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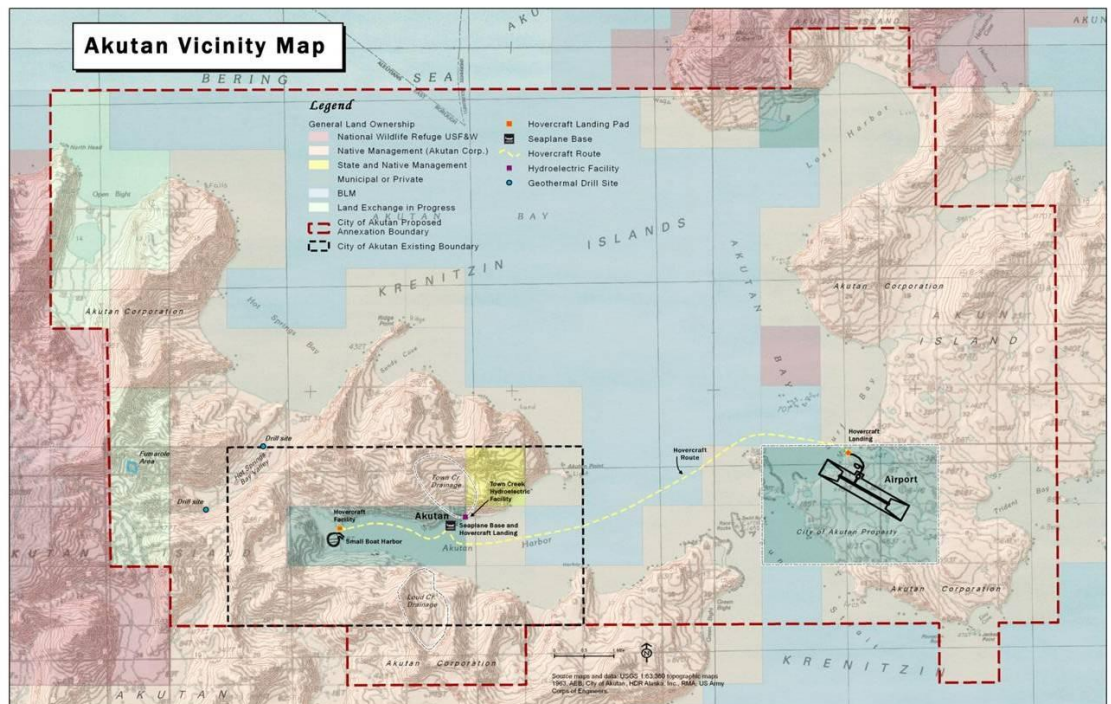
Local Boundary Commission Decision

In the Matter of the November 4, 2011, Petition by the City of Akutan to annex approximately 130.02 square miles of land and water.

Section I Introduction

On November 4, 2011, the City of Akutan petitioned the Local Boundary Commission (also referred to as “LBC” or “commission”) to annex approximately 130.02 square miles of land and water. The territory proposed for annexation (“territory”) is described as follows and is shown on the map below:

The territory proposed for annexation consists of Loud Creek Watershed (a.k.a. “Noisy Creek”), Hot Springs Bay Valley, Southeast Peninsula of Akutan Harbor, Southwest Akun, Lost Harbor, and Akutan Bay.



SECTION II PROCEEDINGS

- **Deposit of Petition**

On December 22, 2011, the City of Akutan provided a copy of the City's prospective petition at the following municipalities:

- Aleutians East Borough, Anchorage Office;
- Aleutians East Borough, Sand Point Office;
- City of Akutan Administration Building.

- **Submission and Review of Petition**

The petition was submitted to LBC staff (also referred to as "Commerce") on November 4, 2011, and accepted for filing on December 19, 2011.

- **Posting of Notice**

On December 21, 2011, notice was posted at the following locations within and surrounding the territory proposed for annexation:

City of Akutan Administration Building	Akutan Post Office
City of Akutan Anchorage Office	McGlashan Store
Akutan Traditional Council Office	Akutan Corporate Building
Trident Seafoods Corporate, Akutan Main Office	

- **Public Notice**

Notice of the petition was published in the *Anchorage Daily News* on December 16th, 2011, and *The Alaska Dispatch* on December 23th, 2011.

