

Local Boundary Commission

Decision

In the matter of the petition to incorporate Big Lake as a second class city within the Matanuska-Susitna Borough

Members

Lynn Chrystal
Chair
At Large

John Harrington
Member
First Judicial District

Bob Harcharek
Vice Chair
Second Judicial District

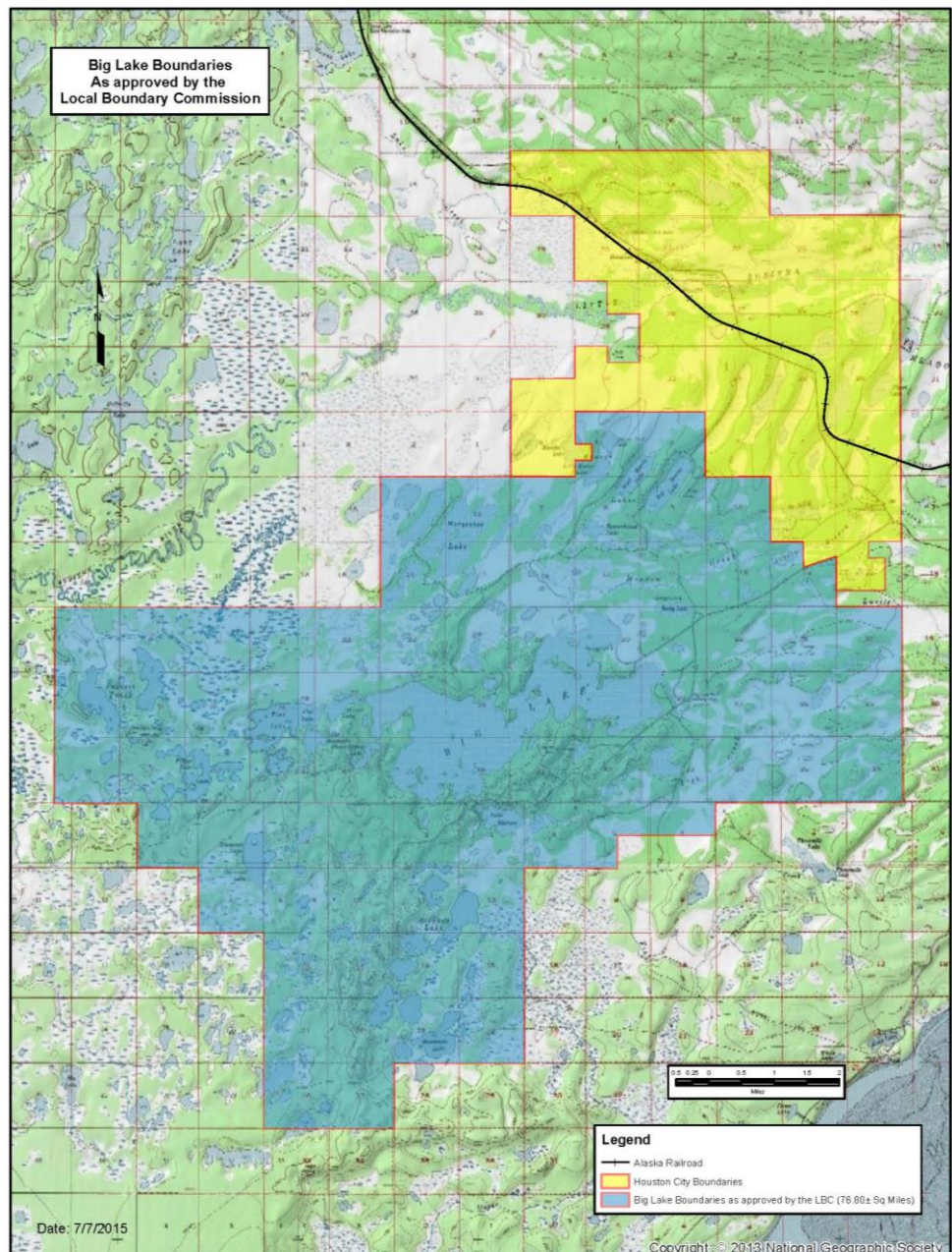
Darroll Hargraves
Member
Third Judicial District

Lavell Wilson
Member
Fourth Judicial District



Section I Introduction

Voters (hereafter "Petitioner") in the community of Big Lake submitted a petition in accordance with AS 29.05.060(12) to the Local Boundary Commission (also referred to as "LBC" or "commission") to incorporate as a second class city. The proposed city consists of approximately 76.8 square miles of land and water.



