

A Petition

by the

City of Kodiak

for Annexation to the City
of territory northerly of the
current City limits

March 1999

ADDITIONAL INFORMATION NOT FORMALLY PART OF THE PETITION

In addition to the information required for the petition, DCRA encourages petitioners to provide supplemental information which will be useful in the analysis and consideration of the annexation proposal. These materials include:

- the City's current operating budget;
- the City's most recent audit;
- the municipal comprehensive plan(s) covering the city and the territory proposed for annexation;
- photographs of the territory proposed for annexation including properties which will be transferred to the City from the Borough as a result of annexation; and general views of the territory proposed for annexation;
- a computer disk containing the City's brief in support of its petition (using Microsoft Word format preferred; others Windows formats acceptable)
- other information which the City feels would be useful.

**PETITION BY A CITY FOR ANNEXATION TO THE CITY WITHIN AN ORGANIZED
BOROUGH, SUBJECT TO APPROVAL BY THE VOTERS IN THE TERRITORY
PROPOSED FOR ANNEXATION**

TO: THE STATE OF ALASKA, LOCAL BOUNDARY COMMISSION:

The petitioner named below hereby requests annexation of the territory described herein under the provisions of AS 29.06.040(c)(1), 19 AAC 10.090 -- 19 AAC 10.130, 19 AAC 10.150, 19 AAC 10.400 -- 19 AAC 10.660, and 19 AAC 10.900 -- 19 AAC 10.990.

1. PETITIONER. The name of the city petitioning for annexation is listed below:

Name: CITY OF KODIAK

2 CITY TO WHICH ANNEXATION IS PROPOSED. The name and class of the city to which annexation is proposed are listed below:

Name: CITY OF KODIAK (hereafter "City").

Class: HOME RULE

3 BRIEF DESCRIPTION OF TERRITORY. A short, general description of the territory proposed for annexation is presented below:

The area northerly of the City including Spruce Cape, Fire Protection Area No. 1, and the unpopulated territory drained by Pillar Creek and Monashka Creek, which comprise the watersheds for the municipal reservoirs.

4. REASONS FOR ANNEXATION. A concise statement of the reasons for the annexation proposal is provided as **Exhibit A**.

5. MAPS AND LEGAL DESCRIPTIONS:

(A) A written metes and bounds legal description of the territory proposed for annexation is presented as **Exhibit B-1**.

(B) A written metes and bounds legal description of the proposed post-annexation boundaries of the City is presented as **Exhibit B-2**.

- (C) A map of the territory proposed for annexation is presented as **Exhibit C-1**.
- (D) A map of the existing boundaries of the City (showing any differential tax zones in the City) is presented as **Exhibit C-2**.
- (E) A map showing the boundaries of all Borough service areas located wholly or partially within the territory proposed for annexation is presented as **Exhibit C-3**. This exhibit is presented on three sheets, labeled C-3a, C-3b, and C-3c.

6. SIZE. The territory proposed for annexation is estimated to encompass 12,486 acres.

7. POPULATION. The population within the current boundaries of the City is estimated to be: 6,859. The population of the territory proposed for annexation is estimated to be: 3,500.

8. CITY POWERS AND SERVICES. Listed below are the services and facilities currently provided by the City within its existing boundaries. All of these services, except for those designated below are expected to be extended to the area in question

City Services to be extended to the annexed area in accordance with the transition plan:

Police and fire protection, sewer and water utilities, building inspections, street improvements and maintenance, parks and recreation, and library services.

City Services not to be extended to the annexed area:

The only City function which will not be affected by annexation is operation of the City's Port and Harbors. As there are no port or harbor facilities in the area proposed for annexation, this service will not be extended by annexation. The existing Port and Harbor facilities within the current City limits are used by all mariners without regard for City residency.

in accordance with the transition plan included with this petition.

9. CITY'S EXTRATERRITORIAL POWERS. The City currently exercises the following powers within the territory proposed for annexation under authority of AS 29.35.020.

- (1) The City provides water and sanitary sewer utilities in Service District No. 1, which comprises a portion of the area proposed to be annexed.
- (2) The City provides police back-up assistance to the Alaska State Troopers throughout the road system, including the area proposed to be annexed.
- (3) The City provides fire aid to the Fire Protection Area No. 1 through a Fire Aid Agreement with the Kodiak Island Borough, and to the watersheds and other wildlands through a Fire Protection Agreement with the State of Alaska.
- (4) The City provides ambulance and emergency medical services throughout the road system, including the area proposed to be annexed.
- (5) The City provides building inspection, fire safety inspection, and animal control services to the area through agreements with the Borough.
- (6) The City owns approximately 35 acres of land in the area proposed to be annexed, part of which is leased to the B.P.O. Elks for scouting and other youth activities, and the remainder of which (known as the "Ram site") is developed and was until recently leased to the Kodiak Arts Council for outdoor theater. The Ram site is now administered as a passive park.
- (7) The City restricts access and usage of lands in the reservoir watersheds north of the current City boundaries.

10. CITY TAXES. The type and rate of each tax currently levied by the City is listed below:

TAX TYPE	TAX RATE
Real property tax	2 mills
Sales tax (other than bed tax, below)	6% up to maximum of \$500 of any individual transaction
Sales tax on transient room rentals	11% up to maximum of \$500 of any individual transaction

11. BOROUGH POWERS AND SERVICES. Listed below are the services and facilities currently provided by the Borough within the territory proposed for annexation.

<p>Areawide</p> <ul style="list-style-type: none"> Planning and Zoning Assessment and Taxation Education Health <p>Non-areawide:</p> <ul style="list-style-type: none"> Solid Waste Collection and Disposal Animal Control Parks and Recreation Economic Development <p>Service areas wholly or partially within the territory proposed for annexation:</p> <ul style="list-style-type: none"> Bay View Road Service Area Fire Protection Area No. 1 Monashka Bay Road Service Area Service District No. 1 (water, sanitary sewer, and road) Service District No. 2 (future water and sanitary sewer) Woodland Acres Street Light Service District

12. BOROUGH TAXES IN THE TERRITORY. The type and rate of each tax currently levied by the Borough in the territory proposed for annexation are listed below.

