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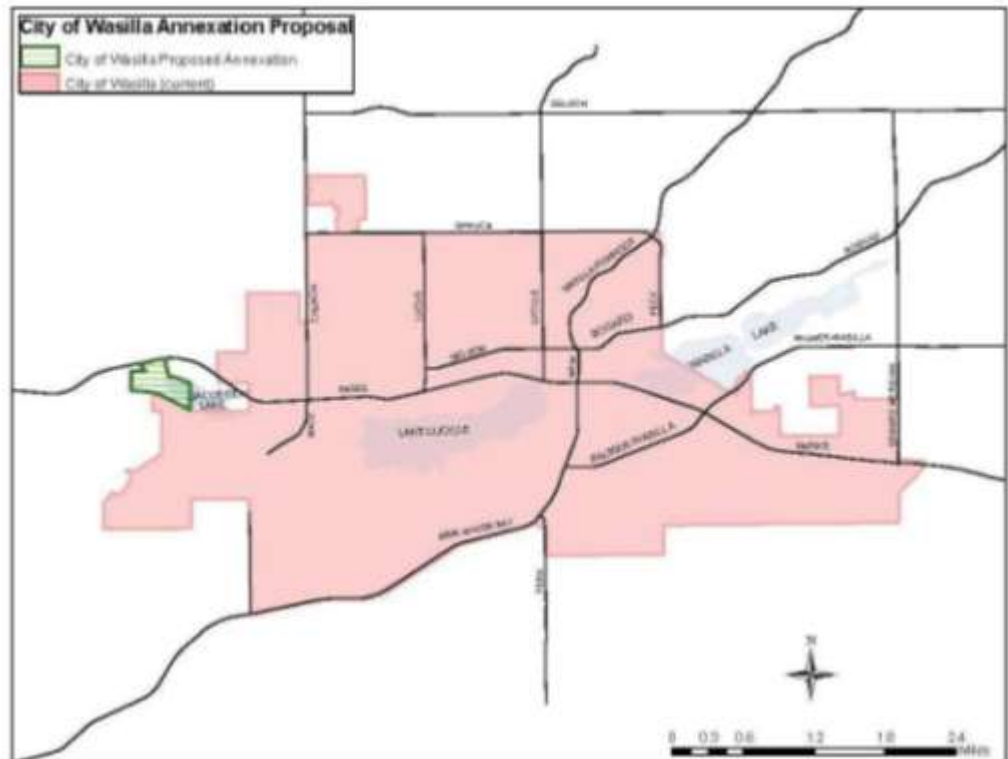
Local Boundary Commission Decision

In the Matter of the January 21, 2013, Petition by the City of Wasilla to annex approximately 76.6 acres of land.

Section I Introduction

On January 21, 2013, the City of Wasilla petitioned the Local Boundary Commission (also referred to as "LBC" or "commission") to annex approximately 76.6 acres of land with the unanimous consent of the property owners. The territory proposed for annexation (territory") is described as follows and is shown on the map below:

Territory generally described as Lots 3C and 3D of Olympic Subdivision, Plat No. 2006-86; Lots 3B-1 and 3B-2 of Olympic Subdivision, Plat No. 2007-83; Waiver Parcel No. 2 as described in the Refile Waiver 94-5W; and the portion of Jacobson Lake as shown on Olympic Subdivision plats to the City. The territory is located in the Palmer Recording District, Third Judicial District, State of Alaska.