SECTION II PROCEEDINGS

LBC Public Hearing Regarding the Proposed City Incorporation Petition

The LBC chair consolidated the Big Lake incorporation petition and the Houston annexation petition because their proposed territories overlapped, and because the petitions were accepted for filing at the same time. In accordance with 3 AAC 110.550 and 3 AAC 110.560, the commission convened a public hearing regarding the consolidated City of Houston annexation and Big Lake incorporation petitions. The public hearing was held in the Big Lake Lions Recreation Center in Big Lake on April 15, 2015 at 1:30 pm.

Both petitioners gave opening and closing statements. The commission heard sworn testimony from witnesses, and also heard comments from numerous public members regarding the proposed incorporation. Immediately after the hearing, the LBC held a decisional meeting and approved the Houston annexation petition. Per the Big Lake petitioner's request, the LBC continued the hearing for Big Lake until June 23, 2015 at 2:30 pm. The petitioner had requested that the LBC condition any approval of the petition upon voter approval of a 3.09 mill rate real property tax. The LBC continued the hearing to provide notice and the opportunity for public comment on the proposed condition.

LBC Decisional Meeting Regarding the Proposed City Incorporation Petition

In accordance with 3 AAC 110.570, the commission held a duly noticed decisional meeting in Big Lake on June 23, 2015 regarding the petition to incorporate Big Lake as a second class city. At that decisional meeting the LBC voted to follow the staff's recommendations in the staff's final report, namely that the LBC condition any approval of the petition upon voter approval of a 3.09 mill rate real property tax. The LBC staff had earlier recommended and publicly noticed that the LBC amend the petition by reducing the proposed city's size to approximately 76.8 square miles. The commission followed that recommendation also. It voted 4 to 0 (one commissioner was unable to attend the hearing and decisional meeting) to approve the petition.

SECTION III FINDINGS AND CONCLUSIONS

The record in this proceeding includes the city incorporation petition with supporting materials, written comments received on the petition, the petitioner's reply brief, Commerce's preliminary report, comments received on the preliminary report, and Commerce's final report. It further includes opening and closing statements, testimony, and verbal comments received at the LBC's April 15, 2015 and June 23, 2015, public hearings on the petition.

3 AAC 110.920 Determination of Community

In further examining whether Big Lake comprises a community, the commission finds that Big Lake has a population of over 3,500 people as of July 2013. Merely 25 people are required by regulation, and Big Lake's population greatly exceeds that threshold. The Big Lake residents live in a geographic proximity that allows frequent personal contacts and interaction, as exemplified by the fact that Big Lake has its own elementary school. Big Lake has evolved from a summer recreation destination populated with cabins into a community with over 3,500 permanent residents. The commission further finds that the permanent residents form a discrete and identifiable social unit.

3 AAC 110.920 states that the LBC will presume that a population does not constitute a community if public access to or the right to reside at the location of the population is restricted, 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 commission finds that there is no restriction on public access, or on the right to reside at the location of population. The commission further finds that the location of the population is not provided by an employer, nor is Big Lake occupied as a condition of employment primarily by persons who do not consider the place to be their permanent residence.

After considering all of the record and arguments, the commission finds that 3 AAC 110.920 is met.

3 AAC 110.005 Community

3 AAC 110.005 states that territory proposed for city incorporation must encompass a community. As shown above in 3 AAC 110.920, the commission does find that Big Lake does encompass a community. After considering all of the record and arguments, and after considering the meaning of community as defined by 3 AAC 110.990(5), the commission finds that 3 AAC 110.005 is met.

