



Local Boundary Commission

Statement of Decision

IN THE MATTER OF THE OF THE APRIL 11, 2001 PETITION BY THE CITY OF WASILLA TO ANNEX 314 ACRES

Members

Kevin Waring
Chairperson
At-Large

First Judicial District

Second Judicial District

Allan Tesche
Member
Third Judicial District

Ardith Lynch
Member
Fourth Judicial District



SECTION I INTRODUCTION

On April 11, 2001, the City of Wasilla petitioned to annex about 314 acres through local action as set forth in AS 29.06.040(c)(3) and 3 AAC 110.150(2). Such laws provide that contiguous territory may be annexed to a city by ordinance and a petition signed by all of the voters and property owners of the territory.

The 32 parcels proposed for annexation are located in seven separate areas contiguous to the existing boundaries of the City. Four residents occupy the territory proposed for annexation. Three of the residents are registered voters. The seven areas proposed for annexation are generally described as follows.

Carefree Acres Subdivision. The subdivision consists of 22.86 acres at the intersection of the Parks Highway and Seward Meridian Parkway. According to City of Wasilla staff, the only road in the Carefree Subdivision is Carson Street, a 400' access road providing primary access to Wal-Mart, which is located within the present corporate limits of the City. The State of Alaska is proposing to extend Seward-Meridian Parkway over Carson Street down the hill to the Old Matanuska Road. During the interim the City plans to assume responsibility for road maintenance in the Carefree Subdivision. The City proposes that the Carefree Acres area be zoned as commercial upon annexation. Carefree acres includes the Tony Chevrolet dealership and a business park. Property owners in the area required city water service. Such service was extended to the properties prior to annexation.

Waiverhill/Lakebrook is comprised of 36.13 acres near the intersection of the Parks Highway and the Palmer-Wasilla Highway. According to City of Wasilla staff, State Road is the only current access to parcels in the Waiverhill/Lakebrook subdivision. The City proposes that the Waiverhill/Lakebrook area be zoned as commercial upon annexation. City staff stated that “[Waiverhill/Lakebrook] Properties have access either to the Palmer-Wasilla Highway or the Parks Highway in this area. Properties located on Wasilla L[ake] do have the need for city sewer. City sewer will also help preserve Wasilla Lake.”

Silverleaf Estates is comprised of 114.00 undeveloped acres at the northwest corner of the existing city boundaries at the intersection of Ashford Boulevard and Spruce Road. Spruce Road is a City-maintained street. The City has resolved to zone Silverleaf Estates as rural residential.

Olson Subdivision consists of 4.72 acres near the intersection of the Parks Highway and Palmer Wasilla Highway. The City Planning Commission has resolved that the Olson Subdivision be zoned as commercial. According to City staff:

These properties are primarily owned by Fred Meyer's [sic] and/or affiliated with the development of the Fred Meyer's [sic] store. Fred Meyer's [sic] has been holding off on the replat of this area and the vacation of a portion of Hurley Circle until the annexation process is complete. A portion of Hurley Circle does not physical [sic] exist as a roadway. Access to lots 6 through 8 of Olson Extension is via public use easement built as roadway to access these lots and the Fred Meyer's [sic] store. The Matanuska-Susitna Borough will not allow the replat to occur in the area, until the subject properties are within the same boundary.

Airport South is comprised of 89.09 acres located south of the Wasilla Airport. This parcel has no developed road access. The closest road access to the airport south parcel is City-maintained Mack Road. The City has proposed that the area be zoned as industrial upon annexation. According to the City staff:

Portions of these properties have trails on them that are used by the Irondog and the Iditarod. These [airport south] properties are undeveloped at this time. Nicely squares off the boundary of Wasilla.

Airport North consists of 7.35 acres north of the Wasilla Airport. The City maintains Neuser Drive, which is mostly outside the city's jurisdiction. The Museum of Alaska Transportation and Industry site currently straddles the City's boundary at this location. . The City has proposed that the area be zoned as industrial upon annexation. The property is owned by the Museum of Alaska Transportation and Industry (MATI). MATI owns adjacent property within the City of Wasilla's jurisdiction.

Happy Mountain is comprised of 39.69 undeveloped acres adjacent to Happy Mountain Estates. Primary road access to the property is by city maintained road. The owner of adjacent property reportedly restricts alternate road access to the area. Access is via a City-maintained road.

SECTION II – PROCEEDINGS

The Petition was accepted for filing on April 16, 2001. The Petitioner requested that actions on the Petition be expedited through relaxation or suspension of certain of the Commission's procedural regulations.

Upon determinations by staff that the form and content of the Petition was sufficient, notice of the filing was published, mailed, and posted in accordance with 3 AAC 110.450.

No objections to notice, relaxation of procedural regulations, or the date and place of the Commission's hearing were raised to staff or the Commission in this proceeding.

At its January 17, 2002 meeting, the LBC approved the Petitioner's request for suspension or relaxation of regulations regarding the Petition. Such relaxation of regulations related to the DCED staff reports, notice of the Commission's public hearing, and the procedures for conduct of the public hearing.¹ Specifically, the Commission determined that:

- one staff report would be issued three weeks prior to the hearing, in lieu of separate draft and final reports;

¹ 3 AAC 110.590(c) makes provision for the Local Boundary Commission to relax, reduce or eliminate the notice requirements of 3 AAC 110.450 - 3 AAC 110.470 if the Commission determines that a shortened or less expensive method of public notice is reasonably designed to reach all interested persons.

- the Commission's hearing on the Petition would be conducted by teleconference;² and,
- notice of the hearing would be published once instead of three times.

The Local Boundary Commission conducted a duly-noticed public hearing regarding both of the City of Wasilla's annexation Petition at a meeting conducted by teleconference beginning at 9:30 a.m., March 9, 2002. Commissioners Lynch, Tesche, and Waring participated in the March 9, 2002 hearing and decisional session.

SECTION III FINDINGS AND CONCLUSIONS

The record in this proceeding includes the City of Wasilla's April 7, 2001 Petition and supporting materials, the DCED staff report, and testimony and comments received at the Commission's March 9, 2002 public hearing on the Petition.