SECTION II PROCEEDINGS

- **Submission and Review of Petition**
The petition was submitted to the LBC staff (also referred to as “Commerce”) on January 21, 2013, and accepted for filing on March 19, 2013.
- **Posting of Notice**
On March 22, 2013, notice of filing was posted at the following locations within and surrounding the territory proposed for annexation:
 - Wasilla City Hall, City Clerk’s Office
 - Wasilla City Hall, Wasilla Planning Department
 - Wasilla Public Library
 - Right-of-way at southeast corner of Parks Highway and Lamont Circle
 - Right-of-way at southwest corner of Parks Highway and Lamont Circle
 - Denali Family Restaurant
- **Public Notice**
Commerce published the notice of filing in the *Mat-Su Valley Frontiersman* on March 22, 2013.
- **Service of Notice**
On March 19 and 21, 2013, the petitioner served the public notice of filing on the Matanuska-Susitna Borough, the City of Palmer, the City of Houston, the Municipality of Anchorage, and on each owner of property abutting the boundaries proposed for annexation.
- **Deadline for to Submit Written Comments and Responsive Briefs**
The notice of filing invited written comments and responsive briefs concerning the proposed annexation to be submitted by April 5, 2013. No such or written comments or responsive briefs were filed with Commerce.
- **Wasilla Annexation Report Distribution**
On August 29, 2013, Commerce distributed copies of its *Report to the Local Boundary Commission Regarding the Proposal to Annex Approximately 76.6 acres to the City of Wasilla* to the petitioner, Local Boundary Commission members, the property owners, and others.
- **Comments on Wasilla Annexation Report**
The public comment period for the Wasilla annexation report was from August 29, 2013, until September 9, 2013. Commerce received no comments from the

public, other government agencies, the petitioner, or anyone else during this time.

- **Notice of Local Boundary Commission Public Hearing**

The Local Boundary Commission chair scheduled a telephonic public hearing regarding the City of Wasilla's annexation petition. LBC staff provided formal notice of the hearing. Commerce published the notice in the *Mat-Su Valley Frontiersman* on August 2, 9, and 16, 2013, and in both the *Anchorage Daily News* and the *Fairbanks News-Miner* on August 9, 2013. Commerce also posted the notice on the state's *Online Public Notice System*, as well as on the Division of Community and Regional Affairs and the LBC public notices websites. LBC staff also gave notice of the hearing to the Petitioner's representative, Mayor Verne Rupright.

- **LBC Public Hearing Regarding the City of Wasilla's Annexation Petition**

In accordance with 3 AAC 110.550 and 3 AAC 110.560, the commission held a duly noticed telephonic public hearing on the City of Wasilla's annexation petition on Thursday, September 12, 2013, at 10:00 a.m. in Anchorage. The commission heard a brief summary of the petition by City Planner Tina Crawford.

- **LBC Decisional Meeting Regarding the City of Wasilla's Annexation Petition**

In accordance with 3 AAC 110.570 the Local Boundary Commission held a duly noticed decisional meeting on Thursday, September 12, 2013, immediately following the public hearing. The commission voted 4 to 0, with 1 absent, to approve the annexation petition.

SECTION III FINDINGS AND CONCLUSIONS

The Local Boundary Commission is required to apply the standards for annexation to cities found in AS 29.06.040 – 29.06.060; 3 AAC 110.090 – 3 AAC 110.150; and 3 AAC 110.900 – 3 AAC 110.990. The record for this proceeding includes the City of Wasilla's annexation petition with supporting materials, Commerce's report, and the statement heard at the LBC's September 12, 2013, public hearing. Based on the evidence in the record, the commission has reached the findings and conclusions set out in this section:

A. 3 AAC 110.090. Need.

Two standards relate to the need for city government in the territory proposed for annexation:

1. **3 AAC 110.090(a)** states that a territory may be annexed to a city if the territory exhibits a reasonable need for city government.

The territory proposed for annexation per the owners' request needs the city for zoning regulation and other services. After examining the factors that it may consider including those under 3 AAC 110.090(a), the LBC finds that the standard is met.

2. **3 AAC 110.090(b)** states that territory may not be annexed to a city if essential municipal services can be provided more efficiently and more effectively by another existing city, by an organized borough on an areawide basis or nonareawide basis, or through a borough service area.

The commission finds that no other existing municipality has the ability to provide essential municipal services (such as water and sewer) to the territory more efficiently and more effectively than the petitioner. The commission finds the petition meets the 3 AAC 110.090(b) requirement.