TAX TYPE	TAX RATE
Areawide taxes	
real property tax	9.25 mills
personal property tax (on commercial equipment and supplies)	9.25 mills
severance tax	9.25 mills
Nonareawide taxes	
Sales tax on transient room rentals (only outside municipalities which have their own bed tax)	5%

Taxes levied in service areas wholly or partially within the territory proposed for annexation

TAX TYPE	TAX RATE
Bay View Road Service Area	1 mill
Fire Protection Area No. 1	1.5 mills
Monashka Bay Road Service Area	1.5 mills
Service District No. 1	0.75 mills

13. TAXABLE VALUE OF REAL AND PERSONAL PROPERTY. The following is the value of taxable property in the City and the territory proposed for annexation:

Area within current City boundaries

real property:	\$301,689,359.00
personal property:	[not taxed by the City]

Area proposed for annexation

real property:	\$149,014,590.00
personal property:	[not taxed by the City]

14. REVENUE IMPACTS ON THE CITY. It is estimated that annexation will result in the following additional revenues to the City.

Property taxes	\$298,030.00
Sales taxes	\$236,040.00
Water utility fees	- \$61,873.00 ¹
Sewer utility fees	- \$78,490.00 ¹
State Municipal Assistance/Revenue Sharing	\$122,000.00
Shared Fisheries Tax (FMA)	\$ 7,259.00
Building Inspection Fees	- \$20,100.00 ²
Total	\$502,866.00

Notes:

1. The City currently provides water and sanitary sewer services to Service District No. 1, within the area proposed to be annexed, at a rate 20% higher than charged within the City. Upon annexation, the surcharge would cease. See Transition Plan page 4.
2. The City has adopted a fee structure that is substantially lower than the UBC fee structure charged by the Borough. Because the City provides the service to the Borough under contract, those fees are remitted to the City. In the event of annexation, that revenue would be reduced unless the City fee structure is changed. See Transition Plan pages 4--5.

15. IMPACTS ON EXPENSES OF THE CITY. It is estimated that annexation will result in the following additional expenses to the City.

Police protection	\$174,892.00
Fire protection.....	\$233,435.00
Public Works (streets)	\$196,450.00
Parks & Recreation.....	\$ 27,000.00
Administrative (@10%).....	\$ 63,177.70
Total.....	\$694,954.70

16. CITY BONDED INDEBTEDNESS. The following is a summary of the current bonded indebtedness of the City.

<u>Bond Issue</u>	<u>Principal Amount</u>	<u>Annual Payment</u>	<u>Date When Fully Paid</u>
WATER REVENUE BOND			
1993	\$1,990,000.00	\$237,000.00 to 239,000.00	1 Jan 2009
PIER II REVENUE BOND			
1993	\$2,475,000.00	\$467,000.00 to 479,000.00	1 April 2004

17. BOROUGH BONDED INDEBTEDNESS. The following is a summary of the current bonded indebtedness of the Borough.

<u>Bond Issue</u>	<u>Principal Amount</u>	<u>Annual Payment</u>	<u>Date When Fully Paid</u>
GENERAL OBLIGATION BONDS			
1989	\$10,000,000.00	\$1,205,928.00 to 1,195,435.00	1 August 2000
1993	\$9,215,000.00	\$1,028,020.00 to 1,033,620.00	15 February 2006
1994	\$9,985,000.00	\$544,710.00 to 1,577,224.00	15 February 2014
FEDERAL LEASE REVENUE BOND			
1997	8,000,000	\$560,000 to \$749,000	1 April 2019

18. TRANSITION PLAN. Exhibit D consists of a practical plan demonstrating:

- (A) The intent and capability of the City to extend essential services (as defined by 19 AAC 10.990(a)(8)) into the territory proposed for annexation in the shortest practical time following annexation.
- (B) The manner in which the City will assume all relevant and appropriate powers, duties, rights, and functions presently exercised by the Borough within the territory proposed for annexation.
- (C) The manner in which the City will assume and integrate all relevant and appropriate assets and liabilities of the Borough or other entity serving the territory proposed for annexation.

19. FEDERAL VOTING RIGHTS ACT INFORMATION. Information relevant to consideration of the petition in terms of the federal Voting Rights Act is provided in **Exhibit E**. This information includes the following:

- (A) The extent to which the annexation excludes minorities while it includes non-minorities.
- (B) The extent to which the annexation would reduce the City's minority population percentage.
- (C) Whether the electoral system of the City fails fairly to reflect minority voting strength.
- (D) Participation by minorities in the development of the annexation proposal.
- (E) Designation of Alaska Native for U.S. Department of Justice contact.
- (F) Statement concerning the understanding of English in written and spoken forms by minorities at least 18 years of age who reside in the territory proposed for annexation.

20. BRIEF. A written statement fully explaining how the proposed annexation satisfies the standards set out in 19 AAC 10.090 - 19 AAC 10.130; 19 AAC 10.150 and 19 AAC 10.900 - 19 AAC 10.910 is included in **Exhibit F**. The brief demonstrates that:

- (A) The territory proposed for annexation exhibits a reasonable need for city government.
- (B) The territory proposed for annexation is compatible in character with the city to which annexation is proposed.
- (C) The economy within the proposed post-annexation boundaries of the city include the human and financial resources necessary to provide essential city services on an efficient, cost-effective level.
- (D) The population within the proposed post-annexation boundaries of the city is sufficiently large and stable to support the extension of city government.
- (E) The proposed post-annexation boundaries of the city include all land and water necessary to provide the full development of essential city services on an efficient, cost-effective level.
- (F) The annexation will not deny any person the enjoyment of any civil or political right because of race, color, creed, sex or national origin.

In addition, the brief explains why the proposed annexation is good public policy. All assertions in the brief are supported with detailed facts.

21. INFORMATION RELATING TO PUBLIC NOTICE. **Exhibit G** offers information relevant to providing public notice of the annexation proceedings. This includes details about local media, adjacent municipal governments, places for posting notice, place where the petition may be reviewed and parties that should be given individual notice of the annexation proceedings.