AS 29.05.011(a)(5) and 3 AAC 110.010(a) Need

In determining whether the community demonstrates a reasonable need for city government, the commission may consider factors such as existing or reasonably anticipated social or economic conditions; existing or reasonably anticipated health, safety, and general welfare conditions; existing or reasonably anticipated economic development; and adequacy of existing services. The commission finds that the community of Big Lake is impeded by not being a city, primarily concerning road service. Incorporating will enable the community to carry out its current functions more efficiently and effectively as a city. Although there is a nonprofit Big Lake Community Council that provides advisory recommendations to the Matanuska-Susitna Borough, there are definite limits to its authority. A city, on the other hand, can better represent its residents at the borough level and in Juneau and it can provide services that a nonprofit community association cannot. Further, cities receive more community revenue sharing than unincorporated communities do.

The area around Big Lake is rapidly growing. The Alaska Railroad is building a nearby spur to Port MacKenzie, and the planned Knik Arm Bridge is a real possibility. With this existing and possible growth, the Big Lake community has a need to exist as a city. Existing as a city would allow it to have planning powers (if granted by the borough), and to exercise more influence in affairs that concern it.

Most importantly, however, the city can take over the maintenance of its roads from Road Service Area (RSA) #21. The petitioner has demonstrated that it can do so more efficiently and effectively than the RSA can. But doing so is not possible unless the community incorporates as a city, as the community association does not have the taxing powers that are necessary to fund the maintenance of the roads.

After considering all of the record and arguments, the commission finds that the community demonstrates a reasonable need for city government, and that both 3 AAC 110.010(a) and AS 29.05.011(a)(5) are met.

AS 29.05.021(b) Limitations of Incorporation of a City and 3 AAC 110.010(c) Need

AS 29.05.021(b) states that a community in an organized borough may not incorporate as a city if the services to be provided by the proposed city can be provided by the borough, or by annexation to an existing city. Big Lake is in the Matanuska-Susitna Borough. 3 AAC 110.010(c) states that a community in an organized borough may not incorporate as a city if essential municipal services can be provided more efficiently or more effectively by annexation to an existing city, or by the borough, including through a borough service area.

The nearby City of Houston has shown no interest in annexing Big Lake, or in providing services to that community. The next closest city, Wasilla, is too far either to annex Big Lake, or to provide it with services. Regarding the Matanuska-Susitna Borough, the petitioner has demonstrated that it can provide services more efficiently and effectively than the RSA can. The petitioner has demonstrated, and the commission finds, that a City of Big Lake could provide road service for less money than the borough can. The city has a strong local knowledge of the local roads and their conditions. Incorporating Big Lake would empower its residents. The city would have more influence than a community association would. The residents would have greater influence about development and other issues because they would be able to speak with one voice, and advocate for themselves. This is a service that the city could provide that the borough could not. Residents could approach their city officials to discuss road services and other issues, rather than drive to Palmer to visit borough officials. The commission finds that the proposed city can provide essential municipal services such as road service more efficiently and effectively than the borough can.

After considering all of the record and arguments, the commission finds both AS 29.05.021(b) and 3 AAC 110.010(c) are met.

AS 29.05.011(a)(3) and 3 AAC 110.020 Resources

In determining whether the economy of the community includes the human and financial resources necessary to provide municipal services under AS 29.05.021(a)(3), and in determining under 3 AAC 110.020 whether the economy of the proposed city includes the human and financial resources necessary to provide the development of essential municipal services on an efficient, cost-effective level, the commission considers factors including: The reasonably anticipated functions of the proposed city, the reasonably anticipated expenses of the proposed city, the ability of the proposed city to generate and collect revenue at the local level, the reasonably anticipated income of the proposed city, the feasibility and plausibility of the anticipated operating and capital budgets of the proposed city through the period extending one full fiscal year beyond the reasonably anticipated date for receipt of the final organization grant under AS 29.05.180 and for completion of the transition set out in AS 29.05.130 - AS 29.05.140 and 3 AAC 110.900, the economic base of the proposed city, valuations of taxable property within the proposed city, existing and reasonably anticipated industrial, commercial, and resource development within the proposed city, and personal income of residents of the proposed city.

The commission finds that the community has the human and financial capability and resources to carry out the reasonably anticipated functions such as road service that the borough is currently performing, and that it can do so more efficiently and efficiently as a city. After examining the proposed city's anticipated income, expenses, ability to generate and collect revenue at the local level, and the feasibility of the anticipated operating and capital budgets of the proposed city through one full fiscal year beyond the receipt of the final organization grant, the commission finds that the community has prepared a sustainable budget commensurate with its income.