On December 22, 2011, a public service announcement was sent to the following radio stations to broadcast for 14 days:

KDLG am and fm	KUCB
KSDP am	

KDLG radio station declined to run the ad, KUCB confirmed the ad would be run beginning December 22nd.

- **Service of Petition**

On December 21, 2011, the Aleutians East Borough, and Akutan Corporation were served, via United States Postal Service, complete copies of the petition.

On December 21, 2011 a copy of the Notice of Petition was emailed to the individuals and organizations whose names and addresses are listed in Exhibit No. 3 that was attached to the January 24, 2012, City affidavit.

- **Deadline for Initial Comments and Responsive Briefs**

The notice of filing invited written public comment concerning the proposed annexation due by December 30, 2011. No responsive brief was filed. Staff received 1 public comment listed below.

Name	Date Received	Position Regarding Annexation Petition
State of Alaska Department of Transportation	12/28/2011	Non-objection

Staff acknowledged the government agency's comment in a timely manner. Per 3 AAC 110.480(d), originals (hard copies) of public comments would have been required within 10 days, however, the LBC suspended that requirement in its December 14th public meeting.

- **Akutan Annexation Report Distribution**

On March 2, 2012, Commerce distributed copies of its 75 page *Report to the Local Boundary Commission Regarding the Proposal to annex by the unanimous consent local option method, approximately 130.02 square miles of land and water to the City of Akutan* to interested parties including the petitioner, commenter, Local Boundary Commission members, and others.

- **Comments on Akutan Annexation Report**

The public comment period for the Akutan annexation report was from March 2, 2012, until March 27, 2012. Commerce received no comments from the public, other government agencies, or the petitioner during this public comment period.

- **Notice of Local Boundary Commission Public Hearing and Decisional Meeting**

The Local Boundary Commission chair scheduled a public hearing regarding the City of Akutan's annexation petition. Commerce gave formal notice of the hearing under 3 AAC 110.550.

Commerce published the full notice in the *Anchorage Daily News* on March 21, 2012. The notice was also posted on the state's *Online Public Notice System*, as

well as on the Division of Community and Regional Affairs and LBC websites.

Additionally, notice of the hearing was provided to the Petitioner's representative, Mayor Joseph Bereskin. The city posted the notice where the petition documents were made available for public review.

- **LBC Public Hearing Regarding the City of Akutan's Annexation Petition**
In accordance with 3 AAC 110.550 and 3 AAC 110.560, the commission held a duly noticed public hearing on Thursday, March 29, 2012, regarding the City of Akutan's annexation petition. The hearing began at 10:00 a.m. in the Atwood Building, 16th Floor Conference Room, in Anchorage. The decisional meeting immediately followed the public hearing. The LBC heard a brief summary of the annexation petition presented by Mayor Bereskin, and asked questions of the mayor, the attorneys, and the consultant regarding the petition.
- **LBC Decisional Meeting Regarding the City of Akutan's Annexation Petition**
In accordance with 3 AAC 110.570 the Local Boundary Commission held a duly noticed decisional meeting on Thursday, March 29, 2012, regarding the City of Akutan's annexation petition. The commission voted 5 to 0 to approve the annexation petition.

SECTION III FINDINGS AND CONCLUSIONS

The record in this proceeding includes the City of Akutan's annexation petition and supporting materials, a written comment received on the petition, Commerce's Akutan annexation report, and testimony received at the LBC's March 29, 2012 public hearing.

The standards for annexation to cities that the Local Boundary Commission is required by Alaska law to apply are found at 3 AAC 110.090 – 3 AAC 110.135 and 3 AAC 110.900 – 3 AAC 110.982. 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 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. First, 3 AAC 110.090(a) states that a territory may be annexed to a city provided the commission determines that there is a reasonable need for city government in the territory. Second, 3 AAC 110.090(b) states that territory may not be annexed to a city if the commission determines that essential municipal services can be provided more efficiently and more effectively by another existing city or by an organized borough, on an areawide basis or nonareawide basis, or through a borough service area.