22. AUTHORIZATION. This petition was prepared by by authority of City of Kodiak Ordinance No. 1065 pursuant to 19 AAC 10.410(a)(4). **Exhibit H** is a certified copy of Ordinance No. 1065.

23. PETITIONER'S REPRESENTATIVE. The following individual is designated to act as the primary representative of the petitioner on all matters regarding the proposed annexation:

William D. Jones, City Manager

P. O. Box 1397

Kodiak, AK 99615

telephone: 907-486-8640

facsimile: 907-486-8600

The following individual is appointed to act as the alternate representative on all matters regarding the proposed annexation whenever the primary representative is absent or if the primary representative resigns or fails to perform his or her duties:

William A. Maloney, City Clerk

P. O. Box 1397

Kodiak, AK 99615

telephone: 907-486-8636

facsimile: 907-486-8600

24. PETITION INFORMATION & ACCURACY. An affidavit of the petitioner's representative affirming that the information in the petition is true and accurate is provided in **Exhibit I**.

DATED this _____ day of _____, 199__.

By: _____

Petitioner's Representative

EXHIBIT A

The territory proposed for annexation includes Fire Protection Area No. 1, the Spruce Cape Naval Special Warfare Detachment Kodiak (SEAL base), and the watersheds supplying the City reservoirs.

Within Fire Protection Area No. 1 are included several smaller service districts, most notably Service Districts No. 1 and No. 2. Service District No. 1 was created to provide water, sanitary sewer, and road services; however, in July, 1995, the City took ownership of the water and sewer utility improvements and provides those services directly. Road construction and maintenance remains the responsibility of the service district. Service District No. 2 has been created to provide for future water and sewer utility service. Two road service areas within Service District No. 2 are charged with construction and maintenance of roads in those areas.

There is a small area of land within the Fire Protection Area that is not included in either of these utility service districts. That residual land is on the road system but not populated.

The area of the territory proposed for annexation nearest the existing City is already urban in character in many places. It receives water and sewer utilities from extensions of City systems, has marginal police protection from an under-staffed Alaska State Troopers post, fire protection and emergency medical services from a volunteer fire department aided by the City Fire Department, and gets road services (apart from the State highway) from private contractors based on a complaint-received basis. It is clear from the nature of the community that this area needs more comprehensive municipal services than it receives, which the City could and should provide.

The remainder of the Fire Protection Area is included both because it includes the second large area of population growth, Service District No. 2, and because a fragmented Fire Protection Area would not have the resources at this time to continue providing the services for which it was created.

The watershed areas are included in the territory proposed for annexation to better allow the City to manage and control these lands as the needs increase along with population growth and the environmental and public health demands of state and federal regulations increase the need for such control.

EXHIBIT B-1
METES AND BOUNDS LEGAL DESCRIPTION OF THE
TERRITORY PROPOSED FOR ANNEXATION

The existing boundary as recorded in Book 129, Page 043, Kodiak Recording District, Kodiak Island Borough, State of Alaska, City of Kodiak Watershed per Ordinance Number 932 and Kodiak Island Borough Fire Protection Area Number One according to Kodiak Island Borough Ordinance Number 97-16.

Described as follows:

Beginning at Meander Corner 6, U. S. Survey 2873, identical with Meander Corner 1, U. S. Survey 3066A & B; Thence along the course of the existing boundary recorded in Book 129, Page 043;

1. Thence N 32° 24' 00" E a distance of 72.40 feet to the Southwest corner of of Lot 1, Block 1, USS 3066AB;

Thence the following course around said Lot 1:

2. N 41° 18' 00" E a distance of 63.22 feet;
3. Thence N 32° 24' 00" W a distance of 55.00 feet;
4. Thence S 41° 18' 00" W a distance of 63.22 feet;
5. Thence N 32° 24' 00" W a distance of 32.32 feet to Corner 2, USS 3066AB;
6. Thence N 42° 43' 00" E a distance of 35.64 feet to Corner 3, USS 3066AB;
7. Thence N 37° 44' 00" W a distance of 326.37 feet to Corner 4, USS 3066AB;
8. Thence N 55° 16' 00" E a distance of 337.39 feet to Corner 8, USS 2538A;
9. Thence N 34° 43' 00" W a distance of 333.89 feet to Corner 3, USS 1822 on the Easterly boundary of USS 2538B;
10. Thence N 65° 52' 00" E a distance of 183.12 feet along the boundary of Lot 1, USS 1822;
11. Thence N 34° 43' 00" W a distance of 253.16 feet along the boundary of Lot 1, USS 1822;

Thence along the Southerly Right-of-Way of Rezanof Drive East the following courses:

12. along a tangent curve to the left having a central angle of 11° 10' 10", radius of 1,195.92 feet, arc length of 233.14 feet, tangent bearing N 48° 7' 10" E;
13. Thence N 36° 57' 00" E a distance of 394.30 feet;
14. Thence along a tangent curve to the right having a central angle of 21° 40' 00", radius 1,095.92 feet, arc length 414.43 feet;
15. Thence S 31° 23' 00" E a distance of 25.00 feet;
16. Thence N 58° 37' 00" E a distance of 1,178.50 feet to Benny Benson Drive;
17. Thence S 10° 56' 30" E a distance of 69.39 feet;
18. Thence N 79° 03' 30" E a distance of 130.00 feet;
19. Thence N 10° 56' 30" W a distance of 218.06 feet;
20. Thence N 75° 24' 00" E a distance of 2,095.19 feet;
21. Thence N 14° 36' 05" W a distance of 228.08 feet;
22. Thence N 44° 43' 57" W a distance of 103.08 feet;