B. 3 AAC 110.100. Character.

A territory may be annexed to a city if it is compatible in character with that city. The territory proposed for annexation is compatible in character with the City of Wasilla. For that reason the LBC finds that the petition satisfies 3 AAC 110.100's requirement.

C. 3 AAC 110.110. Resources.

A territory may be annexed to a city if the economy within the proposed expanded boundaries of the city has the human and financial resources necessary to provide essential city services on an efficient, cost-effective level. After considering the relevant factors, including Wasilla's budget, the commission concludes that the petition

successfully meets 3 AAC 110.110 because the economy within Wasilla's proposed expanded boundaries includes the human and financial resources necessary to provide essential municipal services efficiently and cost-effectively.

D. 3 AAC 110.120. Population.

"The population within the proposed expanded boundaries of the city must be sufficiently large and stable to support the extension of city government." The city's population is healthy, growing, and sustainable. It will not change due to the annexation because the territory is unpopulated. The commission concludes that the petition meets the standard of 3 AAC 110.120 because the proposed expanded boundaries of Wasilla are sufficiently large and stable to support the extension of city government.

E. 3 AAC 110.130. Boundaries.

We find that the petition has satisfied 3 AAC 110.130's requirements based on the rationale below:

- 1. 3 AAC 110.130(a)** states that "[t]he proposed expanded boundaries of the city must include all land and water necessary to provide the development of essential municipal services in an efficient, cost-effective manner."

Due to the territory's small size, and the fact that Wasilla already provides essential municipal services, the commission finds that the proposed expanded boundaries of the city have all land and water necessary to provide the development of essential municipal services on an efficient, cost effective level. For that reason, the commission finds the petition meets the standard of 3 AAC 110.130(a).

- 2. 3 AAC 110.130(b)** states that territory that is noncontiguous to the annexing city or that would create enclaves in the annexing city does not include all land and water necessary to develop essential municipal services in an efficient, cost-effective manner (absent a specific and persuasive showing to the contrary).

The commission finds that the territory is contiguous to the city and would not create enclaves.

- 3. 3 AAC 110.130(c)(1)** states that to promote the limitation of community, the proposed expanded boundaries of the City of Wasilla "must be on a scale suitable for city government and may include only that territory comprising an existing local community, plus reasonably predictable growth, development, and public safety needs during the ten years following the effective date of annexation."

The commission finds that the proposed expanded boundaries of the city are on a scale suitable for city government. The present size of Wasilla is 13.43 sq. miles of land and water. The proposed annexation is 76.6 acres of land. The city's size after annexation would be 13.54 square miles, which is suitable for a city.

Wasilla comprises a community by virtue of it being an incorporated city. Commercial developments exist and is planned for the territory. We find that Wasilla's proposed expanded boundaries only include that territory comprising an existing local community, plus reasonably predictable growth, development, and public safety needs during the 10 years following the effective date of annexation.

4. **3 AAC 110.130(c)(2)** states that to promote the limitation of community, the proposed expanded boundaries of the city "may not include entire geographical regions or large unpopulated areas, except if those boundaries are justified by the application of standards in 3 AAC 110.090 – 3 AAC 110.135 and are otherwise suitable for city government."

The commission finds that the proposed expanded boundaries of the city do not include entire geographical regions or large unpopulated areas. But, even if they did, the LBC concludes that the petition meets the standards of 3 AAC 110.090 - 3 AAC 110.135, and that the boundaries are otherwise suitable for city government. The commission finds that the petition meets the standards of 3 AAC 110.130(c)(2).

5. **3 AAC 110.130(d)** states that "[i]f a petition for annexation to a city describes boundaries overlapping the boundaries of an existing organized borough, 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 enlarged city from the existing organized borough. If a petition for annexation to a city describes boundaries overlapping the boundaries of another existing city, the petition for annexation must also address and comply with the standards and procedures for detachment of territory from a city, merger of cities, or consolidation of cities."