State law requires the Local Boundary Commission to apply the specific standards for annexation to cities found at AS 29.06.040(c), 3 AAC 110.090. - 3 AAC 110.150, 3 AAC 110.900, 3 AAC 110.910, 42 USC § 1973 and 28 C.F.R. Part 51.1. Section III of this decisional statement recounts such application by the Commission. Based on the evidence in the record relating to the subject Petition, the Local Boundary Commission makes the findings and conclusions set forth below.

1. Is the territory proposed for annexation compatible in character with the territory within the existing City of Wasilla?

The law establishing this standard provides as follows:

3 AAC 110.100.

The territory must be compatible in character with the annexing city. In this regard, the commission will, in its discretion, consider relevant factors, including the

- (1) land use and subdivision platting;
- (2) salability of land for residential, commercial, or industrial purposes;
- (3) population density;
- (4) cause of recent population changes; and
- (5) suitability of the territory for reasonably anticipated community purposes.

The Petition states that "predominate land uses adjacent to the annexation territories is identical in nature and fully compatible with existing city zoning requirements. The City has adopted the necessary resolutions and ordinances to include these territories into compatible land use designations once the annexation process is complete." (Petition, Exhibit G, pages 1-2)

The parcels within the area proposed for annexation are within platted subdivisions.

The City indicates that this standard is satisfied because, "The area proposed for annexation is surrounded by or adjoining the current city boundary. The existing development located in the annexation area is similar to surrounding uses that are located within the city boundary."

² 3 AAC 110.590(d) allows the Commission to not require the Commission public hearing under procedures set forth in 3 AAC 110.550. Given the non-controversial nature of the proposed boundary change, the Commission opted to conduct a hearing on the Petition by teleconference.

Portions of the area proposed for annexation are utilized for commercial and residential purposes. Other portions of the territory are publicly owned.

The area's residential population density is minimal. This is attributable to the use of much of the territory for commercial purposes. The residential population, consisting of four individuals, does not fully reflect the use and development existing in the area proposed for annexation.

Finding. The territory proposed for annexation is surrounded by or adjoins the current City boundary. The existing development located in the territory proposed for annexation area is similar to development in adjacent areas located within the city boundary.

Conclusion. The Commission finds the territory proposed for annexation to be compatible in character with the City of Wasilla. Thus, the standard set forth in 3 AAC 110.100 is satisfied for the area.

II. Does the area within the proposed expanded boundaries of the City of Wasilla overlap the corporate boundaries of another City?

The law establishing this standard provides as follows:

3 AAC 110.130(e). If a petition for annexation describes boundaries overlapping the boundaries of an existing organized borough, unified municipality, or city, the petition for annexation must also address and comply with the standards and procedures for either annexation of the enlarged city to the existing organized borough, or detachment of the overlapping region from the existing organized borough, unified municipality, or city. The commission will consider and treat the annexation petition to the existing organized borough, or a detachment petition from the existing organized borough, unified municipality, or city.

Finding. The proposed post-annexation City of Wasilla boundaries do not overlap those of any neighboring city.

Conclusion. The standard is satisfied by the City of Wasilla's annexation Petition.

III. Is the area proposed for annexation contiguous to the City of Wasilla?

The law establishing this standard provides as follows:

3 AAC 110.130(b). Absent a specific and persuasive showing to the contrary, the commission will, in its discretion, presume that territory that is not contiguous to the annexing city does not meet the minimal standards required for annexation.

Finding. The territory proposed for annexation is contiguous to the existing boundaries of the City of Wasilla.

Conclusion. The standard is satisfied by the City of Wasilla's annexation Petition.

IV. Would the proposed annexation deny or abridge the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or nation origin?

The laws establishing this standard provide as follows:

42 USC, § 1973 Denial or abridgement of right to vote on account of race or color through voting qualifications or prerequisites; establishment of violation.

(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 1973b(f)(2) of this title, as provided in subsection (b) of this section.

(b) A violation of subsection (a) of this section is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives

of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: Provided, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

28 C.F.R. PART 51.1.

(a) Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c, prohibits the enforcement in any jurisdiction covered by Section 4(b) of the Act, 42 U.S.C. 1973b(b), of any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on the date used to determine coverage, until either:

(1) A declaratory judgment is obtained from the U.S. District Court for the District of Columbia that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, or

(2) It has been submitted to the Attorney General and the Attorney General has interposed no objection within a 60-day period following submission. Additionally, State law provides with respect to annexation that, "A petition will not be approved by the commission if the effect of the proposed change denies any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin."

3 AAC 110.910. A petition will not be approved by the commission if the effect of the proposed change denies any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin.

Finding. The annexation was initiated at the request of all owners of property in the area proposed for annexation and all registered voters living in the territory proposed for annexation. The record contains no evidence that civil, political or voting rights of any party will be diminished by the proposed annexation.

Conclusion. The City of Wasilla's Petition satisfies the standard.

V. Do the proposed boundaries of the City of Wasilla include large unpopulated areas?

The law establishing this standard provides as follows:

3 AAC 110.130(d). The proposed boundaries of the city must not include entire geographical regions or large unpopulated areas, except when boundaries are justified by the application of the standards in 3 AAC 110.090 - 3 AAC 110.130.

The Petition states that "*the seven annexation territories are comprised of small geographical areas whose owners voluntarily requested to become part of city because of the expanded services that would be available to them.*" (Petition, Exhibit G, page 3)

Findings. The proposed boundary change will only slightly increase the size of the city. An annexation of 314 acres can hardly be construed as including geographical regions or large unpopulated areas. If annexation occurs, the City of Wasilla would continue to compare favorably, in terms of approximate land and water areas within its boundaries with other cities in the Matanuska-Susitna Borough.³

³ *Alaska Population Overview*, Alaska Dept. of Labor

City	Population	Land Area (sq. miles)	Water Area (sq. miles)
Matanuska-Susitna Borough Cities			
Houston	1,202	23.7	1.1
Palmer	4,533	3.7	-0-
Wasilla (existing)	5,469	12.7	0.67
<i>Wasilla (as proposed)</i>	5,472	13.21	0.67

Conclusion. In view of the assertions by the City and the written record of the annexation proceedings, the Commission finds that the proposed boundaries include all areas necessary to provide the full development of essential city services on an efficient, cost effective level.

VI. Is the population within the proposed post-annexation boundaries sufficiently large and stable to support the extension of government?