23. Thence along a tangent curve to the left having a central angle of 42° 10' 45", radius of 717.12 feet, arc length of 527.92 feet, tangent bearing N 46° 20' 45" E;
24. Thence N 00° 06' 43" E a distance of feet along the Westerly Right-of-Way of Rezanof Drive East;
25. Thence N 00° 7' 00" E a distance of 2,060.23 feet along the Westerly Right-of-Way of Rezanof Drive East;
26. Thence S 64° 35' 00" W a distance of 183.72 feet along Mill Bay Road;
27. Thence N 25° 25' 00" W a distance of 250.00 feet along the Easterly boundary of Tract G-1, USS 3218;
28. Thence S 54° 24' 00" a distance of 472.10 feet to a corner common with Tracts D-2 and H-1, USS 3218;
29. Thence S 46° 06' 00" W a distance of 208.50 feet along the Northerly boundaries of Tracts D-1 and D-2, USS 3218;
30. Thence S 48° 54' 00" E a distance of 208.50 feet along a boundary common with Tracts D-1 and I-1, USS 3218;
31. Thence S 40° 06' 00" W a distance of 56.10 feet along the Right-of-Way of Mill Bay Road;
32. Thence S 70° 15' 00" W a distance of 74 feet along the Right-of-Way of Mill Bay Road;
33. Thence N 22° 21' 08" W a distance of feet along a boundary common with Tracts I-1 and I-2A, USS 3218;
34. Thence S 56° 44' 44" W a distance of 401.48 feet along the Northerly boundary of Tract I-2AB, USS 3218;
35. Thence S 56° 50' 18" E a distance of 207.98 feet along a boundary common with Tracts NE1/2J and I-2B, USS 3218;

Thence along the Right-of-Way of Mill Bay Road the following courses:

36. S 30° 58' 00" W a distance of 280.51 feet;
37. Thence N 53° 35' 00" a distance of 302.53 feet;
38. Thence S 50° 54' 20" a distance of 529.80 feet to the Westerly Right-of-Way of Island Lake Road;
39. Thence N 26° 22' 20" E a distance of 159.04 feet along Island Lake Road;
40. Thence N 41° 57' 38" W a distance of 741.75 feet a boundary common with Tracts S-1A and S-2, USS 2318;
41. Thence S 29° 14' 50" W a distance of 499.04 feet along a boundary common with Tract S-2, USS 3218 and Lots 8C-1, 8C-2, 9A, 9B, and 9C, Block 1, Shahafka Acres;
42. Thence N 89° 57' 57" W a distance of 225.00 feet;
43. Thence S 00° 03' 28" W a distance of 74.62 feet;
44. Thence S 16° 56' 08" W a distance of 108.09 feet;
45. Thence S 45° 02' 03" W a distance of 132.50 feet;
46. Thence S 00° 02' 03" W a distance of 84.58 feet;
47. Thence N 89° 27' 12" W a distance of 833.31 feet;
48. Thence S 26° 30' 00" W a distance of 1,344.42 feet;

49. Thence S 66° 06' 00" E a distance of 371.21 feet along the Southerly boundary of USS 3467;
50. Thence S 50° 46' 13" W a distance of 1,100.06 feet to the most Northerly corner of Tract A, USS 3468;
51. Thence S 45° 41' 00" W a distance of 512.11 feet to the most Westerly corner of Tract A, USS 3468, per Plat Number 75-5, Kodiak Recording District;
52. Thence N 34° 41' 00" W a distance of 813.01 feet along a boundary common with USS 1396 and USS 3468 to Corner 3, USS 1396, identical with Corner 4, USS 2538A, and Corner 2, USS 3468;
53. Thence S 55° 15' 00" W a distance of 2,293.79 feet along a boundary common with USS 1396 and USS 2538A;
54. Thence N 34° 39' 00" W a distance of 1,324.20 feet more or less along a boundary common with USS 2538A and USS 2538B;
55. Thence N 55° 21' 00" E a distance of 395.87 feet along the Northerly boundary of USS 2538A, Tract A, to Corner 4, USS 3945;
56. Thence N 34° 39' 00" W a distance of 2,811.60 feet to Corner 3, USS 3945;
57. Thence S 55° 21' 00" W a distance of 10,868.88 feet to Corner 2, USS 3945;
58. Thence S 34° 34' 00" E a distance of 4,250.40 feet to Corner 1, USS 2539, identical with Corner 1, USS 3945;

Said corner also common with the City of Kodiak Watershed boundary as per Ordinance Number 932; Thence the following courses along said Watershed boundary;

59. Thence S 89° 58' 00" W a distance of 2,397.39 feet along the northerly boundary of Lot 12, USS 2539;

Thence the following courses through said Lot 12;

60. S 67° 13' 18" W a distance of 897.23 feet;
61. S 64° 04' 16" W a distance of 3,091.33 feet to a point on the southwesterly boundary of said Lot 12 common with the northeasterly boundary of Lot 15, USS 2539;

Thence the following courses through said Lot 15;

62. S 64° 04' 16" W a distance of 551.45 feet;
63. S 84° 11' 37" W a distance of 2,151.38 feet;
64. N 59° 58' 19" W a distance of 2,341.63 feet to a point on the westerly boundary of said Lot 15 common with the easterly boundary of Lot 16, USS 2539;
65. Thence N 32° 35' 05" W a distance of 1,164.20 feet to a point on the northerly boundary of said Lot 16 common with the southerly boundary of Tract 37;
66. Thence S 89° 57' 41" W a distance of 1,134.72 feet along said boundary of Tract 37;

Thence the following courses along the westerly boundary of said Tract 37;

67. N 12° 04' 00" W a distance of 2,706.66 feet;
68. N 02° 56' 00" E a distance of 2,722.50 feet;
69. N 90° 00' 00" E a distance of 1,050.06 feet;
70. N 00° 04' 00" W a distance of 1,392.43 feet;

Thence the following courses along the natural watershed boundary;

