aleknagik Natives Limited and a member of the City of Aleknagik Advisory Planning Committee, Pavilla Chukuk, Allan Ilutsik delivered comments on behalf of local resident Roland Moody, Berna Mae Andrew and Kay Gorman.

The hearing lasted about two hours. Following the hearing, the Commission recessed the meeting until 10:00 a.m., November 29, 1999. At that time, the Commission reconvened. Commissioners Waring and Tesche were present in the Anchorage teleconference site at 333 West 4th Avenue. Commissioners Galstad, Walters and Wasserman participated via teleconference. Following its deliberations on November 29, the Commission approved the petition by unanimous vote.

SECTION III

FINDINGS AND CONCLUSIONS

The record in this proceeding includes; the City of Aleknagik's annexation petition, written comments on the petition submitted directly to DCED by thirteen parties, the City of Aleknagik's reply brief, DCRA's September 20, 1999 preliminary report, written comments on DCRA's preliminary report from five individuals, DCED's October 29, 1999 final report, and testimony received at the Commission's November 20, 1999 public hearing. Based on the evidence in that record, the Commission reaches the findings and conclusions set out in this section of the decisional statement.

A. NEED FOR CITY GOVERNMENT IN THE TERRITORY PROPOSED FOR ANNEXATION.

An area may be annexed to a city provided, in part, that the Commission determines there is a reasonable need for city government in that area. [3 AAC 110.090(a)]

Commissioner Wasserman noted that the area proposed for annexation is distant from any municipal government, other than the City of Aleknagik, that could provide it with municipal services. She suggested that the area proposed for annexation would require municipal services in the future but questioned whether the City of Aleknagik has the financial and administrative capacity to deliver such services.

Commissioner Tesche stated that he believed that a reasonable need for city government was evident with respect to the entire area proposed for annexation although, it was obvious that the areas proposed for annexation located closest to the existing city boundaries exhibit a more compelling rationale annexation. He considered Lake Aleknagik to be an integrated system of transportation, recreation, and subsistence. Consequently, extension of city jurisdiction over those areas would assist the local residents and businesses to effectively manage local resources for the overall public benefit. His conclusions were based upon his personal observations, testimony of area residents and particularly the City's desire to regulate or manage reasonably foreseeable growth in the area.

Commissioner Waring stated that standard was clearly satisfied by the two areas north and south of the existing boundaries, collectively comprising six square miles because City-owned solid waste disposal facilities and access to those facilities were located on those areas. He considered the 18 square mile area located west of the existing city boundaries as exhibiting development and potential for further development. The area served as a base for access to Wood River and Tikchik Lakes and for recreational activity based in and around Aleknagik. Further, the record suggested that potential exists for faster growth of a type and scale inconsistent with the community's preferences. He stated that he considered the issue in the context of the lifestyle

and economic needs of the Aleknagik community. He considered the area's potential for growth to suggest that there is a need for land use planning to ensure that development is compatible with the needs of the community. He observed that the areas closer to existing boundaries more fully satisfied the standard, but the standard is generally satisfied for the entire area sought for annexation.

Based on the foregoing, the Commission concludes that there is a reasonable need for city government in the entire 24.29 square miles proposed for annexation. Thus, the standard set forth in 3 AAC 110.090(a) is satisfied.

B. COMPARATIVE ABILITY OF THE CITY OF ALEKNAGIK AND OTHERS TO PROVIDE ESSENTIAL CITY SERVICES

An area may be annexed to a city provided, in part, that the Commission determines that the annexing city can provide essential city services as defined by 3 AAC 110.990(8) to the area more efficiently and effectively than another existing municipality [3 AAC 110.090(b)]. The determinations of the Commission on this point are summarized below.

Commissioner Galstad stated that although the existing services provided by the City of Aleknagik are minimal, the proposal for adding some City services upon annexation is a good one. She indicated that she harbored some concern regarding the ability of the City of Aleknagik to generate sufficient revenue to budget for delivery of services to the complete territory. However, she expressed understanding of the need for planning for growth and development that potentially could occur in the entire Lake Aleknagik area. She concluded that the standard was met because of the proximity of Aleknagik to the area proposed for annexation, in contrast to Dillingham, which is relatively far removed.