The law establishing this standard provides as follows:

3 AAC 110.120.

The population within the proposed boundaries of the city must be sufficiently large and stable to support the extension of city government. In this regard, the commission will, in its discretion, consider relevant factors, including:

- (1) total census enumeration;
- (2) duration of residency;
- (3) historical population patterns;
- (4) seasonal population changes; and
- (5) age distributions.

The Petition states that *“These annexation territories will not directly increase the population, however current businesses and future developments will provide jobs for the community and expand the level of retail and institutional services currently available in the valley.”* (Exhibit G, Page 2)

Findings. The City's current population is 5,469. The Petitioner contends that annexation would not likely place demands on elected officials and staff of the City of Wasilla since the City is presently serving the area.

The population within the corporate boundaries of the City of Wasilla increased by 35.7% between the 1990 and 2000 census enumerations.⁴

Significant seasonal population changes are not evident in Wasilla. It exhibits the characteristics of a permanent residential community.

⁴ The 1990 census recorded 4,028 residents in the City of Wasilla

Wasilla is the sixth-most populated City in Alaska and the most populous of Alaska's 21 first class cities. The 2000 census indicates that 1,837, (more than 33%) of Wasilla's 5,469 residents are younger than eighteen years of age.

Extension of city government to the area proposed for annexation will not place significant additional demands on City officials and staff.

Conclusion. The Commission concludes that the population within the proposed post-annexation boundaries of the city is sufficiently large and stable to support the extension of city government and that the standard set out in 3 AAC 110.120 is satisfied.

VII. Do the proposed post-annexation boundaries include the human and financial resources necessary to provide essential city services on an efficient, cost-effective level?

The law establishing this standard provides as follows:

3 AAC 110.110. Resources. The economy within the proposed boundaries of the city must include the human and financial resources necessary to provide essential city services on an efficient, cost-effective level. In this regard, the commission will, in its discretion, consider relevant factors, including the:

- (1) reasonably anticipated functions of the city in the territory being annexed;
- (2) reasonably anticipated new expenses of the city;
- (3) actual income and the reasonably anticipated ability to collect local revenue and income from the territory;
- (4) feasibility and plausibility of the anticipated operating budget of the city through the third full fiscal year of operation after annexation;
- (5) economic base of the territory after annexation;
- (6) property valuations in the territory proposed for annexation;
- (7) land use in the territory proposed for annexation;
- (8) existing and reasonably anticipated industrial, commercial, and resource development;
- (9) personal income of residents in the territory and in the city; and
- (10) need for and availability of employable skilled and unskilled people.

The Petition states:

The existing commercial and industrial developments within the annexation territory will generate additional tax revenues for the city without increasing the level [of] services presently being provided. The undeveloped residential areas will provide lands needed for housing developments for future residents. All territories will generate visitors to Wasilla who will buy goods and services from local merchants thus increasing sale tax revenues for the city. (Exhibit G, at 2)

Responsibility for planning and land use regulation has been delegated by the Borough to the City. Annexation will not affect education, tax assessment and collection, or animal control services currently provided to the area by the Matanuska-Susitna Borough.

Planning powers were delegated by the Matanuska-Susitna Borough to the City of Wasilla on January 31, 1995. Planning services will be exercised by the City within the territory proposed for annexation upon the effective date of the annexation. The Matanuska-Susitna Borough will continue to exercise platting powers, coastal zone management and flood damage prevention on an areawide basis.

The City estimates that the annual expenses it will incur to extend services to the area proposed for annexation will total \$11,000 per year for the three years immediately following annexation. The City indicates that it has no plans for the immediate extension of roads, sidewalks, water and sewer utilities or other capital improvements to the area proposed for annexation.

The City has committed to providing the annexed area with all of those services funded by City taxes at the time those taxes are levied. The City anticipated no limitations in doing so. To the extent that unforeseen circumstances render this intent impractical, however, the City may institute a “differential tax zone” as authorized by AS 29.45.580, or local improvement districts.

For the fiscal year ending June 30, 2001, the City recorded total tax revenues of \$5,873,146. The largest single source of locally generated revenue \$5,509,279, was generated by the City’s 2% sales tax.

The Petitioner anticipates that increased revenues resulting from annexation will exceed the increased expenses resulting from annexation by about \$91,000 annually.

The City estimates that, based upon the City’s sales tax data for comparable commercial businesses currently within the boundaries of the City, annexation would increase the City’s sales tax revenue. The City projected that the commercial businesses in the commercial portions of the proposed annexation area have annual taxable sales totaling about \$9,560,880. On this basis, the Petitioner estimates that a 2% sales tax on this volume of taxable sales (\$500 maximum taxable per transaction) would generate \$97,560 annually in additional sales tax revenue to the City of Wasilla.

Expansion of the City’s property tax base through annexation would generate about \$4,297.5 in increased the City of Wasilla property tax revenue annually. Taxable value of real property in the area is \$4,775,000. No taxable personal property is present in the area proposed for annexation, according to the Petition. (at 4)

The record indicates that, based upon current funding levels, the City would gain \$69.56 in Safe Communities program funding and \$58.27 in State Revenue Sharing funding.⁵

Source	Projected First Year Revenue Increase
Property Taxes	\$4,297.50
Sales Taxes	\$97,560
State Revenue Sharing	\$58.27
Safe Communities	\$69.56
Total	\$101,985.33

The assessed full value of taxable real and personal property within the current boundaries of the City of Wasilla totals \$380,399,836.⁶ The City’s 2001 budget states as the follows:

Retail shopping outlets provide increasing local employment – since 1999 a new Fred Meyer store and an expanded new Wal-Mart have opened. A Sears store opening in fall 2001 will employ more than 100 people.

Recent Census Bureau statistics (1998) rank Alaska third nationwide in retail sales per household, with average annual expenditures of \$33,148.

Wasilla’s unique location has helped make it a retail and service center for an area that extends far beyond its borders and beyond what would be expected from its population of 5,469. It is a

⁵ Estimate provided January 15, 2002 by Bill Rolfzen, State Revenue Sharing Program Coordinator

⁶ *Alaska Taxable*, 2001, January, 2002, at 33.

central shopping area not only for residents and tourists, but also for Alaskans from remote communities and rural areas.

Wasilla is home to branches of several statewide banks as well as utility, real estate, insurance, and medical organizations. A growing number of automobile dealerships cater to local residents and compete successfully for Anchorage business.