71. N 42° 16' 37" W a distance of 1,555.04 feet;

72. N 05° 46' 59" W a distance of 977.39 feet;
73. N 83° 37' 23" W a distance of 1,797.14 feet;
74. N 77° 41' 24" W a distance of 1,670.93 feet;
75. N 10° 02' 27" W a distance of 866.83 feet;
76. N 55° 18' 51" W a distance of 4,648.44 feet;
77. N 02° 16' 27" E a distance of 1,140.18 feet;
78. N 59° 27' 46" W a distance of 1,043.17 feet;
79. N 36° 57' 25" E a distance of 5,331.13 feet;
80. N 59° 08' 04" E a distance of 2,350.02 feet;
81. N 42° 58' 25" W a distance of 3,210.55 feet;
82. N 22° 45' 53" E a distance of 2,783.61 feet;
83. S 67° 38' 58" E a distance of 2,807.94 feet;
84. S 52° 15' 01" E a distance of 3,532.08 feet;
85. N 80° 21' 51" E a distance of 2,220.09 feet;
86. S 88° 21' 21" E a distance of 6,110.13 feet;
87. Thence S 31° 15' 57" E a distance of 839.64 feet to the protracted section line of Sections 12 and 13, Township 27 South, Range 20 West, Seward Meridian. Said point being on the Kodiak Island Borough Fire Protection Area Number One boundary;

Thence the following courses along said boundary;

88. East a distance of 3,020.93 feet more or less to the range line common with Range 19 West and Range 20 West;
89. South a distance of 5,277.22 feet along said range line;

Thence over submerged lands the following courses;

90. S 38° 13' 41" E a distance of 4,542.71 feet;
91. N 65° 26' 46" E a distance of 3,728.76 feet;
92. N 60° 20' 19" E a distance of 11,299.08 feet;
93. S 52° 15' 25" E a distance of 7,174.83 feet;
94. S 17° 08' 50" E a distance of 2,061.02 feet;
95. S 38° 04' 06" W a distance of 7,633.24 feet;
96. S 60° 29' 18" W a distance of 1,322.06 feet;
97. S 48° 57' 44" W a distance of 2,488.56 feet;
98. S 67° 13' 53" W a distance of 2,447.12 feet to a point on the existing City of Kodiak boundary recorded in Book 129, Page 043;
99. Thence N 32° 24' 00" W a distance of 299.59 feet to the Point of Beginning: Corner 1, USS 3066A&B, identical with Corner 6, USS 2873.

Containing: 19.51 square miles, more or less. All in the Third Judicial District, State of Alaska.

[City Clerk's Note: Line 59 of this description corresponds with line 24 of the boundary description in Exhibit B-2 describing the proposed post-annexation boundaries of the City, and all description subsequent to those lines is identical.]

**EXHIBIT B-2
METES AND BOUNDS LEGAL DESCRIPTION OF THE
PROPOSED POST-ANNEXATION BOUNDARIES
OF THE CITY**

The existing boundary as recorded in Book 129, Page 043, Kodiak Recording District, Kodiak Island Borough, State of Alaska, City of Kodiak Watershed per Ordinance Number 932 and Kodiak Island Borough Fire Protection Area Number One according to Kodiak Island Borough Ordinance Number 97-16.

Described as follows:

Beginning at Meander Corner 6, USS 2873, identical with Meander Corner 1, USS 3066A & B; Thence along the course of the existing boundary recorded in Book 129, Page 043;

1. Thence S 32° 24' 00" E a distance of 1,162.00 feet along the easterly boundary of Alaska Tidelands Survey No. 49 to the intersection point with the Director's line in the middle of Kodiak Channel;
2. Thence S 42° 22' 00" W a distance of 5,200.00 feet;
3. Thence S 00° 50' 00" E a distance of 1,644.70 feet;
4. Thence S 58° 06' 00" W a distance of 7,479.21 feet;
5. Thence N 34° 55' 37" W a distance of 4,891.19 feet to the intersection with the southerlymost corner of the territory annexed by City of Kodiak Ordinance Number 493;
6. Thence S 40° 15' 45" W a distance of 4,017.89 feet to the intersection with the boundary of the U. S. Coast Guard Reservation;
7. Thence N 45° 00' 00" W a distance of 1,963.07 feet along the U. S. Coast Guard Reservation boundary to a point on the northerly Right-of-Way of Rezanof Drive West;

Thence along the northerly Right-of-Way of Rezanof Drive West the following courses;

8. Along a tangent curve to the left, tangent bearing N 45° 31' 42" E, radius of 129.18 feet, central angle of 36° 58' 56", arc length of 83.38 feet;
9. Thence N 08° 32' 46" E a distance of 330.72 feet;
10. Thence N 07° 38' 44" E a distance of 520.67 feet to a point of curvature;
11. Thence along a tangent curve to the right, having a central angle of 57° 42' 00", radius of 437.03 feet, arc length of 440.11 feet;
12. Thence N 65° 20' 44" E a distance of 273.28 feet to a point of curvature;
13. Thence along a tangent curve to the left, having a central angle of 05° 36' 00", radius of 1,809.86 feet, arc length of 176.89 feet;
14. Thence N 59° 44' 44" E a distance of 333.70 feet;
15. Thence N 60° 18' 44" E a distance of 552.36 feet to a point of curvature;
16. Thence along a tangent curve to the left, having a central angle of 10° 13' 00", radius of 1,332.40 feet, arc length of 237.58 feet;
17. Thence N 50° 05' 44" E a distance of 215.63 feet to a point of curvature;

18. Thence along a tangent curve to the right, having a central angle of 25° 34' 00", radius of 540.74 feet, arc length of 241.29 feet;
19. Thence N 75° 39' 44" E a distance of 1,091.14 feet to a point of curvature;
20. Thence along a tangent curve to the left, having a central angle of 16° 43' 00", radius of 1,809.86 feet, arc length of 528.05 feet;
21. Thence N 58° 56' 44" E a distance of 214.54 feet to intersect with the common boundary between USS 2539 and USS 2537B;
22. Thence N 05° 05' 30" W a distance of 101.86 feet along the common boundary between USS 2539 and USS 2537B to Corner 2, USS 2537B, identical with Corner 15, USS 3945;
23. Thence N 05° 05' 30" W a distance of 957.66 feet along the common boundary between USS 2539 and USS 3945 to Corner 1, USS 2539, identical with Corner 1, USS 3945;