Commissioner Walters considered it to be clear that, in the context of the Aleknagik annexation proposal, the only other current option for extending municipal jurisdiction to the area would be annexation of the area to another existing city. However, it is unclear whether application of the standard would allow consideration an existing borough or potential borough. Nevertheless, it was evident that this standard was met, since Dillingham, the only other city within any proximity to the area proposed for annexation, could not better provide the needed services to the area proposed for annexation than could the City of Aleknagik.

Normally services like land use planning for large, sparsely populated areas would be better administered by an organized borough. However, in this case, the areas located to the north and south of the existing boundaries of the City are the locations of City-owned solid waste disposal sites. Consequently, annexation of those areas that is something that is primarily in the interest of the community of Aleknagik. He noted that the City of Aleknagik owns two recreational campground areas that are being developed on 14(c)(3) lands transferred to the City by Aleknagik Natives, Ltd. The City has a compelling interest, a regulatory interest, in that land. Therefore it is evident that the amended western boundaries of the City should extend at least as far out as those recreational sites at Happy Creek and Bear Bay. The City's interest and ability to provide those services was a primary consideration in this context. Although the land use planning needed might be better dealt with by a potential borough, the standard is clearly satisfied by the annexation proposal.

Commissioner Galstad expressed concern that certain services, such as septic waste disposal were provided to the Aleknagik area from service deliverers located in Dillingham.

The Commission concludes from its analysis and findings that the proposed annexation fully satisfies the standard set out in 3 AAC 110.090(b). That is, the City can provide essential city services to the territory proposed for annexation more efficiently and more effectively than another existing local government.

C. COMPATIBILITY OF THE TERRITORY PROPOSED FOR ANNEXATION WITH THE AREA INSIDE THE CURRENT CITY BOUNDARIES.

Under 3 AAC 110.100, an area may be annexed to a city if the Commission determines the two areas are compatible in character.

Commissioner Tesche considered the standard to be met by all of the area sought for annexation. Although he noted an obvious difference in population density and development between the area proposed for annexation and the area within the existing boundaries of the City he found there to be little difference in the manner in the land is actually set up for prospective and current subdivisions. For instance, numerous Native allotments are poised for sale in the area to be annexed and development activities in the area proposed for annexation are similar to and compatible with land uses existing or proposed within current city boundaries. Therefore he did not anticipate difficulties in City of Aleknagik land use and subdivision planning for both areas. The topography of the area suggested to him that the area within the existing boundaries of the City of Aleknagik was compatible with that of the area proposed for annexation.

Major differences between the areas were evident in terms of population density. However, he did not consider the distinction between population densities to be a fatal flaw in the proposal since there is reasonably anticipated future growth in the area proposed for annexation and it is just as important for us to look at future growth patterns as it is at current population densities. He viewed the record as suggesting that there will be future development on both the north and south shores of Lake Aleknagik, in terms of recreational lodges and whatever is done with the existing native allotments that exist and may be offered for sale.

Commissioner Tesche indicated that the suitability of the territory for reasonably anticipated community purposes, again I can find no features that distinguish the existing property from the territory proposed for annexation. Therefore he found that the standard was met for the entire area proposed for annexation.

Based on the preceding findings, the Commission concludes that the 24.29 square mile territory proposed for annexation is compatible in character with the area inside the current boundaries of the City. As such, the standard set out in 3 AAC 110.100 is fully satisfied.

D. ADEQUACY OF THE RESOURCES NEEDED TO PROVIDE CITY SERVICES.

3 AAC 110.110 allows an area to be annexed to a city provided, in part, that the Commission determines the area within the proposed post-annexation boundaries of the city has the human and financial resources necessary to provide essential city services on an efficient, cost-effective level.