Industrial activities that contribute to the economic base include steel fabrication, agriculture, manufacturing of concrete products and wood products, and distribution of building materials. Robust residential and commercial markets have kept the construction industry busy, making it a significant contributor to job growth.

Tourism and recreation services are important sources of income and revenue. Every year, thousands of visitors vacation in the area. Flight services and aircraft support are especially important – there are several hundred small, private aircraft in the area.⁷

The City of Wasilla enjoyed per capita tax revenues of \$1,055 in 2001.⁸ The Matanuska-Susitna Borough assessed the area proposed for annexation at \$4,775,000 (real property only). The Petition states that there is no taxable personal property in the area proposed for annexation.

The Petition states:

Predominate land uses adjacent to the annexation territories is identical in nature and fully compatible with existing city zoning requirements. The City has adopted the necessary resolutions and ordinances to include these territories into compatible land use designations once the annexation process is complete. (Petition, Exhibit G, at 1-2)

The 1990 census recorded median Wasilla household income of \$37,619, with 10.8% of residents were living below the poverty level. However, as Alaska Economic Trends reported in May, 2001, employment in the Matanuska-Susitna Borough grew by 73.6% between 1990 and 2000.

Approximately 30% of the Wasilla workforce commutes to Anchorage. Data indicates that 387 members of the Wasilla workforce were employed by government in 2000.⁹ The City of Wasilla is currently operated by 64 employees.¹⁰

Finding. The City already exhibits capability to extend services to the area proposed for annexation. The estimated net annual gain of about \$91,000 in City revenues as a consequence of annexation will enhance the ability of the City to provide essential city services to the area. The Commission finds that the proposed post-annexation City of Wasilla boundaries include the resources necessary to support provision of essential City of Wasilla services on an efficient, cost-effective level.

Conclusion. The standard set out in 3 AAC 110.110 is satisfied.

VIII. is there a plan for Transition of city services to the area sought for annexation?

The law establishing this standard provides as follows:

3 AAC 110.900(a). A petition for incorporation, annexation, merger or consolidation must include a practical plan in which the municipal government demonstrates its intent and capability to extend essential city or essential borough services into the territory proposed for change in the shortest practicable time after the effective date of the proposed change. A petition for detachment or dissolution must include a practical plan demonstrating the transition or termination of municipal services in the shortest practicable time after detachment.

⁷ City of Wasilla FY 2002 Budget, at 16.

⁸ *Alaska Taxable*, 2001, January, 2002, at 17.

⁹ DCED Community Database.

¹⁰ City of Wasilla FY 2002 Budget, at 17

(b) A petition for a proposed action by the commission must include a practical plan for the assumption of all relevant and appropriate powers, duties, rights, and functions presently exercised by an existing borough, city, service area, or other entity located in the territory proposed for change. The plan must be prepared in consultation with the officials of each existing borough, city or service area, and must be designed to effect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after the effective date of the proposed change.

(c) A petition for a proposed action by the commission must include a practical plan for the transfer and integration of all relevant and appropriate assets and liabilities of an existing borough, city, service area or other entity located in the territory proposed for change. The plan must be prepared in consultation with the officials of each existing borough, city, or service area affected by the change, and must be designed to effect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after the date of the proposed change. The plan must specifically address procedures that ensure that the transfer and integration occurs without loss of value in assets, loss of credit reputation, or a reduced bond rating for liabilities.

(d) Before approving a proposed change, the commission will, in its discretion, require that all affected boroughs, cities, service areas, or other entities execute an agreement prescribed or approved by the commission for the assumption of powers, duties, rights, and functions, and for the transfer and integration of assets and liabilities.

Exhibit E of the Petition provides the City's transition plan. It notes that Wasilla Municipal Code 16.08.140 requires that territory newly-annexed to the city shall be placed in the appropriate zoning district based on the recommendation of the City Planning Commission based on current land uses, proposed land uses and the 1996 Comprehensive Plan.

Wasilla Planning Commission Resolution No. 00-29 adopted October 24, 2000 recommended to the City Council that upon annexation, the areas proposed for annexation shall be zoned in a manner consistent with the zoning classifications of adjacent property. According to the transition plan, the Silverleaf Subdivision will be zoned rural residential. The Airport North and Airport South portions of the area proposed for annexation will be zoned as industrial. The Carefree Acres Subdivision, the Waiver Hill Subdivision, the Olson Subdivision Extension and the Lakebrook Subdivision will be zoned as commercial.

Findings. No issues have arisen during the proceedings regarding transition of the area proposed for annexation into the jurisdiction of the City of Wasilla. The Petition demonstrates that the City of Wasilla has conferred with officials of the Matanuska-Susitna Borough to ensure that transition occurs in an orderly manner without disruption of services to the area proposed for annexation, the Borough or the City of Wasilla.

Conclusion. The Commission concludes that the standard to be satisfied by the annexation Petition.

IX. Do the proposed post-annexation City of Wasilla boundaries include all areas necessary to provide the full development of essential city services on an efficient, cost effected level?

The law establishing this standard provides as follows:

3 AAC 110.130(a). The proposed boundaries of the city must include all land and water necessary to provide the full development of essential city services on an efficient, cost-effective level. In this regard, the commission will, in its discretion, consider relevant factors, including

- (1) land use and ownership patterns;
- (2) population density;
- (3) existing and reasonably anticipated transportation patterns and facilities;
- (4) natural geographical features and environmental factors; and
- (5) extraterritorial powers of cities.

The Petition states that "The territories being annexed are sufficient in size to allow existing and future developments to occur in an orderly manner according to the City of Wasilla Comprehensive Plan."

Findings. The City's anticipated zoning classifications of the areas proposed for annexation demonstrate that land use and ownership patterns vary considerably among the separate, dispersed areas proposed for annexation. Portions of the area are industrial, others are commercial or residential. Divergent characteristics of the various parcels notwithstanding, all of the area proposed for annexation appears to be compatible with existing land use patterns in areas presently within the City of Wasilla.

Transportation patterns appear to be conducive to annexation of the all of the areas sought for inclusion in the City's jurisdiction. This is particularly evident with respect to the Happy Mountain and Carefree Acres portions of the area proposed for annexation.

There is no evidence suggesting that the proposed post-annexation boundaries fail to include all areas necessary to provide the full development of essential city services on an efficient, cost effective level.