The commission has also considered the economic base of the proposed city, and the evaluations of the taxable property within the proposed city, and finds them both sound. The petitioner has demonstrated that many former simple summer cabins are now being enlarged to become year round homes, especially for retirees. As this trend continues, and as the population increases, Big Lake will likely have more homes, and more homes that have increased value. As this occurs, then the city's tax base can rise.

The LBC has also considered the existing and reasonably anticipated industrial, commercial, and resource development within the proposed city and finds that there is existing and possible development such as the railroad spur line, the Goose Creek prison, the possible Knik Arm

bridge, the NANA factory, and others. These all indicate a growing economic base that consists of more than seasonal homes.

The commission also considers the personal income of residents of the proposed city. The total wage income is estimated to be nearly \$57 million. That does not include retirement income such as Social Security and pensions. The commission finds that the personal income of the residents of the proposed city is sufficient to support providing essential municipal services in an efficient and cost effective manner.

After considering the factors of AS 29.05.011(a)(3) and 3 AAC 110.020, the LBC finds that the economy of the proposed city has the human and financial resources necessary to provide the development of essential municipal services on an efficient, cost-effective level. After considering all of the record and arguments, the commission finds that both AS 29.05.011(a)(3) and 3 AAC 110.020 are met.

AS 29.05.011(a)(4) and 3 AAC 110.030 Population

In determining whether the population of the proposed city is sufficiently stable enough to support city government under AS 29.05.011(a)(4), and whether the population of the proposed city is sufficiently large and stable to support the proposed city government. Under 3 AAC 110.030, the commission may consider factors such as census enumerations, durations of residency, historical population patterns, seasonal population changes, age distributions, contemporary and historical public school enrollment data, and nonconfidential data from the Department of Revenue regarding applications under AS 43.23 for permanent fund dividends.

As above, the commission finds that the population is sufficiently large and stable to support the proposed city government. The first recorded population was 74 in 1960. The population decreased to 36 in 1979, but then increased to 401 in 1980, to 1,447 in 1990, to 2,635 in 2000, to 3,350 in 2010, and to over 3,500 today. If the community incorporates, it would be the second largest second class city in the state, and the 14th largest overall. After considering all of the record and arguments, the commission finds that both AS 29.05.011(a)(4) and 3 AAC 110.030 are met.

AS 29.05.011(a)(2) and 3 AAC 110.040 Boundaries

In determining under AS 29.05.011(a)(2) and 3 AAC 110.040(a) whether the boundaries of a proposed city include all land and water necessary to provide the development of essential municipal services on an efficient, cost-effective level, the commission considers factors such as land use, subdivision platting, and ownership patterns; population density; existing and reasonably anticipated transportation patterns and facilities; natural geographical features and environmental factors; extraterritorial powers of cities; salability of land for residential, commercial, or industrial purposes; and suitability of the territory for reasonably anticipated community purposes. The commission finds that the boundaries are rational and well thought through. The commission also finds that the population density is appropriate for the boundaries of the proposed city. In particular, the commission finds that the boundaries include all water and land necessary to provide essential municipal services because they include the watershed which the community depends on for its drinking water. The commission finds that the boundaries do include all water and land necessary to provide essential municipal services on an efficient and cost effective level under 3 AAC 110.040. For the same reasons, the commission finds that the boundaries of the proposed city include all areas necessary to provide municipal services on an efficient scale under AS 29.05.011(a)(2).

Under 3 AAC 110.040(b)(1), to promote the limitation of community, the commission must determine whether the boundaries of the proposed city are on a scale suitable for city government, and whether they include only that territory comprising a present local community, plus reasonably predictable growth, development, and public safety needs during the 10 years following the anticipated date of incorporation. The commission finds that the

boundaries are on a scale suitable for city government, and that they include only that territory comprising a present local community, plus reasonably predictable growth, development, and public safety needs during the 10 years following the anticipated date of incorporation. The boundaries are 76.8 square miles. This demonstrates ample land and water for the population size. For that reason the commission finds that 3 AAC 110.040(b)(1) is met.