Said corner also common with the City of Kodiak Watershed boundary as per Ordinance Number 932; Thence the following courses along said Watershed boundary;

24. Thence S 89° 58' 00" W a distance of 2,397.39 feet along the northerly boundary of Lot 12, USS 2539;

Thence the following courses through said Lot 12;

25. S 67° 13' 18" W a distance of 897.23 feet;
26. S 64° 04' 16" W a distance of 3,091.33 feet to a point on the southwesterly boundary of said Lot 12 common with the northeasterly boundary of Lot 15, USS 2539;

Thence the following courses through said Lot 15;

27. S 64° 04' 16" W a distance of 551.45 feet;
28. S 84° 11' 37" W a distance of 2,151.38 feet;
29. N 59° 58' 19" W a distance of 2,341.63 feet to a point on the westerly boundary of said Lot 15 common with the easterly boundary of Lot 16, USS 2539;
30. Thence N 32° 35' 05" W a distance of 1,164.20 feet to a point on the northerly boundary of said Lot 16 common with the southerly boundary of Tract 37;
31. Thence S 89° 57' 41" W a distance of 1,134.72 feet along said boundary of Tract 37;

Thence the following courses along the westerly boundary of said Tract 37;

32. N 12° 04' 00" W a distance of 2,706.66 feet;
33. N 02° 56' 00" E a distance of 2,722.50 feet;
34. N 90° 00' 00" E a distance of 1,050.06 feet;
35. N 00° 04' 00" W a distance of 1,392.43 feet;

Thence the following courses along the natural watershed boundary;

36. N 42° 16' 37" W a distance of 1,555.04 feet;
37. N 05° 46' 59" W a distance of 977.39 feet;
38. N 83° 37' 23" W a distance of 1,797.14 feet;
39. N 77° 41' 24" W a distance of 1,670.93 feet;
40. N 10° 02' 27" W a distance of 866.83 feet;
41. N 55° 18' 51" W a distance of 4,648.44 feet;
42. N 02° 16' 27" E a distance of 1,140.18 feet;

43. N 59° 27' 46" W a distance of 1,043.17 feet;
44. N 36° 57' 25" E a distance of 5,331.13 feet;
45. N 59° 08' 04" E a distance of 2,350.02 feet;
46. N 42° 58' 25" W a distance of 3,210.55 feet;
47. N 22° 45' 53" E a distance of 2,783.61 feet;
48. S 67° 38' 58" E a distance of 2,807.94 feet;
49. S 52° 15' 01" E a distance of 3,532.08 feet;
50. N 80° 21' 51" E a distance of 2,220.09 feet;
51. S 88° 21' 21" E a distance of 6,110.13 feet;
52. Thence S 31° 15' 57" E a distance of 839.64 feet to the protracted section line of Sections 12 and 13, Township 27 South, Range 20 West, Seward Meridian. Said point being on the Kodiak Island Borough Fire Protection Area Number One boundary;

Thence the following courses along said boundary;

53. East a distance of 3,020.93 feet more or less to the range line common with Range 19 West and Range 20 West;
54. South a distance of 5,277.22 feet along said range line;

Thence over submerged lands the following courses;

55. S 38° 13' 41" E a distance of 4,542.71 feet;
56. N 65° 26' 46" E a distance of 3,728.76 feet;
57. N 60° 20' 19" E a distance of 11,299.08 feet;
58. S 52° 15' 25" E a distance of 7,174.83 feet;
59. S 17° 08' 50" E a distance of 2,061.02 feet;
60. S 38° 04' 06" W a distance of 7,633.24 feet;
61. S 60° 29' 18" W a distance of 1,322.06 feet;
62. S 48° 57' 44" W a distance of 2,488.56 feet;
63. S 67° 13' 53" W a distance of 2,447.12 feet to a point on the existing City of Kodiak boundary recorded in Book 129, Page 043;
64. Thence N 32° 24' 00" W a distance of 299.59 feet to the Point of Beginning: Corner 1, USS 3066A& B, identical with Corner 6, USS 2873.

Containing: 25.07 square miles, more or less. All in the Third Judicial District, State of Alaska.

[City Clerk's Note: Line 24 of this description corresponds with line 59 of the boundary description in Exhibit B-1 describing the boundaries of the territory proposed for annexation.]

EXHIBIT C-1

MAP OF THE TERRITORY PROPOSED FOR ANNEXATION

(The bold line defines the proposed post-annexation boundary of the City; the dashed line defines the boundary between the existing City—the south-central portion—and the area proposed for annexation.)

EXHIBIT C-2

MAP OF THE EXISTING BOUNDARIES OF THE CITY

(The northerly boundary is defined by the dashed line, and the southerly boundary is defined by the heavy line. No differential tax zones are established within the City.)

EXHIBITS C-3a, C-3b, and C-3c
MAPS SHOWING THE BOUNDARIES OF ALL BOROUGH SERVICE AREAS
LOCATED WHOLLY OR PARTIALLY WITHIN THE TERRITORY PROPOSED FOR
ANNEXATION

EXHIBIT C-3a, the large, folded map, shows the entirety of Bay View Road Service Area, Monashka Bay Road Service Area, and the Woodland Acres Street Light Service Area.

It also shows most of the boundaries of Service District No. 1 (which includes the Woodland Acres Street Light Service District), Service District No. 2 (which includes the Bay View Road Service Area and the Monashka Bay Road Service Area), and Fire Protection Area No. 1 (which includes most of Service District No. 1 and all of Service District No. 2).

EXHIBIT C-3b shows the easterly boundary of Service District No. 1, which includes all of Spruce Cape and the U.S. Coast Guard Loran Station, and the northwesterly boundary of Fire Protection Area No. 1, which are truncated from the large map.

EXHIBIT C-3c shows the northwesterly boundary of Service District No. 2, which is truncated from the large map.