Conclusion. The Commission concludes that the Petition satisfies the requirements of 3 AAC 110.130(a).

X. Do The proposed boundaries of the City 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?

The law establishing this standard provides as follows:

3 AAC 110.130(c). The proposed boundaries of the city must 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.

3 AAC 110.920 DETERMINATION OF COMMUNITY.

(a) In determining whether a population comprises a community or social unit, the commission will, in its discretion, consider relevant factors, including whether the people

reside permanently in a close geographical proximity that allows frequent personal contacts and has a population density that is characteristic of neighborhood living;

(2) residing permanently at a location are a discrete and identifiable unit, as indicated by such factors as school enrollment, number of sources of employment, voter registration, precinct boundaries, permanency of dwelling units, and the number of commercial establishments and other service centers.

(b) Absent a specific and persuasive showing to the contrary, the commission will presume that a population does not constitute a community or social unit if

(1) public access to or the right to reside at, the location of the population is restricted;

(2) the population is contiguous or closely adjacent to a community or social unit and is dependent upon that community or social unit for its existence; or the location of the population is provided by an employer and is occupied as a condition of employment primarily by persons who do not consider the place to be their permanent residence.

The Petition for annexation states:

These annexation territories will not immediately increase the city population however existing businesses and future developments will provide jobs for the community and expand the level of retail and institutional services currently available in the valley. Additionally, undeveloped lands included within the annexation territories will provide needed areas for future residential neighborhoods within the city. (Exhibit G, page 3)

Findings. The fact that the greater Wasilla area has been among the fastest-growing areas of Alaska has been noted and documented by the Alaska Department of Labor, the U.S. census and the City. The proposed annexation appears to be a direct result of growth of the community of Wasilla beyond its jurisdictional boundaries.

Conclusion. The Commission considers the standard to be satisfied by the Petition.

XI. Could essential city services be provided more efficiently and more effectively by another existing city or by an organized borough?

The law establishing this standard provides as follows:

3 AAC 110.090(b). Territory may not be annexed to a city if essential city services can be provided more efficiently and more effectively by another existing city or by an organized borough.

The phrase “essential city services” as used in 3 AAC 110.090(b) is defined in 3 AAC 110.990(8) as:

...those legal activities and facilities that are determined by the commission to be reasonably necessary to the community and that cannot be provided more efficiently and more effectively either through some other agency or political subdivision of the state, or by the creation or modification of some other political subdivision of the state...

The Petition states:

The City has the existing infrastructure in place to provide the essential city services to these annexation properties immediately. Future commercial developments requiring city water and sewer can be served by minor extensions to existing lines without the need for substantial upgrades to plant and equipment. The City of Wasilla has a planning department and planning commission that administers the Wasilla Development Code. (Exhibit G, pg. 1)

Findings. Neither the Matanuska-Susitna Borough nor another existing city government appears to be in a position to serve the area proposed for annexation more efficiently and effectively than the City of Wasilla. The nearest adjacent city government is the City of Palmer. The City of Palmer is located approximately 20 miles east of Wasilla.

Conclusion. the proposed boundary change satisfies the standard set forth in 3 AAC 110.090(b).

XII. Does the territory exhibit a reasonable need for city government?

The law establishing this standard provides as follows:

3 AAC 110.090 NEEDS OF THE TERRITORY.

(a) The territory must exhibit a reasonable need for a city government. In this regard, the commission will, in its discretion, consider relevant factors, including:

- (1) existing or reasonably anticipated social or economic problems;
- (2) existing or reasonably anticipated health, safety, and general welfare problems;
- (3) existing or reasonably anticipated economic development;
- (4) adequacy of existing services; and
- (5) extraterritorial powers of adjacent municipalities.

The Petition states:

Each of the territories requesting to become part of the City of Wasilla has a need for the additional services which include planning and zoning, police protection, water and sewer, street maintenance, library and fire protection. (Exhibit G, pg. 1)

The area proposed for annexation is now served by the Wasilla-Lakes Fire Service area. Statements in the Petition notwithstanding, delivery of fire service to the newly annexed areas would be unaltered as a consequence of annexation.

The Petition suggests that annexation will further long term goals of delivering improved water and sewer utility service to the City as a whole.

Presently there are no plans to extend the city water and sewer mains to the property proposed for annexation. Existing water and sewer lines are within a close proximity to the Commercial

territories and are sized adequately to handle the increased loads from the territory being annexed. The sewer plant treats an average of 166,000 gallons of effluent per day and has an estimated capacity of 400,000 gallons per day. Current permit is for 200,000 gallons per day. The city realizes the sewer treatment plant will need significant improvements in the near future however is sufficient to handle the expected loads from future development. The city water system consists of four water wells and two water tanks with about 2.3 million gallons of storage capacity. The need for a new water well and storage facility on the eastern side of city in the near future has been identified. The city is confident the present system can adequately supply enough water to meet the demands of this development. Any future commercial developments within the annexed territory will significantly contribute to the city revenues providing a source of sales and property taxes to help fund the needed improvements to the water and sewer infrastructure. (Petition, Exhibit E, page 2)

The Matanuska-Susitna Borough has described public health and safety issues related to specific to water quality in Wasilla Lake.¹¹

Surface water drainage is a continuing problem in the City of Wasilla. Presently surface water is collected under the Parks Highway and discharged into Lake Lucille and Wasilla Lake. The ADOT & PF plans include upgrading these facilities to meet current environmental discharge regulations. Any commercial site development will be required to meet all state and federal storm water discharge regulations. There is adequate surface area on site to treat the storm water prior to discharge. This would eliminate the need for any new city provided storm water treatment facilities. (Petition, Exhibit E, page 3)

Connection to the City of Wasilla's water and sewer system is only required for new development or when existing on-site systems fail. (City of Wasilla Municipal Code: 5.10.020-5.20.0020.)

The Petition indicates that City police service will be extended to the newly annexed areas immediately upon annexation.

The Matanuska-Susitna Borough provides certain essential services to Wasilla residents. These include the functions mandated by State law consisting of education, and planning, platting and land use regulation. [AS 29.35.150 – 29.35.180] The Matanuska-Susitna Borough has transferred the powers of planning and land use regulation for the area within the boundaries of the City of Wasilla to the City. [AS 29.40.010] However, the Borough has the power and duty to exercise those powers in the area outside of the City, including the area proposed for annexation. The Borough electorate has also approved areawide borough authority for provision of parks and recreation; emergency medical services; ports, harbors, wharves; public transportation systems; animal control; water pollution control; day care facility licensing; historic preservation and transient accommodations.