1. 3 AAC 110.090(a)

The territory does exhibit a reasonable need for city government. The City of Akutan and the surrounding territory are undergoing significant changes. An airport, built on city owned land outside the current city boundaries, is on nearby Akun Island. Once completed, this airport will receive passengers traveling to Akutan, along with seasonal fish processing workers. The city would operate the airport's passenger shelter and hovercraft. The city would also provide police and fire services to the territory through the state provided Village Public Safety Officer and a volunteer fire department. Akutan will also provide planning authority, which was delegated by the Aleutians East Borough (AEB).

For the reasons stated above, and by concurrence, the commission finds that 110.090(a) has been met.

2. 3 AAC 110.090(b)

The commission finds no other existing municipality has the ability to provide essential municipal services to the territory to be annexed more efficiently and more effectively than the petitioner. The AEB has no police force. Planning authority has been delegated by the AEB to the city. Furthermore, Akutan's close proximity to the annexation territory makes it the best-suited local government to provide the services necessary.

For the reasons stated above, and by concurrence, the commission finds that 110.090(b) has been met.

B. 3 AAC 110.100. Character.

Alaska law allows a territory to be annexed to a city provided that the territory is compatible in character with the annexing city. (3 AAC 110.100).

The city is compatible in character with the territory proposed for annexation in a number of ways. The city is a fishing community, and the post-annexation boundaries of the city would be over half water. That makes the territory suitable for reasonably anticipated community purposes such as fishing. The city currently includes a boat harbor for local subsistence fishing along with other commercial, recreational, and subsistence purposes. As indicated in the petition and in testimony before the commission, Akutan Bay, Lost Harbor, Akutan Harbor, and other watershed areas are used for subsistence and recreational fishing. Also, the terrain of the proposed annexation territory, with the exception of some portions of the Akun Island, is very similar in character to the city.

For all the reasons set out above, the commission finds, by concurrence, that the petition satisfies 3 AAC 110.100's requirements. The territory is compatible in character to the City of Akutan.

C. 3 AAC 110.110. Resources.

Alaska law allows a territory to be annexed to a city provided that the commission determines that 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 (3 AAC 110.110).

The commission finds that the city has met 3 AAC 110.110. The city is financially sound, and with the continuation of increased fish landing taxes for the city, Akutan anticipates an annual surplus above half a million dollars. The expenses resulting from this annexation are minimal in proportion with the additional revenue accumulated from the state fish taxes collected. The fish processing in Akutan is thriving and expected to continue over the long term. The actual income and the reasonably anticipated ability to generate and collect local revenue and income from the territory will fund essential municipal services.

The commission concludes that the petitioner has successfully met 3 AAC 110.110 because the economy within the proposed expanded boundaries of the city includes the human and financial resources necessary to provide essential municipal services on an efficient, cost-effective level.

For all the reasons set out above, the commission finds, by concurrence, that the petition satisfies the requirements of 3 AAC 110.110.

D. 3 AAC 110.120. Population.

3 AAC 110.120 states that “[t]he population within the proposed expanded boundaries of the city must be sufficiently large and stable to support the extension of city government.”

With the approved annexation, a new airport that more effectively transports patrons to and from Akutan, and the increase in economic opportunities, the city population may grow substantially faster than in previous decades. The City of Akutan has had a tenfold increase in population over the past 42 years. The vast majority of the population consists of seasonal Trident fish processing plant workers. They do not live in Akutan permanently, but reside primarily in the first three to four months of the year, and then again during the summer. The permanent residents number about 90. That figure has been largely stable. 3 AAC 110.120 is met because the permanent population is stable, and the seasonal population is growing rapidly. The population is sufficiently large and stable to support the extension of city government.

The commission finds, by concurrence, that the petition meets the standard of 3 AAC 110.120.