This annexation petition does not describe boundaries overlapping the boundaries of an existing organized borough or another existing city. For that reason the petition does not need to address the standards and procedures for annexation or detachment of the enlarged city to the existing organized borough, or detachment of territory from an existing city, merger of cities, or consolidation of cities. We find that 3 AAC 110.130(d) is satisfied.

F. 3 AAC 110.135. Best Interests of the State.

3 AAC 110.135 examines AS 29.06.040(a)'s best interests of the state requirement.

The proposed annexation is in the best interests of the state because the city is the appropriate government for the territory. Alaska's constitution promotes maximum local government with a minimum of local government units. (Article X, §1). The LBC finds that the proposed annexation would promote a minimum of local government units because no additional units would be formed. Instead, an existing first class city's boundaries would expand.

The proposed annexation is also in the best interests of the state because the proposed annexation would relieve the state of the burden of providing police services to the territory. Instead, the city would provide the territory with police services.

The commission finds that Wasilla's proposed annexation is in the best interests of the state, and so the petition satisfies 3 AAC 110.135.

G. 3 AAC 110.900. Transition.

3 AAC 110.900 requires a transition. The commission considers the prospective transition of extending essential city services into the territory proposed for annexation to be speedy and uncomplicated. In particular, the commission notes that annexation would not involve the transfer of assets or liabilities from one local government to another. The commission finds that 3 AAC 110.900's requirements have been satisfied based on the rationales below:

1. **3 AAC 110.900(a)** requires the petition to include a practical plan demonstrating the capacity of the annexing city to extend essential city services into the territory proposed for annexation in the shortest practical time after the effective date of the proposed annexation.

The LBC finds that 3 AAC 110.900(a) has been satisfied because the city has the necessary transition plan and would provide the essential city services quickly.

2. **3 AAC 110.900(b)** requires that the petition include a practical plan to assume all relevant and appropriate powers, duties, rights, and functions presently exercised by an existing borough, city, unorganized borough service area, or other appropriate entity located within the boundaries proposed for change. The plan must be prepared in consultation with the officials of each existing borough, city and unorganized borough service area. It must make an orderly, efficient, and economical transfer within the shortest practical time, not to exceed two years after the proposed change takes effect.

The commission finds that there is a practical plan. The city indicates in its transition plan that transition would be completed within a few months. The transition plan was prepared in consultation with the Matanuska-Susitna Borough manager. We find that 3 AAC 110.900(b) has been satisfied.

3. **3 AAC 110.900(c)** requires that the petition must include a practical plan to transfer and integrate all relevant and appropriate assets and liabilities of an existing borough, city, unorganized borough service area, and other entity within the boundaries proposed for annexation. The plan must be prepared in consultation with the officials of each existing borough, city, and unorganized borough service area wholly or partially included in the area proposed for the change. It must be designed to affect an orderly, efficient, and economical transfer within the shortest practical 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 occur without loss of value in assets, loss of credit reputation, or a reduced bond rating for liabilities.

Here, a plan to transfer assets and liabilities is a moot subject because there are no assets or liabilities that would be affected. 3 AAC 110.900(c) is satisfied.

4. **3 AAC 110.900(d)** permits the LBC to condition approval upon all boroughs, cities, unorganized borough service areas, or other entities wholly or partially included in the area of the proposed change executing an agreement to assume powers, duties, rights, and functions, and for the transfer and integration of assets and liabilities.

The commission did not place such a condition on the approval of this petition.

5. **3 AAC 110.900(e)** states “[t]he transition plan must state the names and titles of all officials of each existing borough, city, and unorganized borough service area that were consulted by the petitioner. The dates on which that consultation occurred and the subject addressed during that consultation must also be listed.”

The transition plan specifically named borough manager John Moosey as the official consulted, the subjects addressed, and specified August 7, 2012 as the consultation date. The commission finds that the requirements of 3 AAC 110.900(e) have been met.

6. **3 AAC 110.900(f)** indicates that if a petitioner has requested consultation, and municipal officials have declined to consult or were unavailable during reasonable times, the petitioner may ask the LBC to waive that requirement.