Nonareawide borough powers exercised by the Borough include fireworks regulation; solid waste disposal; libraries.

The Borough exercises the following powers on a service area basis in the area proposed for annexation:

- Emergency response (fire, emergency medical, search and rescue);
- Road maintenance (Bogard and Meadow Lakes Road Service Areas).

There is no indication that the Borough plans to provide new services to the area proposed for annexation. Even if it were willing to do so, it may face obstacles that would prevent it from providing the level of services currently provided by the City of Wasilla. Unless the Borough arranged to provide additional services on an areawide or nonareawide basis, it could do so only by creating new service areas encompassing the territory proposed for annexation. However, Alaska's Constitution and statutes prohibit the creation of any new service area as long as the desired service can be provided through annexation to an existing city. [Alaska Constitution Art. X, §6; AS 29.35.450(b)]

¹¹ Matanuska-Susitna Borough Core Area Comprehensive Plan, Sept., 1993, pg. II -57.

This strong preference for annexation over the formation of new service areas stems from Article X, § 1 of the Constitution. That provision states that the purpose of the local government section of the constitution is “to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions” (emphasis added). An authoritative study on the principles of local government in Alaska states that the purpose of the limitation on the creation of new service areas, “*was to avoid having ‘a lot of separate little districts set up . . . handling only one problem . . .’; instead, services were to be provided wherever possible by other jurisdictions capable of doing so.*” [Borough Government in Alaska, pages 41 - 43, Morehouse, Thomas A. and Fischer, Victor]

The City has no authority to provide police protection and other emergency response services to the area on an extraterritorial basis.

Finding. After considering conditions in the area relative to the City of Wasilla, the Commission concludes that there is a reasonable need for city government in the area. Additionally, there is no evidence that the Matanuska-Susitna Borough or any other city government can provide the needed services more efficiently or effectively than the City of Wasilla.

Conclusion. The Commission further finds that the standard set out in 3 AAC 110.090 is satisfied.

XIII. Does the proposed annexation serve the best interests of the State?

The law establishing this standard provides as follows:

AS 29.06.040(a). The Local Boundary Commission may consider any proposed municipal boundary change. If the commission determines that the proposed change, as amended or conditioned if appropriate, meets applicable standards under the state constitution and commission regulations and is in the best interests of the state, it may accept the proposed change. Otherwise it shall reject the proposed change. A Local Boundary Commission decision under this subsection may be appealed under the AS 44.62 (Administrative Procedure Act).

“Best interests of the state” means the paramount broad policy benefit to the public statewide; it is a concept applied by the Local Boundary Commission on a case-by-case basis; a determination of the best interests of the state is substantially guided by the applicable provisions of the Alaska Constitution, Alaska Statutes, and Alaska Administrative Code to reflect the exigencies of any petition as is necessary to develop appropriate local government boundaries which, in turn, serve the balanced interests of citizens in the area proposed for change, affected local governments, and other interests which the Local Boundary Commission, in its discretion, considers to be relevant.

Finding. The record demonstrates that the proposed boundary change is being sought by the people most directly affected, residents and property owners in the areas sought for annexation. The proposed boundary change will refine the boundaries of the City of Wasilla, accommodate evident growth and development in the areas proposed for annexation, and permit the City to enjoy enhanced revenues.

Conclusion. The Commission considers the City of Wasilla’s annexation proposal to be consistent with the State’s best interest.

XIV. Is annexation sought by city ordinance and petitions signed by all voters and property owners in the territory proposed for annexation?

The law establishing this standard provides as follows:

3 AAC 110.150 (2). Territory contiguous to the annexing city, that meets the annexation standards specified in 3 AAC 110.090 –110.130 and has been approved for local annexation by the commission, may be annexed to a city by city ordinance and a petition signed by all of the voters and property owners of the territory.

Findings. The Petition was initiated by City of Wasilla Ordinance Number 01-13, adopted by the Wasilla City Council on April 9, 2001. The Petitioner provided copies of petitions for annexation submitted by all property owners and registered voters residing in the territory proposed for annexation.

Conclusion. The Petition satisfies the requirements of 3 AAC 110.150 (2).

SECTION IV ORDER OF THE COMMISSION

The Commission concludes that all of the relevant standards and requirements for annexation are satisfied by the City of Wasilla's Petition. Therefore, the Commission approves the Petition of the City of Wasilla for the annexation of approximately 314 acres.

Approval of the proposed annexation by the Local Boundary Commission will result in the following boundaries for the City of Wasilla.

DESCRIPTION OF CITY OF WASILLA'S AMENDED CORPORATE BOUNDARIES

The boundaries of the city of Wasilla, a tract of land, located in the Third Judicial District, State of Alaska and Palmer Recording District, more particularly described as follows:

Beginning at the southeast corner of Lot 16, Block 4, of Happy Mountain Estates Subdivision, Plat No. 77-107, Palmer Recording District, which is the true point of beginning of this description,

thence northerly to the southeast corner of Lot 6, Block 5, Goddard Subdivision, Plat No. 71-031, Palmer Recording District,

thence westerly along the north right-of-way line of Tamarak Drive to the southeast corner of Lot 4, Block 1, Happy Mountain Estates Subdivision,

thence northerly along the west right-of-way line of Redwood Lane to the northeast corner of Lot 4, Block 1, Happy Mountain Estates Subdivision,

thence westerly to the northwest corner of Lot 1, Block 1, Happy Mountain Estates Subdivision,

thence northerly along the east boundary of the SE1/4 NW1/4 Section 12, Township 17 North, Range 1 West, Seward Meridian, Alaska, to the center north 1/16 corner,

thence westerly along the north boundary of the SE1/4 NW1/4 Section 12, Township 17 North, Range 1 West, Seward Meridian, Alaska, to the northwest 1/16 corner,

thence southerly along the west boundary of the SE1/4 NW1/4 Section 12, Township 17 North, Range 1 West, Seward Meridian, Alaska, to the center west 1/16 corner,