Commissioner Walters indicated the record and public comments submitted at the public hearing led him to conclude that the two primary city functions needed by the entire area proposed for annexation are municipal planning and solid waste disposal functions. He suggested that since the western portion of the area proposed for annexation has only eight year round residents, the City has the current capability to deliver services to the area. Such ability would be contingent upon the assumption that the initial efforts taken by the city for its planning function to would be brought to fruition. If the City continues with its planning efforts, the need for planning in the area proposed for annexation will be satisfied. It is evident that the City can provide some level of solid waste disposal services. If there is larger scale lodge development in the western area, the City's capacity for solid waste disposal will have to be increased. Annexation would provide the City with the option of assessing fees for that development, just as they are assessing fees at present. The City would have the flexibility to expand the waste disposal services in accordance with the economic development in the western portion of the area proposed for annexation. Commissioner Walters concluded that he considered the standard to be satisfied by the petition.

Commissioner Waring expressed concurrence with Commissioner Walters' analysis that the principal services the city appears eager to provide to the area proposed for annexation are land use planning and solid waste disposal. The City appeared to desire to keep growth restrained to a pace that is compatible with the City's broad needs and also to tend to the issue of solid waste management. He indicated that he had some concern about the existing and future human and financial resources available to the City. Like many small cities, the resources of the City of Aleknagik available to defray the cost of municipal functions are limited. The land use planning functions of the City are operating at a limited level. Such suggested that it might be wiser, given the limitations upon the City's resources, to focus on a more limited annexation. Such would allow the City to focus its resources on a limited area and reserve a more expansive annexation to a future date when the City has acquired more experience and shown capability to actively exercise a municipal land use planning function.

Based on the foregoing, the Local Boundary Commission concluded that the area within the proposed post-annexation boundaries of the City has the human and financial resources necessary to provide essential city services on an efficient, cost-effective level. As such, the standard set out in 3 AAC 110.110 is reasonably satisfied.

E. SIZE AND STABILITY OF THE POPULATION TO SUPPORT THE EXTENSION OF CITY GOVERNMENT.

State law allows an area to be annexed to a city provided, in part, that the Commission determines the population within the proposed post-annexation boundaries of the city is large and stable enough to support the extension of city government. (3 AAC 110.120)

Commissioner Waring commented that although the proposed annexation would not result in a significant increase in population to the City of Aleknagik, the City itself is a permanent and growing community. Potential exists for the Aleknagik area's population to further increase, particularly its seasonal recreational population. On this basis, he concluded that the population in the proposed post-annexation boundaries would satisfy the requirements of this standard.

The Commission finds from the foregoing that the population within the proposed expanded City is large and stable enough to support the extension of city government. Thus, the standard set out in 3 AAC 110.120 is satisfied.

F. INCLUSION OF ALL AREAS NECESSARY TO PROVIDE CITY SERVICES.

3 AAC 110.130(a) specifies that an area may be annexed to a city provided, in part, that the Commission determines that the proposed city boundaries include all land and water necessary to provide the full development of essential city services on an efficient, cost-effective level.

Commissioner Wasserman noted that the area proposed for annexation is heavily used both for recreation and also for traditional subsistence use. Enhancement of the City's ability to provide City service to the area proposed for annexation would be beneficial. As the area's population increases the demand for City services will also increase. She observed that Lake Aleknagik serves as the transportation corridor for the community. Since transportation over the lake would be required to deliver City services, inclusion of an additional portion of the lake within the City's boundaries is consistent with the standard.

Based on the foregoing discussion, the Commission concludes that 3 AAC 110.130(a) is satisfied by the City of Aleknagik's annexation proposal.

G. CONTIGUOUS NATURE OF TERRITORY PROPOSED FOR ANNEXATION.

3 AAC 110.130(b) specifies that an area may be annexed to a city provided, in part, that it is contiguous to the annexing city, unless a compelling reason exists for annexation of non-contiguous territory.

Commissioner Galstad observed that the territory proposed for annexation is clearly contiguous to the existing boundaries of the City of Aleknagik since it adjoins the city on southern, western and northern areas of the current City boundaries.

The territory adjoins the current boundaries of the City. Thus, the Commission finds that the standard set out in 3 AAC 110.130(b) is satisfied.