EXHIBIT D TRANSITION PLAN

The following provides a detailed plan for the transition to city government for the area proposed for annexation. The transition plan was developed in consultation with appropriate officials of the City and the Borough. The transition plan:

- (a) provides a schedule for the extension of city services in the area proposed for annexation;
- (b) demonstrates the manner in which the City will assume all relevant and appropriate powers, duties, rights, and functions presently exercised by the Borough in the territory proposed for annexation;
- (c) demonstrates the manner in which the City will assume and integrate all relevant and appropriate assets and liabilities of the Borough relating to the territory proposed for annexation.

As it relates to (b) and (c), the transition plan is designed to create an orderly, efficient, and economic transfer of all relevant and appropriate powers, duties, rights, functions, assets and liabilities of the Borough within the shortest practicable time, not to exceed two years after the effective date of annexation.

EXHIBIT E FEDERAL VOTING RIGHTS ACT INFORMATION

Information relevant to the federal Voting Rights Act, which is applicable to any annexation, is provided below to the extent it is reasonably available.

No information specific to the racial heritage of the population in the territory to be annexed is available. However, some approximations can be drawn from (a) the 1990 U.S. Census report, (b) State certified revenue sharing population estimates, and (c) an April, 1997, study by Scott Goldsmith and Alexandra Hill, Institute of Social and Economic Research, University of Alaska Anchorage. The largest racial minorities living in the Kodiak Island Borough are Asian and Pacific Islanders (estimated at 17% by the '97 UAA study) and Alaska Natives (15%, per UAA '97). Other races comprise about 1.2% of the population.

- (A) *The extent to which the annexation excludes minorities while it includes non-minorities:* The current City boundaries already include nearly the entire Borough population of Asian and Pacific Islanders; thus the population of this racial group in the territory to be annexed is materially smaller than in the existing City.
- (B) *The extent to which the annexation would reduce the City's minority population percentage:* Because the territory to be annexed appears to include a smaller proportion of Asian and Pacific Islanders than are present in the current City's racial mix, the effect of annexation would be to reduce the proportion of Asian and Pacific Islanders within the city from 20.5% to approximately 13.5%
- (C) *Whether the electoral system of the City fails fairly to reflect minority voting strength:* All officials elected in the City of Kodiak are elected at large; thus, every elector's vote has the same value as any other elector's, regardless of race, cultural heritage, or any other factor.
- (D) *Participation by minorities in the development of the annexation proposal:* The annexation proposal was initiated by a public sentiment petition signed largely by residents of Service District No. 1, the most populous area within Fire Protection Area No. 1. The Kodiak Island Borough Assembly, discussing the annexation proposal in joint work session with the City Council, asked the City to include all of Fire Protection Area No. 1 in the annexation petition to avoid fragmenting the Fire Protection Area. We have no information about the ethnic, racial, or cultural composition of the signers of the public sentiment petition. None of the seven members of the Borough Assembly are members of an ethnic, racial, or cultural minority. One of the six City Council members is Filipino.

(E) *Designation of Alaska Native for U.S. Department of Justice contact:* The Kodiak Area Native Association (KANA) may be contacted at 3449 Rezanof Drive East, Kodiak, AK 99615, or by telephone at 800-478-5721.

(F) *Statement concerning the understanding of English in written and spoken forms by minorities at least 18 years of age who reside in the territory proposed for annexation:* The racial minorities in the territory proposed for annexation are estimated to be about 20% to 25% Alaska Native, and perhaps 3% to 4% Asian and Pacific Islanders. English is the primary, and in most cases sole language of Kodiak's Native Alaska population. Those Asian and Pacific Islanders who live in the territory proposed for annexation may have any degree of facility with the English language just as their counterparts within the current City boundaries do, from utter incomprehension to native-born fluency.

EXHIBIT F BRIEF

The following provides a written statement fully explaining how the proposed annexation satisfies the standards set out in 19 AAC 10.090 - 19 AAC 10.130; 19 AAC 10.150 and 19 AAC 10.900 - 19 AAC 10.910. In particular, the brief demonstrates that:

- (A) The territory proposed for annexation exhibits a reasonable need for city government. Residents of the territory proposed for annexation do a great deal of their shopping within the existing City, where they pay City sales tax on purchase; however, they have no voice in how those tax-generated revenues are spent. The residents of the territory proposed for annexation who get water and sewer utilities from the City pay a 20% surcharge on those utility rates as a consequence of not sharing in the system's potential liability. Law enforcement coverage is minimal due to continually-reduced budgets and staff in the Alaska State Troopers. Road maintenance is marginal, conducted on a complaint-received basis rather than through a program of preventive maintenance.
- (B) The territory proposed for annexation is compatible in character with the city to which annexation is proposed. All land use within the existing City and in the territory proposed for annexation is governed by the same entity: the Kodiak Island Borough. That area of the territory proposed for annexation nearest the existing City (generally, Service District No. 1) is already populated to a density comparable to the City, and the farther areas are experiencing increasing population, as it is one of only two areas (the other being the Women's Bay Service District, several miles from town) in which significant tracts remain available for development. The residential and commercial areas of the City flow smoothly into the territory proposed for annexation with no significant geographic, cultural, or socio-economic differences.
- (C) The economy within the proposed post-annexation boundaries of the city include the human and financial resources necessary to provide essential city services on an efficient, cost-effective level. All City services (other than operation of harbor facilities, of which there are none in the territory proposed for annexation), all City services will be extended to the new area on an equal basis with the services provided within the existing City. The attached Transition Plan gives details of the anticipated costs of those services and the revenues expected from the area. In brief, the revenues are expected to be virtually equal to operating expenses, and the additional, first-year capital costs are expected to be essentially the same as the fund balances to be transferred from the existing service areas. Property values are shown in paragraph 12 of this petition.
- (D) The population within the proposed post-annexation boundaries of the city is sufficiently large and stable to support the extension of city government. The population of the territory proposed for annexation is approximately half as large as the existing City population. A large proportion of the homes are single-family, owner-occupied dwellings on large lots, representing a highly stable population.

Such rental units as exist are in the middle to upper price ranges, again representing a stable population.