thence easterly along the south boundary of the SE1/4 NW1/4 Section 12, Township 17 North, Range 1 West, Seward Meridian, Alaska, to the west boundary of Happy Mountain Estates Subdivision,

thence southerly to the southwest corner of Lot 1, Block 4, Happy Mountain Estates Subdivision,

thence westerly to the west right-of-way line of Maney Drive,

thence northerly along the west right-of-way line of Maney Drive to the intersection with said right-of-way line and the west boundary of the NE 1/4 SE 1/4 Section 11, Township 17 North, Range 1 West, Seward Meridian, Alaska,

thence northerly along the east 1/16 line of Section 11, Township 17 North, Range 1 West, Seward Meridian, Alaska, to the intersection of said line with the southerly right-of-way line of the Palmer-Wasilla Highway,

thence westerly across the Palmer-Wasilla Highway to the southeast corner of Lot 3A, Lakebrook Subdivision, Plat No. 89-013, Palmer Recording District,

thence northerly along the east boundary of Lot 3A, Lakebrook Subdivision to the ordinary high water line of Wasilla Lake,

thence along the meanders of the ordinary high water line of Wasilla Lake to the northwest corner of Lot 7-1, Lakebrook Subdivision,

thence southerly along the west boundary of Lot 7-1, Lakebrook Subdivision to southwest corner of said lot,

thence southeasterly across the Palmer-Wasilla Highway to northwest corner of Lot 5-1, Lakebrook Subdivision,

thence southerly to the southwest corner of Lot 5-1, Lakebrook Subdivision,

thence southwesterly along the south boundary of Lot 6-1, Lakebrook Subdivision to the southwest corner of Lot 6-1, Lakebrook Subdivision,

thence northerly along the west boundary of Lot 6-1, Lakebrook Subdivision to the northeast corner of Tract F, Cottonwood Creek Mall Subdivision, Plat No. 84-116, Palmer Recording District,

thence westerly and northerly along the northeast boundary of Tract F, Cottonwood Creek Mall Subdivision to the northwest corner of Lot 7-2, Lakebrook Subdivision, which point is on the southerly right-of-way line of the Palmer-Wasilla Highway,

thence northwesterly across the Palmer-Wasilla Highway to the southeast corner of Lot 10, Olson Subdivision Extension, Plat No. 60-9, Palmer Recording District,

thence northerly to the northeast corner of Lot 10, Olson Subdivision Extension,

thence westerly along the ordinary high water line of Wasilla Lake to the northwest corner of Lot 6, Olson Subdivision Extension, Plat No. 60-023, Palmer Recording District,

Thence northwesterly across Wasilla Lake to the southwest corner of Lot 1, Block 5, Lakeshore Subdivision, Plat No. 63-010, Palmer Recording District,

thence northerly along the east right-of-way line of Peck Street, to a point where said right of way line intersects the section line common to Sections 2 and 3, Township 17 North, Range 1 West, Seward Meridian, Alaska, and continuing northerly along said right of way line to the section corner common to Sections 2 and 3, Township 17 North, Range 1 West, Seward Meridian, Alaska, and Sections 34 and 35, Township 18 North, Range 1 West, Seward Meridian, Alaska,

thence westerly along the section line common Section 3, Township 17 North, Range 1 West, and Section 34, Township 18 North, Range 1 West, Seward Meridian, Alaska to the westerly right-of-way line of Wasilla Fishhook Road,

thence northeasterly along the westerly right of way line Wasilla Fishhook Road to the south section line easement of Section 34, Township 18 North, Range 1 West, Seward Meridian, Alaska,

thence westerly along said section line easement and continuing along the north right-of-way of Spruce Avenue to the north-south $\frac{1}{4}$ line of Section 32, Township 18 North, Range 1 West, Seward Meridian, Alaska,

thence northerly to the southeast corner of Tract B, Silverleaf Estates Subdivision, Phase 2, Plat No. 2000-136, Palmer Recording District,

thence westerly to the southwest corner of Tract B, Silverleaf Estates Subdivision, Phase 2,

thence northerly to the northwest corner of Tract B, Silverleaf Estates Subdivision, Phase 2,

thence easterly to the northeast corner of Tract B, Silverleaf Estates Subdivision, Phase 2,

thence northerly to the northeast corner of Tract A3, Silverleaf Estates Subdivision, Phase 2,

thence westerly to the northwest corner of Tract A3, Silverleaf Estates Subdivision, Phase 2,

thence southerly along the east right-of-way line of Church Road to the northwest corner of Lot 1A, Silverleaf Estates Subdivision, Phase 2,

thence easterly to the northeast corner of Lot 1A, Silverleaf Estates Subdivision, Phase 2,

thence northeasterly to the northeast corner of Lot 9, Block 2, Silverleaf Estates Subdivision Phase 1, Plat No. 85-053 Palmer Recording District,

thence southeasterly to the southeast corner of Lot 9, Block 2, Silverleaf Estates Subdivision, Phase 1,

thence easterly along the north right-of-way line of Ridgewood Drive to a point northerly of the northeast corner of Lot 8, Block 1, Silverleaf Estates Subdivision, Phase 2,

thence southerly along the right-of-way line of Ridgewood Drive to the northeast corner of Lot 8, Block 1, Silverleaf Estates Subdivision, Phase 2,

thence westerly along the south right-of-way line of Ridgewood Drive to the northwest corner of Lot 8, Block 1, Silverleaf Estates Subdivision, Phase 2,

thence southeasterly to the southeast corner of Lot 8, Block 1, Silverleaf Estates Subdivision, Phase 2,

thence southwesterly to the northwest corner of Tract A6, Silverleaf Estates Subdivision, Phase 2,

thence southerly to the southwest corner of Tract A6, Silverleaf Estates Subdivision, Phase 2,

thence westerly along the north right-of-way line of Spruce Avenue to the southwest corner of Tract A7, Silverleaf Estates Subdivision, Phase 2,

thence westerly along the 33' section line easement on the south boundary of Section 32, Township 18 North, Range 1 West, Seward Meridian, Alaska to the

section line common to Sections 31 and 32, Township 18 North, Range 1 West, Seward Meridian, Alaska,

thence southerly to the common section corner of Sections 31 and 32, Township 18 North, Range 1 West and Sections 5 and 6, Township 17 North, Range 1 West, Seward Meridian, Alaska,