H. ANNEXATION LIMITED TO EXISTING COMMUNITY PLUS REASONABLY PREDICTABLE GROWTH.

3 AAC 110.130(c) specifies that an area may be annexed to a city provided, in part, that the proposed city boundaries include only that area comprising an existing local community, plus reasonably predictable growth, development, and public safety needs during the 10 years following the effective date of annexation of that city.

Commissioner Tesche expressed the belief that the territory as a whole satisfied the standard, but observed that areas closer to the City's existing boundaries satisfy the standard in more compelling manner than those portions of the area proposed for annexation that are farther from the existing City boundaries. Although the area to the west of the existing City boundaries is sparsely populated, he was convinced that the entire area proposed for annexation should be annexed. Construction of a bridge linking the north and south shores of Lake Aleknagik, although delayed, is now apparently scheduled to enter the design phase in FY 2005. Assuming no further delay, the bridge should be constructed within the next decade. The bridge project will bring additional vehicle traffic into the Aleknagik area and such will have a considerable impact upon the community and the area.

Commissioner Tesche also indicated that he was convinced that inclusion of a portion of Aleknagik Lake was key to the annexation proposal since the lake ties the community together with the various lodges that are on the lake. There was no testimony to suggest any difference among the natural features or resources in any portions of the area proposed for annexation and the area within the existing city boundaries. Development is anticipated to occur first in more populated areas within the existing boundaries of the City. As those areas fill up and as more land becomes available as a consequence of the sale of Native allotments, development pressure will occur throughout the area proposed for annexation.

A very serious potential public safety problem could arise with the introduction of an alcohol package liquor store in the area proposed for annexation. Establishment of a package liquor store adjacent to a city camp ground provides a compelling reason for annexation of all of the territory sought by the annexation since all of the area is connected by the lake, a common waterway. If the City were opposed to the sale of alcoholic beverages in proximity to the Bear Bay campground, there would be little to prevent the entrepreneur from simply moving a proposed liquor store just outside the City boundaries. He indicated that such considerations led him to support approval of the petition without amendment, since the annexation proposal includes areas of reasonably predictable growth development and addresses public safety needs.

Commissioner Waring expressed agreement with most of what Commissioner Tesche's views relating to the standard. He noted that the City's solid waste disposal facilities are located in the areas proposed for annexation located to the immediate north and south of the existing City boundaries. Consequently, he considered those portions of the area proposed for annexation that

include the solid waste sites to clearly satisfy the standard. Further, the area where the city-owned camp sites and the south shore area with its new lodges and sub-division development clearly satisfied the standard. He expressed reservations about the extensive city resources required to deliver services to the entire area proposed for annexation. He suggested that annexation of the western most part of the territory proposed for annexation was a stretch in the context of the standard. He noted that there was evidence of recent growth and evidence of interest on the part of land holders, particularly, owners of Native allotments, in sub-dividing parcels and making land available for recreational uses. He suggested that such was more evident with respect to the western portion of the territory proposed for annexation located close to the existing boundaries than to the areas located farther from the existing boundaries. He stated that amending the petition to reduce the size of the area proposed for annexation would better fulfill this standard than the full annexation originally proposed by the city.

He noted that, the predominant private ownership of lands in the area proposed for annexation suggested to him that the area may be subject to increased development during the next ten years.

Based on the foregoing, the Commission concludes that the territory and the area within the corporate boundaries of the City are one in the same community. As such, the standard set out in 3 AAC 110.130(c) is met.

I. EXCLUSION OF LARGE UNPOPULATED AREAS.

3 AAC 110.130(d) specifies that an area may be annexed to a city provided, in part, that the proposed city boundaries do not include entire geographical regions or large unpopulated areas, except when justified by other annexation standards.

The terms “entire geographical regions” and “large unpopulated areas” are subjective and should be considered in the context of other city governments in Alaska. Although Aleknagik is one of the less populous city governments in the state, it is larger than the average size of the cities in Alaska. The average size of the jurisdictional area of the 145 cities in Alaska is 27.1 square miles. If annexation occurs, the City’s new boundaries would encompass 44.19 square miles, 63% greater than the average of all cities.

Of course, the Commission recognizes that the jurisdictional needs of each city in Alaska are unique and must be considered on a case by case basis. Nonetheless, the statistical comparisons are helpful in applying the terms “entire geographical regions” and “large unpopulated areas.”