As no such request was received, no waiver was granted.

H. 3 AAC 110.910. Statement of Nondiscrimination

As provided by 3 AAC 110.910, an annexation proposal may not be approved by the commission if the effect of the annexation would deny any person the enjoyment of any

civil or political right, including voting rights, because of race, color, creed, sex, or national origin.

The territory is uninhabited. The city's population will not change upon annexation of the territory. We find no evidence that 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 is met.

I. 3 AAC 110.970. Determination of Essential Municipal Services.

3 AAC 110.970(c) states that “[I]f a provision of this chapter calls for the identification of essential municipal services for a city, the commission will determine those services to consist of those mandatory and discretionary powers and facilities that

(1) are reasonably necessary to the community;

(2) promote maximum, local self-government; and

(3) cannot be provided more efficiently and more effectively by the creation or modification of some other political subdivision of the state.”

As several regulations discussed essential municipal services, the commission determines essential municipal services for Wasilla to include police service because that service protects life and property, and so is reasonably necessary to the community. The levying and collection of taxes is also an essential municipal service that is reasonably necessary because without it a municipality cannot function. Wasilla levies a two percent sales tax. Land use, planning, and zoning are essential municipal services and reasonably necessary to the community because of the potential development in the community. Other city services such as road maintenance and water and sewer service are also reasonably necessary to the community.

All of these services promote maximum local self-government because they empower Wasilla to run more of its own affairs and generate the revenue to do so, as opposed to either having no services, or having the services provided by the borough or state. No evidence has been presented that the essential municipal services can be provided more efficiently and effectively by creating or modifying another political subdivision of the state. Wasilla is in the Matanuska-Susitna Borough. As the borough and the city already exist, and Wasilla already provides essential municipal services, it is unnecessary to modify or create another political subdivision to provide these services.

The commission finds that there are essential municipal services that are reasonably necessary to the community, that promote maximum local self-government, and that can't be provided more efficiently and more effectively by creating or modifying another political subdivision of the state. We conclude that 3 AAC 110.970 is met.

J. 3 AAC 110.981. Determination of Maximum Local Self-Government.

3 AAC 110.981(8) asks for city incorporation or annexation in an organized borough, whether the proposed change promotes maximum local self government under art. X, sec. 1, Constitution of the State of Alaska. It asks if the proposal would extend local government to territory or population of the organized borough where local government needs cannot be met by the borough on an areawide or nonareawide basis, by annexation to an [another] existing city, or through an existing borough service area.

The annexation would extend city government to the territory. As Wasilla is already providing essential municipal services in the current city, it can provide them to the territory more effectively than another municipality. The borough offices are further away, there is no city closer to the territory than Wasilla, and multiple borough service areas would need to be created or expanded to provide those same services that Wasilla can easily provide to the territory. No other local government can meet the territory's government needs. The commission concludes that 3 AAC 110.981(8) is met.

K. 3 AAC 110.982. Minimum Number of Local Government Units.

3 AAC 110.982(7) states among the factors used in determining whether a proposed city annexation promotes a minimum number of local government units in accordance with art. X, sec. 1, Constitution of the State of Alaska, the commission will consider whether the jurisdictional boundaries of an existing city are being enlarged rather than promoting the incorporation of a new city or creation of a new borough service area.

The LBC finds that Alaska's constitution promotes minimizing the number of local government units unless creating additional units is found to serve the best interests of the state. Annexing the territory would not increase the number of local government units - it would just change the city's size. We conclude that 3 AAC 110.982(7) is met.