Under 3 AAC 110.040(b)(2), the commission will consider whether the boundaries of the proposed city include entire geographical regions or large unpopulated areas, and if so, whether the boundaries are justified by the application of the standards in 3 AAC 110.005 - 3 AAC 110.042, and are otherwise suitable for city government. The commission finds that the boundaries are large for a city, but are still on a scale suitable for city government. Many cities in Alaska are far larger, and include over 200 square miles. The geography and topography indicates that much of Big Lake's size is due to lakes and ponds.

The LBC finds the boundaries of the proposed city do not include entire geographical regions or large unpopulated areas. The commission finds that in addition, the boundaries are justified by the applying the standards in 3 AAC 110.005-3 AAC 110.042, and are otherwise suitable for city government. The commission finds the requirements of 3 AAC 110.040(b)(2) are met.

Under 3 AAC 110.040(c), the commission finds that the territory proposed for incorporation is contiguous, and that it does not contain enclaves. The commission finds that 3 AAC 110.040(c) is met.

Under 3 AAC 110.040(d), the commission finds that the petition for incorporation of the proposed city does not describe boundaries overlapping the boundaries of an existing organized borough or city. The commission finds that 3 AAC 110.040(d) is met.

After considering all of the record and arguments, the commission finds that the standards of AS 29.05.011(a)(2) and 3 AAC 110.040 are met.

3 AAC 110.042 Best Interests of State

In determining whether incorporation in the best interests of the state under AS 29.05.100(a), the commission may consider relevant factors, including whether incorporation: Promotes maximum local self-government, as determined under 3 AAC 110.981; promotes a minimum number of local government units, as determined under 3 AAC 110.982 and in accordance with art. X, sec. 1, Constitution of the State of Alaska; will relieve the state government of the responsibility of providing local services; and is reasonably likely to expose the state government to unusual and substantial risks as the prospective successor to the city in the event of the city's dissolution.

As shown below, the LBC finds that the incorporation would promote maximum local self-government. The proposed incorporation would give Big Lake residents greater control over their own affairs by managing their roads, by speaking as a unit on the borough level or in Juneau, and by providing any additional services that they want to in the future. This would promote maximum local self-government.

The doctrine of a minimum number of local government units is not to prevent new municipalities from forming, but to prevent a duplication of services through overlapping government units. This proposed incorporation does not duplicate services or government. While the borough could continue to provide road maintenance, the City of Big Lake would assume and operate road maintenance more effectively and efficiently than the borough.

Further, the commission finds that although the chance of city dissolution exists, that chance is small. Further, the commission finds that the given the fact that the city would provide a limited number of services, and given its growing size and tax base, that the city would be in a better position and fare better than other cities should state funding decrease. After considering all of

the record and arguments, the commission finds that the standards of AS 29.05.100(a) and 3 AAC 110.042 are met, and that the proposed incorporation is in the best interests of the state.

3 AAC 110.900 Transition Plan

3 AAC 110.900(a) asks whether the petition includes a transition plan that demonstrates the capacity of the municipal government to extend essential municipal services into the boundaries proposed for change in the shortest practical time after the effective date of the proposed change. The commission finds that the petition does include such a transition plan.

3 AAC 110.900(b) asks whether the petition includes a practical plan for the assumption of 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 LBC finds that such a practical plan exists because the petition has described how and when the city will extend existing powers, rights, duties, and functions to the territory proposed for incorporation. This plan was prepared in consultation with the borough manager. The city would assume the responsibility for its road maintenance from the borough service area.

3 AAC 110.900(b) further asks if the plan is designed to effect an orderly, efficient, and economical transfer of relevant powers, duties, rights, and functions within the shortest practicable time, not to exceed two years after the date of the proposed change. The LBC finds that it is so designed.

3 AAC 110.900(c) asks if the petition includes a practical plan for the transfer and integration of all relevant and appropriate assets and liabilities of an existing borough, city, unorganized borough service area, and other entities located within the boundaries proposed for change. The Big Lake Community Council will vote to cease operations and move all of its assets and liabilities to the proposed city, or it will comply with borough codes concerning the ending of a community council. The RSA #21 fund balance could be returned to the taxpayers, or could be transferred through a grant to the new city. Such a transfer would need to be approved by the borough assembly. The transfer and integration can occur without loss of value in assets, loss of credit reputation, or a reduced bond rating for liabilities.