The Commission noted that much of the territory in the current proposal is uninhabited. According to the Petitioner, only eight persons reside in the 24.29 square miles proposed for annexation on a year-round basis. Commissioner Walters noted that the Commission's regulations permit the Commission to approve annexation of expansive, sparsely inhabited areas in spite of these considerations if the Commission finds that annexation is still appropriate if the large, unpopulated areas should be annexed on the basis of other annexation standards. Those standards are satisfied since the area proposed for annexation includes City-owned lands and facilities that are essential to the community, require city services, or are otherwise properly included within the jurisdiction of the City. Examples noted by the Commission include the following:

- City owned campsites at Bear Bay and Happy Creek;
- City-owned dumpsites.

Commissioner Walters stated that he had concluded that the standard was satisfied by the Commission.

Commissioner Waring noted that when the Commission addressed the petition for incorporation of the City of Gustavus, consideration was given to amending the area proposed for

incorporation to include an area immediately west of the area originally proposed area for incorporation. Such would have included a resort hotel development and wildlife habitat within the City's boundaries. Ultimately, the Commission voted to amend the incorporation petition to include the additional area.

He indicated that he had concluded that the standard was satisfied by the areas to the north and south of the existing boundaries, but that the more remote areas to the west of the boundaries did not satisfy the standard. He suggested that consistent application of the standards would favor a relatively strict interpretation of the standard.

Several Commission members stressed that while much of the area proposed for annexation is uninhabited, there was significant privately owned property in the area, rendering the area particularly subject to residential or commercial development.

In sum, the Commission concludes that while much of the territory is unpopulated, other annexation standards justify annexation. Therefore, the Commission concludes that the standard set out in 3 AAC 110.130(d) is met.

J. PROTECTION OF CIVIL AND POLITICAL RIGHTS.

3 AAC 110.910 provides that an annexation proposal may not be approved by the Commission if the effect of the annexation would deny any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin.

No evidence exists that the proposed annexation would deny or affect any civil right or political right of any resident in the area proposed for annexation. If granted, annexation would extend voting rights to persons who are now disenfranchised with respect to City voting rights. Thus, the standard set out in 3 AAC 110.910 is satisfied.

K. ADEQUACY OF ANNEXATION TRANSITION PLAN.

3 AAC 10.900 provides that the annexing city must demonstrate its intent and capability to extend essential city services into the territory proposed for annexation. In this case, the City of Aleknagik must provide a plan for the extension of services to the territory after annexation on an orderly, efficient, and economical basis within the shortest practicable time, not to exceed two years after annexation.

Commissioner Wasserman stated that the City of Aleknagik had collaborated with the Aleknagik Village Corporation, the major landowner in the area proposed for annexation concerning the transition of the area to City jurisdiction. She expressed concern about the city's ability to finance the delivery of services to the area after annexation. She harbored doubts about the efficacy of the care taker process described by the petition. Such concerns were based upon the liability exposure of the City in its capacity as caretakers of private property. She indicated that she also had unresolved questions regarding the proposed City environmental monitoring functions, refuse collection service and the ability to hire and retain personnel to perform all of those functions.

Concerns about the financial capacity of the City to deliver services to the area led her to favor of amending the petition to include only part of the area located to the west of the existing City boundaries. She felt that the area stretching from Happy Creek to Bear Bay should be annexed but did not support annexation of areas farther west because such would extend City service delivery over too great an expanse. She indicated that she was comfortable with the areas located to the north and south of the existing boundaries. She concluded that, on balance, the standard is met.

Commissioner Tesche expressed some concern that the transition plan proposed by the Petitioner does not address in any thorough systematic way exactly what types of land use planning

measures will be utilized to address local concerns. He observed that there will be problems and opportunities associated with future development in the area along the Lake. He considered the Petitioner to have made a convincing argument that unbridled development in that area will have an effect on the local subsistence life style. However, he was unconvinced that the Petitioner has identified sufficiently sophisticated tools that will be used to regulate that anticipated future development in a manner that would actually be effective.