SECTION IV ORDER OF THE COMMISSION

The territory proposed for annexation consists of 76.6 acres. If the commission approves the petition, the City of Wasilla would increase from 13.43 sq. miles to 13.54 square miles. The LBC finds that the petition meets all the relevant standards. The commission approves the petition with no conditions or amendments. The metes and bounds of the post-annexation City of Wasilla boundaries are described as follows:

Beginning at the southeast corner of Lot 16, Block 4, 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 S. Tamarak Drive to the southeast corner of Lot 4, Block 1, Happy Mountain Estates Subdivision, Plat No. 77-107, Palmer Recording District,

thence northerly along the west right-of-way line of S. Redwood Lane to the northeast corner of Lot 4, Block 1, Happy Mountain Estates Subdivision, Plat No. 77-107, Palmer Recording District,

thence westerly to the northwest corner of Lot 1, Block 1, Happy Mountain Estates Subdivision, Plat No. 77-107, Palmer Recording District,

thence northerly along the east boundary of the SE 1/4 NW 1/4 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 SE 1/4 NW 1/4 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 SE 1/4 NW 1/4 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 SE 1/4 NW 1/4 Section 12, Township 17 North, Range 1 West, Seward Meridian, Alaska, to the west boundary of Happy Mountain Estates Subdivision, Plat No. 77-107, Palmer Recording District,

thence southerly to the southwest corner of Lot 1, Block 4, Happy Mountain Estates Subdivision, Plat No. 77-107, Palmer Recording District,

thence westerly to the west right-of-way line of S. Hermon Road,

thence northerly along the west right-of-way line of S. Hermon Road to the northeast corner of Lot 5, Block 3, Maney Acres No. 2, Plat No. 85-6, Palmer Recording District,

thence westerly and southerly along the boundary of Lot 5, Block 3, Maney Acres No. 2, Plat No. 85-6, Palmer Recording District, to its southwest corner common with the north right-of-way line of S. Maney Drive,

thence westerly and southwesterly along the north right-of-way line of S. Maney

Drive to the southwest corner of Lot 1, Block 3, Maney Acres No. 2, Plat No. 85-6, Palmer Recording District,

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 E. Palmer-Wasilla Highway,

thence westerly across the E. Palmer-Wasilla Highway to the southeast corner of Tract 3A, Lakebrook Subdivision, Plat No. 89-013, Palmer Recording District, thence northerly along the east boundary of Tract 3A, Lakebrook Subdivision to the ordinary high water line of Wasilla Lake,

thence southwestward along the meanders of the ordinary high water line of Wasilla Lake to the northwest corner of Tract 6-A, Lakebrook Subdivision, Plat No. 2005-191, Palmer Recording District,

thence southerly along the west boundary of Tract 6-A, Lakebrook Subdivision, Plat No. 2005-191, Palmer Recording District, to the southwest corner of said tract,

thence southeasterly across the E. Palmer-Wasilla Highway to northwest corner of Tract 6-1, Lakebrook Subdivision, Plat No. 2005-191, Palmer Recording District,

thence southerly along the west boundary of Tract 6-1, Lakebrook Subdivision, Plat No. 2005-191, Palmer Recording District, 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, Plat No 84-116, Palmer Recording District, to the northwest corner of Tract 7-2, Lakebrook Subdivision, Plat No. 2005-191, Palmer Recording District, which point is on the southerly right-of-way line of the E. Palmer-Wasilla Highway,

thence northwesterly across the E. Palmer-Wasilla Highway to the southeast corner of Lot 10, Olson Subdivision Extension, Plat No. 62-9, 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 6A, 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. W-41, 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 easterly limit of that Permanent Public Use and Right-of-Way Easement as described in the City of Wasilla Peck Street Upgrade documents recorded in Book 784 at Pages 338 through 341, Palmer Recording District,

thence northerly along the east boundary of said Permanent Public Use and Right-of-Way Easement to a point where said boundary intersects the section line common to Sections 2 and 3, Township 17 North, Range 1 West, Seward Meridian, Alaska,

thence northerly along the section line common to Sections 2 and 3, Township 17 North, Range 1 West, Seward Meridian, Alaska, to the section corner common to Sections 2 and 3, Township 17 North, Range 1 West and Sections 34 and 35, Township 18 North, Range 1 West, Seward Meridian, Alaska,

thence westerly along the section line common to 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 N. Wasilla Fishhook Road,

thence northeasterly across the westerly right-of-way [LINE] of N. 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 W. Spruce Avenue to the north-south 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, Plat No. 2000-136, Palmer Recording District,