3 AAC 110.900(c) also asks if the plan was prepared in consultation with the officials of each existing borough, city, and unorganized borough service area wholly or partially included within the boundaries proposed for change. The LBC finds that this consultation occurred.

3 AAC 110.900(c) also asks if the plan is designed to effect an orderly, efficient, and economical transfer of all relevant and appropriate assets and liabilities within the shortest practicable time, not to exceed two years after the date of the proposed change. The commission finds that it is so designed.

Under 3 AAC 110.900(d), the commission may require that all boroughs, cities, unorganized borough service areas, or other entities wholly or partially included within the boundaries of the proposed change 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. The commission finds that it is not necessary to require that agreement.

3 AAC 110.900(e) asks if the transition plan states the names and titles of all the officials of each existing borough, city, and unorganized borough service area that were consulted by the petitioner. The commission finds that it does. 3 AAC 110.900(e) also asks the dates on which that consultation occurred, and the subject addressed during that consultation. The commission finds that the petition lists the dates and subjects discussed.

3 AAC 110.900(f) asks if the prospective petitioner was unable to consult with officials of an existing borough, city, or unorganized borough service area because those officials have chosen

not to consult or were unavailable during reasonable times to consult with a prospective petitioner. If so, the prospective petitioner may request that the commission waive the requirement for consultation with those officials. The commission finds that 3 AAC 110.900(f) is inapplicable, and hence it is not necessary to address any potential waiver request.

After considering all of the record and arguments, the commission finds that 3 AAC 110.900 is met.

3 AAC 110.910 Statement of Nondiscrimination

3 AAC 110.910 asks whether 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. After considering all of the record and arguments, the commission finds that the petition does not deny any person the enjoyment of any civil or political right, and so the standard is met.

3 AAC 110.970(c) Determination of Essential Municipal Services

3 AAC 110.970(c) asks whether a provision of this chapter calls for the identification of essential municipal services for a city. If yes, the commission will determine those services to consist of those mandatory and discretionary powers and facilities that are reasonably necessary to the city, promote maximum local self-government, and cannot be provided more efficiently and more effectively by the creation or modification of some other political subdivision of the state.

The commission finds that provisions of this chapter call for the identification of essential municipal services for a city. The commission further finds that the services that the city would provide consist of mandatory and discretionary powers and facilities that are reasonably necessary to the city, would promote maximum local self-government, and cannot be provided more efficiently and more effectively by the creation or modification of some other political subdivision of the state.

The essential municipal services for the proposed city initially include levying taxes and road maintenance. They are essential municipal services because revenue is necessary for a municipality to function, so levying and collection of taxes is reasonably necessary. The roads are also reasonably necessary for basic transportation.

Those services promote maximum local self-government because the incorporation would allow Big Lake residents to govern themselves. As indicated above, incorporating Big Lake would empower its residents. They would have greater influence regarding development and other issues because they would be able to speak with a single voice, and advocate for their city. This is a service that the city could provide. Residents could approach their city officials to discuss road services and other issues, rather than drive to Palmer to visit borough officials.

Those services cannot be provided more efficiently and more effectively by the creation or modification of some other political subdivision of the state because Big Lake's local government needs cannot be met by the City of Houston. Although the proposed city could theoretically be annexed to Houston, the size and population of the annexation would put undue stress on that city. Nor could those services be provided more efficiently and more effectively by modifying the borough government.

After considering all of the record and arguments, the commission finds that 3 AAC 110.970 is met.

3 AAC 110.981 Determination of Maximum Local Self Government

In determining under 3 AAC 110.981 whether a proposed boundary change promotes maximum local self-government under art. X, sec. 1, Constitution of the State of Alaska, for city

incorporation in an organized borough, the commission considers whether 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 existing city, or through an existing borough service area.