Commissioner Galstad expressed agreement with Commissioner Tesche's that the alcohol control issue facing the community had not been addressed adequately to support expansion of City jurisdiction into the area proposed for annexation. The City of Aleknagik has never adopted any local alcohol option under Title 4. Nevertheless, she expressed agreement with Commissioner Tesche that Lake Aleknagik is more like a road system linking the territory within the existing City and the area proposed for annexation. She concluded that, on balance, the standard had not been met.

L. BALANCED BEST INTERESTS.

State law provides that the LBC may recommend a municipal boundary change to the State legislature pursuant to Article X, § 12 of Alaska's Constitution as long as the proposal satisfies the annexation standards set out in 3 AAC 110.090 - 3 AAC 110.130. Additionally, the LBC must determine that annexation will serve the balanced best interests of the State of Alaska, the territory proposed for annexation, and affected political subdivisions. Specifically, the law provides as follows.

Two constitutional principles are particularly relevant in terms of this standard. The first is Article X, Section 1 of the Constitution of the State of Alaska which promotes maximum local self-government with minimum numbers of local governments. The second is Article X, Section 5 which expresses a preference for annexation to a city over the creation of new service areas.

Commissioner Galstad stated that the general welfare of the city residents certainly was a major concern to her, as was the very minimal transition plan for annexing this entire territory. She noted that the area proposed for annexation is likely to be subject to future growth and development. Therefore proper planning for delivery of City services, such as planning and solid waste disposal issues is critical.

She noted that while annexation would probably enhance city finances over the long term, in the short term the gain will be negligible. She suggested that annexation would provide minimal benefit to the year-round residents of the eighteen square miles to the west of the existing boundaries because it would be difficult for the City to extend an adequate level of service within its existing budget. She considered annexation to be in the best interests of the State, because the State prefers to have solid waste disposal and planning delivered by local governments. Therefore, annexation would be satisfy the balanced best interests requirement.

Commissioner Waring stated that he also considered the balanced best interests standard satisfied by the proposal. His conclusion was based upon the recognition of ongoing development in the area proposed for annexation and the potential for alcohol sales in the territory proposed for annexation and the relevance of such to the health and general safety and general welfare of city residents. He noted that annexation of the territory would enable the city to plan for and reasonably control anticipated growth, which he considered to be very pertinent in this case. He suggested that amending the annexation petition would be warranted. He stated that he had no reservations about the propriety of the City's annexation of the solid waste disposal sites located north and south of the existing boundaries.

Thus, the Commission finds that the annexation proposal serves the balanced best interests of the State, the affected local governments, and the territory proposed for annexation.

SECTION IV ORDER OF THE COMMISSION

Based on the findings and conclusions set out in Section III of this decisional statement, the Local Boundary Commission concludes that all of the relevant standards and requirements for annexation are satisfied by the City of Aleknagik' petition. Therefore the Commission hereby approves the March 5, 1999 petition of the City of Aleknagik for the annexation of approximately 24.29 square miles.