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

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

thence northerly to the northeast corner of Lot 10, Block 3, Silverleaf Estates Subdivision, Phase 5, Plat No. 2006-60, Palmer Recording District,

thence westerly to the northwest corner of Lot 1, Block 2, Silverleaf Estates Subdivision, Phase 3, Plat No. 2003-26, Palmer Recording District,

thence southerly along the east right-of-way line of N. Church Road to the northwest corner of Lot 1, Silver Hills View Subdivision Addition No. 1, Plat No. 2007-58, Palmer Recording District,

thence easterly to the northwest corner of Lot 8, Block 2, Silverleaf Estates Subdivision, Phase I, Plat No. 85-053, Palmer Recording District,

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, Plat No. 85-053, Palmer Recording District,

thence easterly along the north right-of-way line of W. Ridgewood Drive to the southeast corner of Lot 10A, Block 2, Silverleaf Estates Subdivision, Phase 5, Plat No. 2006-226, Palmer Recording District,

thence southerly along the right-of-way line of W. Ridgewood Drive to the northeast corner of Lot 8, Block 1, Silverleaf Estates Subdivision, Phase 2, Plat No. 2000-136, Palmer Recording District

thence westerly along the south right-of-way line of W. Ridgewood Drive to the northwest corner of Lot 8, Block 1, Silverleaf Estates Subdivision, Phase 2, Plat No. 2000-136, Palmer Recording District

thence southeasterly to the southwest corner of Lot 8, Block 1, Silverleaf Estates Subdivision, Phase 2, Plat No. 2000-136, Palmer Recording District,

thence southwesterly to the northwest corner of Lot 5, Silver Tree Subdivision, Addition No. 1, Plat No. 2009-37, Palmer Recording District,

thence southerly to the southwest corner of Lot 1, Silver Tree Subdivision, Plat

No. 2007-20, Palmer Recording District,
thence westerly along the north right-of-way line of W. Spruce Avenue to the west side of the right-of-way line of N. Silver Pond Circle,
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 on the common section line of Sections 5 and 6, Township 17 North, Range 1 West, Seward Meridian, to the south 1/16 corner common to Sections 5 and 6,
thence westerly to the southeast corner of Mission Hills, Subdivision, Phase 3, Plat No. 84-192, Palmer Recording District,
thence northerly to the northeast corner of Mission Hills Subdivision, Phase 3, Plat No. 84-192, Palmer Recording District,
thence westerly to the northwest corner of Lot 7, Block 2, Mission Hills North Subdivision, Plat No. 2008-24, Palmer Recording District,
thence southerly to the southwest corner of Mission Hills Subdivision, Phase 2, Plat No. 84-124, Palmer Recording District,
thence westerly to the southwest corner of Lot 8, Block 1, Wintergreen Acres Subdivision, Plat No. 79-307, 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 southwest corner of Parcel 1, MSB Waiver No. 80-137W, Palmer Recording District,
thence westerly along the north meander line for Jacobson Lake to the southeast corner of Lot 2, MSB Waiver No. 94-5W refiled, Palmer Recording District,
thence northerly to the northeast corner of Lot 2, MSB Waiver No. 94-5W refiled, Palmer Recording District,
Thence westerly along the south right-of-way line of the W. Parks Highway to the northeast corner of Tract 2, Naomi Subdivision, Plat No. 73-86, Palmer Recording District,
thence southerly to the southeast corner of Tract 2, Naomi Subdivision, Plat No. 73-86, Palmer Recording District,
thence westerly to the northwest corner of Lot 3D, Olympic Subdivision, Plat No.