While the borough could continue to provide road maintenance, the City of Big Lake would assume and operate road maintenance more effectively and efficiently than the borough. As shown above, the proposed incorporation would give Big Lake residents greater control over their own affairs by managing their roads on their own, by speaking as a unit to the borough or in Juneau, and by adding any services that they want to in the future. This would promote maximum local self-government. Those needs cannot be met by the borough. After considering all of the record and arguments, the LBC finds that 3 AAC 110.981 is met.

3 AAC 110.982 Minimum Number of Local Government Units

In determining whether a proposed city incorporation promotes a minimum number of local government units under art. X, sec. 1, Constitution of the State of Alaska, the commission considers whether the incorporation is the only means by which residents of the proposed city can receive essential municipal services. The commission finds that the essential city service of community advocacy can only be provided by the city. After considering all of the record and arguments, the LBC finds that the proposed incorporation promotes a minimum number of local government units, and that 3 AAC 110.982 is met.

SECTION IV ORDER OF THE COMMISSION

The commission concludes that all of the relevant standards and requirements for incorporation of the City of Big Lake are met. The commission reaches that conclusion after fully considering the record in this proceeding. That record includes the incorporation petition and supporting materials, written comments received on the petition, any briefs received, Commerce's preliminary report, comments received on Commerce's preliminary report, Commerce's final report, and any comments received on the final report. It also includes opening and closing statements, testimony, and verbal comments received at the LBC's April 15 and June 23, 2015 public hearings on the petition.

The metes and bounds of the proposed city are:

Big Lake City Boundary Legal Description, located within Township 16 North, Range 3 West; Township 16 North, Range 4 West; Township 17 North, Range 3 West; Township 17 North, Range 4 West; Township 17 North, Range 5 West; Seward Meridian, Third Judicial District, Alaska, more particularly described as follows:

Beginning at the southwest corner of Section 28, Township 16 North, Range 4 West, which is the true point of beginning of this description;

Thence north approximately 3 miles to the northwest corner of Section 16, Township 16 North, Range 4 West;

Thence west approximately 1 mile to southwest corner section 8, Township 16 North, Range 4 west;

Thence north approximately 1 mile to the northwest corner of Section 8, Township 16 North, Range 4 West;

Thence west approximately 1 mile to the southwest corner of Section 6, Township 16 North, Range 4 West;

Thence north approximately 1 mile to the northwest corner of Section 6, Township 16 North, Range 4 West;

Thence west approximately 1 1/4 miles to the southwest corner of Section 36, Township 17 North, Range 5 West;

Thence north approximately 3 miles to the northwest corner of Section 24, Township 17 North, Range 5 West;

Thence east approximately 5 miles to the northwest corner of Section 23, Township 17 North, Range 4 West;

Thence north approximately 2 miles to the northwest corner of Section 11, Township 17 North, Range 4 West;

Thence east approximately 3 miles to the northwest corner of Section 8, Township 17 North, Range 3 West;

Thence north approximately 1/4 mile to the northwest corner of the southwest 1/4 of southwest 1/4 of Section 5, Township 17 North, Range 3 West;

Thence east approximately 1/4 mile to the northeast corner of southwest 1/4 of the southwest 1/4 of Section 5, Township 17 North, Range 3 West;

Thence north approximately 1/4 mile to the northeast corner of the northwest 1/4 of southwest 1/4 of Section 5, Township 17 North, Range 3 West;

Thence west approximately 1/4 mile to the southwest corner of the northwest 1/4 of Section 5, Township 17 North, Range 3 West;

Thence north approximately 1/2 mile to the northwest corner of Section 5, Township 17 North, Range 3 West;

Thence east approximately 2 miles to the northeast corner of Section 4, Township 17 North, Range 3 West;

Thence south approximately 1 mile to the northeast corner of Section 9, Township 17 North, Range 3 West;

Thence east approximately 1 mile to the northeast corner of Section 10, Township 17 North, Range 3 West;

Thence south approximately 1 mile to the northeast corner of Section 15, Township 17 North, Range 3 West;

Thence east approximately 1/2 mile to the north 1/4 corner of Section 14, Township 17 North, Range 3 West;

Thence south approximately 1/3 mile to the north right-of-way line of Big Lake Road located in Section 14, Township 17 North; Range 3 West;