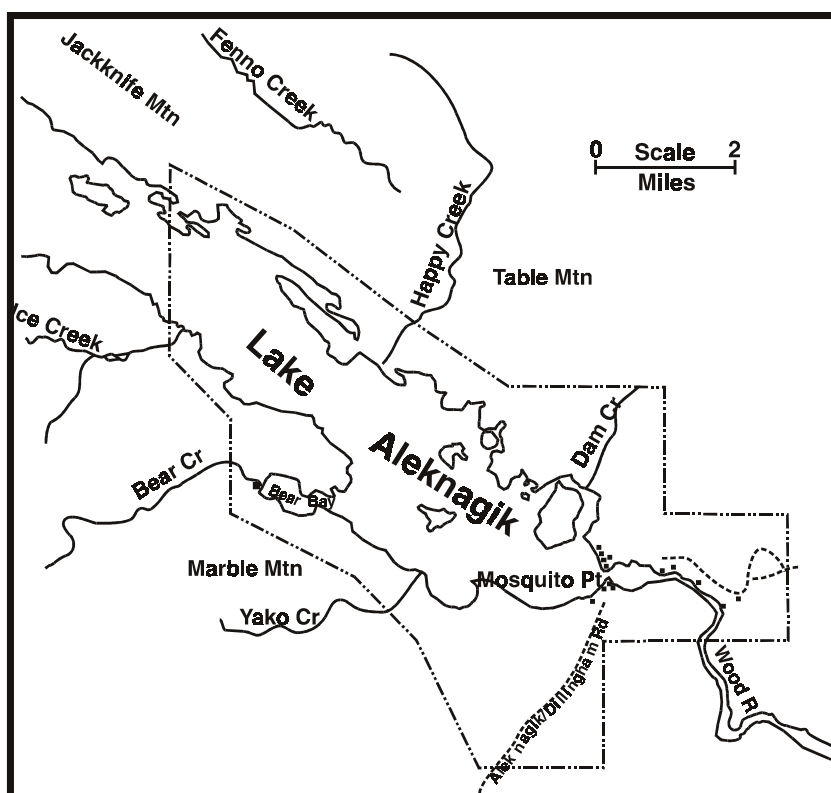
Pursuant to Article X, §12 of the Constitution of the State of Alaska, the Local Boundary Commission will submit a recommendation to the Second Regular Session of the Twenty-First Alaska Legislature for the annexation of the territory in question.

Tacit approval of the recommendation by the Legislature will result in boundaries for the City of Aleknagik as described below and as shown on the accompanying map.

POST ANNEXATION BOUNDARIES OF THE CITY OF ALEKNAGIK

Beginning at the NE corner of Section 28, unsurveyed T10S R55W, Seward Meridian, Alaska, the TRUE POINT OF BEGINNING for this description; thence the following courses;

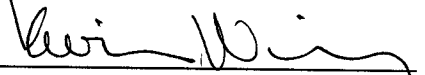
- west to the SE corner of Section 19, T10S, R55W; thence
- north to the NE corner of Section 18, T10S, R55W; thence
- west to the SW corner of the SE quarter of Section 11, T10S, R56W; thence
- northwesterly to the SW corner of the NW quarter of Section 32, T9S, R56W; thence
- northwesterly to the SW corner of Section 30, T9S, R56W; thence
- northwesterly to the SW corner of the NW quarter of Section 25, T9S, R57W; thence
- south to the SE corner of the NE quarter of Section 11, T10S, R57W; thence
- southeasterly to the SE corner of the NE quarter of Section 13, T10S, R57W; thence
- south to the SE corner of Section 24, T10S, R57W; thence
- southeasterly to the SE corner of Section 29, T10S, R56W; thence
- southeasterly to the SE corner of Section 33, T10S, R56W; thence
- southeasterly to the SE corner of Section 10, T11S, R56W; thence
- east to the SE corner of Section 12, T11S, R56W; thence
- north to the NE corner of Section 1, T11S R56W; thence
- east to the SE corner of Section 33, T10S R55W; thence
- north to the NE corner of Section 28, T10S R55W, the TRUE POINT OF BEGINNING hereof.



Containing 43.75 square miles more or less.

Approved in writing this 16TH day of December, 1999.

LOCAL BOUNDARY COMMISSION

By: 
Kevin Waring, Chairman

Attest:

By: 
Dan Bockhorst, Staff

RECONSIDERATION BY THE COMMISSION

Within 20 days after this decision becomes final under 3 AAC 110.570(g), a person may file a request for reconsideration of the decision. The request must describe in detail the facts and analyses that support the request for reconsideration.

If the Commission has taken no action on a request for reconsideration within 30 days after the decision became final under 3 AAC 110.570(g), the request is automatically denied.

If the Commission grants a request for reconsideration, the petitioner or any respondents opposing the reconsideration will be allotted 10 days from the date the request for reconsideration is granted to file a responsive brief describing in detail the facts and analyses that support or oppose the request for reconsideration.

JUDICIAL APPEAL

A judicial appeal of this decision may also be made under the provisions of the Alaska Rules of Appellate Procedures, Rule 601 et seq. An appeal to the Superior Court must be made within thirty days after the last day on which reconsideration can be ordered.