2006-86, Palmer Recording District,

Thence southerly to the southwest corner of Lot 3C, Olympic Subdivision, Plat No. 2006-86, Palmer Recording District,

thence easterly along the north right-of-way line of the Alaska Railroad to the northwest corner of Lot 3, Matanuska-Susitna Borough Waiver No. 93-105W, 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. 408, New Wasilla Airport Add. 2, Plat No. 2006-124, Palmer Recording District,

thence following the perimeter of the New Wasilla Airport Add. 2 to the center 1/4, Section 13, Township 17 North, Range 2 West, Seward Meridian, Alaska,

thence easterly to the 1/4 corner common with Section 13, Township 17 North, Range 2 West, and Section 18, Township 17 North, Range 1 West, Seward Meridian, Alaska,

thence northerly to the north 1/16 corner common to said Sections 13 and 18,

thence easterly along the south boundary of the N 1/2 NW 1/4 of Section 18, Township 17 North, Range 1 West, Seward Meridian, Alaska, to the west right-of-way line of S. Mack Drive,

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

thence easterly along the south right-of-way line of S. Knik-Goose Bay Road to the northwest corner of Lot 2, Fern Plaza Subdivision, Plat No. 2009-71, Palmer Recording District,

thence southeasterly to the southwest corner of Lot 3, Fern Plaza Subdivision, Plat No. 2009-71

thence easterly along the southerly property line of Lot 3, Fern Plaza Subdivision, Plat No. 2009-71, to the west right-of-way line of S. Fern Street,

thence southerly along the west right-of-way line of S. Fern Street to a point along the center line of W. 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 S. Togiak Avenue,

thence northerly along the east right-of-way line of S. 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 line 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 Seward Meridian Commercial Condos, Plat No. 2011-48, Palmer Recording District,

thence northeasterly along the easterly boundary of Seward Meridian Commercial Condos, Plat No. 2011-48, Palmer Recording District, to the southerly right of-way line of the E. George Parks Highway,

thence northerly across the E. 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 E. George Parks Highway to the intersection with the Seward Meridian line,

thence northerly along the Seward Meridian line 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 8,669.6 acres more or less.

Approved in writing this 3rd day of October, 2013.

LOCAL BOUNDARY COMMISSION

By:  x
Lynn Chrystal, Chair

Attest:

By:  x
Brent Williams, Staff

RECONSIDERATION BY THE COMMISSION

Per 3 AAC 110.580(a) “within 18 days after a written statement of decision is mailed under 3 AAC 110.570(f), a person may file an original and five copies of a request for reconsideration of all or part of the decision, describing in detail the facts and analyses that support the request for reconsideration.”

But 3 AAC 110.590(9) applies for petitions using the 3 AAC 110.590 modified procedures for certain local action annexations. 3 AAC 110.590(9) states in part that that “a request for reconsideration must be filed within 10 days after a written statement of decision is mailed.” As this petition was filed using 3 AAC 110.590’s modified procedures, 3 AAC 110.590(9) applies, and any reconsideration request must be filed within 10 days after the written decision is mailed.

Per 3 AAC 110.580(e) “the commission will grant a request for reconsideration or, on its own motion, order reconsideration of a decision only if the commission determines that

- (1) a substantial procedural error occurred in the original proceeding;
- (2) the original vote was based on fraud or misrepresentation;
- (3) the commission failed to address a material issue of fact or a controlling principle of law; or
- (4) new evidence not available at the time of the hearing relating to a matter of significant public policy has become known.”

Additionally, per 3 AAC 110.580(f) “if the commission does not act on a request for reconsideration within 30 days after the decision was mailed under 3 AAC 110.570(f), the request is automatically denied.” Also per 3 AAC 110.580(f) “if the commission orders reconsideration or grants a request for reconsideration within 30 days after the decision was mailed under 3 AAC 110.570(f), the commission will allow a petitioner or respondent 10 days after the date reconsideration is ordered or the request for reconsideration is granted to file an original and five copies of a responsive brief describing in detail the facts and analyses that support or oppose the decision being reconsidered.”

JUDICIAL APPEAL

A decision of the LBC may be appealed to the Superior Court under AS 44.62.560(a) and Rules of Appellate Procedure 602(a)(2).