Thence northeasterly approximately 1/2 mile along the north right-of-way line of Big Lake Road to the west right-of-way line of Wasey Way common to the north-south section line common to Section 13 and Section 14 in Township 17 North, Range 3 West;

Thence south approximately 3/4 mile along the north-south section line common to Section 13 and Section 14, Township 17 North, Range 3 West, to the northwest corner of Section 24, Township 17 North, Range 3 West;

Thence east approximately 1 mile to the northeast corner of Section 24, Township 17 North, Range 3 West;

Thence south approximately 3 miles to the southeast corner of Section 36, Township 17 North, Range 3 West;

Thence west approximately 3 miles to the northwest corner of Section 3, Township 16 North, Range 3 West;

Thence south approximate 1/2 mile to the west 1/4 corner of Section 3, Township 16 North, Range 3 West;

Thence west approximately 1 1/2 miles to the center 1/4 corner of Section 5, Township 16 North, Range 3 West;

Thence south approximately 1/2 mile to the south 1/4 corner of Section 5, Township 16 North Range 3 South;

Thence west approximately 1 1/2 miles to the northeast corner of Section 12, Township 16 North, Range 4 West;

Thence south 3 miles to the southeast corner of Section 24, Township 16 North, Range 4 West;

Thence west approximately 2 miles to the southwest corner of Section 23, Township 16 North, Range 4 West;

Thence south approximate 1 mile to the southeast corner of Section 27, Township 16 North, Range 4 West;

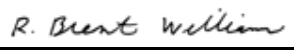
Thence west approximate 2 miles to the southwest corner of Section 28, Township 16 North, Range 4 West, which is the true point of beginning of this description; said parcel containing approximately 76.8 square miles.

Description based on USGS Quads Anchorage B-8 (1952) (minor revision in 1965) and C-8 [1950 with minor revision in 1971]; and Tyonek B-1 [1958 with revisions in 1964] and C-1 [1958 with revisions in 1965].

Approved in writing this 16th day of July, 2015

Local Boundary Commission

By:  **x**
Lynn Chrystal, Chair

Attested by:  **x**
Brent Williams, Staff

RECONSIDERATION BY THE COMMISSION

3 AAC 110.580 (Reconsideration) states that:

(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 that decision, describing in detail the facts and analyses that support the request for reconsideration.

(b) Within 30 days after a written statement of decision is mailed under 3 AAC 110.570(f), the commission may, on its own motion, order reconsideration of all or part of that decision.

(c) A person filing a request for reconsideration shall provide the department with a copy of the request for reconsideration and supporting materials in an electronic format, unless the department waives this requirement because the person requesting reconsideration lacks a readily accessible means or the capability to provide items in an electronic format. A request for reconsideration must be filed with an affidavit of service of the request for reconsideration on the petitioner and each respondent by regular mail, postage prepaid, or by hand-delivery. A request for reconsideration must also be filed with an affidavit that, to the best of the affiant's knowledge, information, and belief, formed after reasonable inquiry, the request for reconsideration is founded in fact and is not submitted to harass or to cause unnecessary delay or needless expense in the cost of processing the petition.

(d) If the person filing the request for reconsideration is a group, the request must identify a representative of the group. Each request for reconsideration must provide the physical residence address and mailing address of the person filing the request for reconsideration and the telephone number, facsimile number, and electronic mail address, if any, for the person or representative of the group.

(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.

(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. If it 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. The petitioner or respondent shall provide the department with a copy of the responsive brief in an electronic format, unless the department waives this requirement because the petitioner or respondent lacks a readily accessible means or the capability to provide items in an electronic format.

(g) Within 90 days after the department receives timely filed responsive briefs, the commission, by means of the decisional meeting procedure set out in 3 AAC 110.570(a) - (f), will issue a decision on reconsideration. A decision on reconsideration by the commission is final on the day that the written statement of decision is mailed, postage prepaid, to the petitioner and the respondents.

JUDICIAL APPEAL

Per 3 AAC 110.570(g), this is the final decision of the commission, unless reconsideration is timely requested or the commission orders reconsideration. A decision of the Local Boundary Commission may be appealed to the Superior Court under AS 44.62.560(a) and Rules of Appellate Procedure 602(a)(2). A claimant has 30 days to file an appeal with the Superior Court.