thence southerly along the section line to the common section corner of sections 5, 6, 7 and 8, Township 17 North, Range 1 West, Seward Meridian, Alaska,

thence westerly along the common section line of Section 6 and 7, Township 17 North, Range 1 West, Seward Meridian, Alaska, to the southeast corner of Mission Hills Subdivision, Phase 1, Plat No. 84-002, Palmer Recording District,

thence northerly to the southwest corner of Mission Hills Subdivision, Phase 3, Plat No. 84-110, Palmer Recording District,

thence easterly to the southeast corner of Mission Hills Subdivision, Phase 3,

thence northerly to the northeast corner of Mission Hills Subdivision, Phase 3,

thence westerly to the northwest corner of Tract C, Mission Hills Subdivision, Phase 1,

thence southerly to the southwest corner of Mission Hills Subdivision, Phase 2, Plat No. 84-069, Palmer Recording District,

thence westerly to the southwest corner of Lot 8, Block 1, Wintergreen Acres Subdivision, Plat No. 79-025, Palmer Recording District,

thence southerly to the northwest 1/16 corner of Section 7, Township 17 North, Range 1 West, Seward Meridian, Alaska,

thence easterly to the center north 1/16 corner of Section 7, Township 17 North, Range 1 West, Seward Meridian, Alaska,

thence southerly to the center 1/4 corner of Section 7, Township 17 North, Range 1 West, Seward Meridian, Alaska,

thence westerly to the 1/4 corner common to Section 7, Township 17 North, Range 1 West and Section 12, Township 17 North, Range 2 West, Seward Meridian, Alaska,

thence northerly to the Corner No. 4 Lot 1 U.S. Survey No. 9207,

thence northwesterly along the northerly easement line for the Alaska Railroad to the northwest corner of Lot 3, Matanuska-Susitna Borough Waiver No. 93-26, located within the northeast quarter of Section 12, Township 17 North, Range 2 West, Seward Meridian, Alaska,

thence southerly to the southwest corner of said parcel,

thence easterly to the center east 1/16 corner of Section 12, Township 17 North, Range 2 West, Seward Meridian, Alaska,

thence southerly to Corner No. 19 New Wasilla Airport, Plat No. 92-6, Section 12, Township 17 North, Range 2 West, Seward Meridian, Alaska,

thence following the perimeter of the New Wasilla Airport to the north 1/16 corner common to Section 13, Township 17 North, Range 2 West and Section 18, Township 17 North, Range 1 West, Seward Meridian, Alaska

thence easterly along the south boundary of the N1/2 NW1/4 of Section 18, Township 17 North, Range 1 West, Seward Meridian, Alaska, to the west right-of-way line of Mack Road,

thence southerly along the west right-of-way line of Mack Road to the point of intersection with the south right-of-way line of Knik-Goose Bay Road,

thence easterly along the south right-of-way line of Knik-Goose Bay Road to the northwest corner of Lot 1, Catherine Subdivision, Plat No. 78-021, Palmer Recording District,

thence southeasterly to the southwest corner of Lot 1, Catherine Subdivision,

thence easterly along the southerly property line of Lot 1, Catherine Subdivision, to the west right-of-way line of Fern Street,

thence southerly along the west right-of-way line of Fern Street to a point along the centerline of Mint Drive,

thence easterly along the southern boundaries of Independence Estates Subdivision, Plat No. 77-085, Palmer Recording District, Ravenswood Subdivision Division 3, Plat No. 83-086, Palmer Recording District, and Bay View Gardens Subdivision, Plat No. 77-010, Palmer Recording District, to the east right-of-way line of Togiak Avenue,

thence northerly along the east right-of-way line of Togiak Avenue and an extension of said right-of-way line, to the east-west 1/4 line of Section 14, Township 17 North, Range 1 West, Seward Meridian, Alaska,

thence easterly along the east-west 1/4 line of Sections 14 and 13, Township 17 North, Range 1 West, Seward Meridian, Alaska, to the 1/4 corner common to Section 13, Township 17 North, Range 1 West, and Section 18, Township 17 North, Range 1 East, Seward Meridian, Alaska,

thence northerly along the Seward Meridian to the north 1/16 corner common to Section 13, Township 17 North, Range 1 West, and Section 18, Township 17 North, Range 1 East, Seward Meridian, Alaska,

thence easterly to the southerly lot corner of Lot 7A Carefree Acres Subdivision, Plat No. 84-265, Palmer Recording District,

thence northeasterly along the easterly boundary of Lot 7A, Lot 1C-1, and Lot 1D Carefree Acres Subdivision, Plat Nos. 84-265 and 92-102, Palmer Recording District, to the southerly right-of-way line of the George Parks Highway,

thence northerly across the George Parks Highway on a line perpendicular to the alignment, to the northerly right-of-way line of said highway,

thence westerly along the northerly right-of-way line of the George Parks Highway to the intersection with the Seward Meridian,

thence northerly along the Seward Meridian to the south 1/16 corner common to Section 12, Township 17 North, Range 1 West and Section 7, Township 17 North, Range 1 East, Seward Meridian, Alaska,

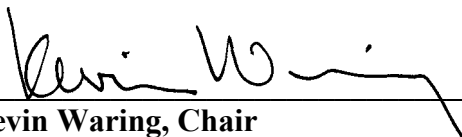
thence westerly to the southeast corner of Lot 16, Block 4, Happy Mountain Estates Subdivision, which is the true point of beginning of this description. Containing 8,458 acres more or less.

The Commission stipulates that, to the extent the 314 acres approved for annexation to the City of Wasilla lies within the Matanuska-Susitna Borough Road Bogard or Meadow Lakes Service Areas, the annexed territory shall, under

Article X of the Constitution of the State of Alaska and other principles of law, be detached from those borough service areas as a result of annexation of the territory to the City of Wasilla.

Approved in writing this 20th day of March, 2002.

LOCAL BOUNDARY COMMISSION

BY: 
Kevin Waring, Chair

ATTEST:


Dan Bockhorst, Staff

RECONSIDERATION BY THE COMMISSION

Provisions of 3 AAC 110.580 relating to reconsideration do not apply in this instance. The proposed annexations will become effective upon Commission approval and following receipt of evidence of preclearance under provisions of the federal Voting Rights Act as provided by 3 AAC 110.630.

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 issuance of this statement of decision.