- (E) The proposed post-annexation boundaries of the city include all land and water necessary to provide the full development of essential city services on an efficient, cost-effective level. The territory proposed for annexation includes the City's water reservoirs and their watersheds, land developed for residential, commercial, and industrial use, and ample undeveloped land zoned suitably for expansion of such uses.
- (F) The annexation will not deny any person the enjoyment of any civil or political right because of race, color, creed, sex or national origin. All elections within the City of Kodiak, whether or not this annexation is approved, are done on an at-large basis. There exist no voting districts that might pose a potential for gerrymandering or other manipulation to deny any person enjoyment of any civil or political rights.

The current situation artificially creates two classes of citizens from among all those who form an otherwise homogenous community: those inside the City who have voting rights in City elections, enjoy the benefits of greater police protection and road maintenance, and pay resident rates for water and sewer utilities, and those outside the City who do not vote in City elections, receive less police protection and road maintenance, and pay higher utility rates. Annexation would bring both groups into parity, affording all residents equal suffrage and services at equivalent costs.

EXHIBIT G
INFORMATION RELATING TO NOTICE OF THESE PROCEEDINGS

This exhibit provides information concerning media serving the territory proposed for annexation; place(s) where public notices concerning the annexation proposal will be posted and parties that the petitioner believes should receive individual notice of the proceedings.

MEDIA

Newspaper(s) serving the territory proposed for annexation (ranked in the order that the petitioner believes shows the newspaper with the greatest circulation in the territory first):

The only locally-published newspaper is the *Kodiak Daily Mirror*, published by the Kodiak Publishing Co., Inc., 1419 Selig Street, Kodiak, AK 99615; telephone 907-486-3227.

There is evidence that the *Anchorage Daily News* also has significant circulation in the area.

Radio station(s) serving the territory proposed for annexation (ranked in the order that the petitioner believes shows the radio station with the greatest listening audience in the territory first):

KVOK/KRXX (jointly-operated AM and FM commercial radio stations), owned and operated by Cobb Communications, Inc., P. O. Box 708, Kodiak, AK 99615; telephone 907-486-5159.

KMXT (an FM public radio station), owned and operated by the non-profit Kodiak Public Broadcasting Corporation, 620 Egan Way, Kodiak, AK 99615; telephone 907-486-3181.

Local television scanner:

Channel 4, GCI Cable, Inc., Kodiak Office, 2011 Mill Bay Road, Kodiak, AK 99615; telephone 907-486-3334; contact Brook Baldwin

PLACES DESIGNATED FOR POSTING OF NOTICES

The following three or more public and prominent places within the territory proposed for annexation are designated for posting of notices concerning this annexation proposal.

North Star Elementary School
Mimi's Grill & Bar, 3420 Rezanof Drive East
Mill Bay Coffee, 3833 Melnitsa Lane
Bayside Volunteer Fire Department, 4606 Rezanof Drive East

The following three or more public and prominent places within the current boundaries of the City are designated for posting of notices concerning this annexation proposal.

A. Holmes Johnson Public Library, front entrance bulletin board
319 Lower Mill Bay Road; Barbara Rudio, Library Director

City Hall, legislative bulletin board
710 Mill Bay Road; William A. Maloney, City Clerk (Room 211)

United States Post Office, public notice clipboard
419 Lower Mill Bay Road

MUNICIPALITIES ADJACENT TO THE CITY

The following is a list of cities and boroughs whose boundaries extend within 20 miles of the current or proposed boundaries of the city to which annexation is proposed.

City of Ouzinkie (population 246; not connected by roads)

City of Port Lions (population 239; not connected by roads)

The City of Kodiak is included within the Kodiak Island Borough
(710 Mill Bay Road, Kodiak, AK 99615)

PARTIES THAT THE PETITIONER BELIEVES SHOULD BE PROVIDED INDIVIDUAL NOTICE OF THE FILING OF THE ANNEXATION PETITION.

The following is a list of names and addresses of parties whose potential interest in the annexation proceedings may warrant individual notice

Robin Killeen, 3564 Patrick Court, Kodiak, AK 99615

Ed Mahoney, P. O. Box 2281, Kodiak, AK 99615

EXHIBIT H
CERTIFIED COPY OF ORDINANCE AUTHORIZING THE
ANNEXATION PETITION

I, the undersigned, City Clerk for the City of Kodiak, do hereby certify that the attached ordinance is a true and correct copy of Ordinance Number 1065 of the City as finally passed at a duly convened meeting of the Council of the City of Kodiak.

In witness whereof, I have hereunto set my hand and affixed the official seal of the City this 12th day of August, 1998.

William A. Maloney, CMC
City Clerk, City of Kodiak

(f). The estimate of the size of the territory proposed for annexation was provided by Kodiak Island Borough Community Development Department.

(g). The estimate of the population of the territory proposed for annexation was provided by Kodiak Island Borough Community Development Department.

(h). The list of City powers and services, including extraterritorial powers, was based on information provided by William A. Maloney, City Clerk.

(i). The list of City taxes was based on information provided by Eric Kocurek, City Finance Director.

(j). The list of Borough powers and services was based on information provided by Kodiak Island Borough Clerk's office.

(k). The list of Borough taxes was based on information provided by Karl Short, Kodiak Island Borough Finance Director.

(l). The assessed or estimated taxable value of property in the current boundaries of the city and the territory proposed for annexation was provided by Kodiak Island Borough Assessing Department.

(m). The revenue impacts on the City likely to result from annexation were estimated by William D. Jones, City Manager.

(n). The estimated impacts on expenses of the City likely to result from annexation were provided by William D. Jones, City Manager.

(o). The summary of the bonded indebtedness of the City was provided by Eric Kocurek, Finance Director.

(p). The summary of the bonded indebtedness of the Borough was provided by Karl Short, Kodiak Island Borough Finance Director

(q). The Transition Plan included with this petition was prepared in consultation with all appropriate City and Borough department heads.

(r). The information concerning the Federal Voting Rights Act was provided by William A. Maloney, City Clerk

William D. Jones, City Manager
Petitioner's Representative

SUBSCRIBED AND SWORN TO before me on _____, 1998

[L.S.]

William A. Maloney
Notary Public in and for Alaska
My Commission expires December 8, 2002