E. 3 AAC 110.130. Boundaries.

There are five standards related to boundaries that the commission must consider. We find that the petition has satisfied 3 AAC 110.130’s requirements based on the rationale below.

1. 3 AAC 110.130(a)

3 AAC 110.130(a) states that the 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.

The commission finds that there is sufficient existing land and water to provide the development of essential municipal services. The territory includes both land and water. Increasing the amount of land and water increases the city’s ability to provide essential municipal services.

For these reasons, the commission, by concurrence, finds that the petition meets the standards of 3 AAC 110.130(a).

2. 3 AAC 110.130(b)

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

For these reasons, the commission, by concurrence, finds that the petition meets the standards of 3 AAC 110.130(b).

3. 3 AAC 110.130(c)(1)

The expanded boundaries of the City of Akutan 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 proposed post-annexation city size would consist of 65.58 square miles of land, and 82.33 square miles of water, or 147.91 total square miles. While the proposed expanded boundaries are large, they are on a scale suitable for city government, and are proportionate to other Alaskan cities.

Akutan is a community by virtue of its being an incorporated city. The municipally owned lands currently outside of the city limits - Lost Harbor and Akun Island - along with the remaining territory proposed for annexation are part of the city's long-term community plan. The addition of an airport, the potential for hydroelectric and geothermal energy use, and the essential municipal services already being provided to the territory proposed for annexation make the scale of the expanded boundaries suitable for city government.

For these reasons, the commission, by concurrence, finds that proposed expanded boundaries of the city are on a scale suitable for city government.

4. 3 AAC 110.130(c)(2)

The proposed expanded boundaries of the City of Akutan 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. Further, the commission concludes that the petition meets the standards of 3 AAC 110.090 - 3 AAC 110.135, and the boundaries are otherwise suitable for city government.

For these reasons, the commission, by concurrence, finds that the petition meets the standards of 3 AAC 110.130(c)(2).

5. 3 AAC 110.130(d)

3 AAC 110.130(d) states that “if 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. The city and the territory proposed for annexation are within the AEB.

For this reason, the petition does not need to address the standards and procedures for annexation of the enlarged city to the existing organized borough, detachment of the enlarged city from the existing organized borough, detachment of territory from an existing city, merger of cities, or consolidation of cities.

The commission finds that the overlapping boundary standard is satisfied for the territory proposed for annexation. For these reasons, the commission, by concurrence, finds that the petition meets the standards of 3 AAC 110.130(d).

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. Alaska's constitution promotes maximum local government with a minimum of local

government units and prevention of duplication of tax levying jurisdictions. (Article X, §1).

The annexation would promote maximum local self government by adding to Akutan territory suitable for potential geothermal and hydropower, and territory that would include the new airport. The city would possibly have increased tax revenue. Secondly, it would promote a minimum number of local government units because there would be no new municipalities. Instead, an existing city would expand. This in turn would help the AEB because it would have a stronger Akutan within its borders.

The annexation meets the best interests of the state requirement because the city is the appropriate government for the territory. The annexation is necessary for the reasonably anticipated growth and development of the city.

The commission finds that the City of Akutan is the appropriate government for the territory because the city is the only municipality that can provide essential municipal services efficiently and effectively to the territory proposed for annexation.

The petition satisfies 3 AAC 110.135's requirement for annexation. The commission, by concurrence, finds that the petition meets the standards of 3 AAC 110.135.

G. 3 AAC 110.900. Transition.

3 AAC 110.900 concerns whether the transition plan contains all the required information, and that all required actions were undertaken to prepare for a smooth transition. There are six parts to 3 AAC 110.900 that the commission reviewed.

The commission considers the prospective transition of extending essential city services into the territories proposed for annexing to be elementary 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 with respect to the current annexation proposal based on the rationale below.

1. 3 AAC 110.900(a)

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 territories

proposed for annexation in the shortest practical time after the effective date of the proposed annexation. The proposed annexation would occur in the Aleutians East Borough, which worked collaboratively with the city to provide a smooth transition. There is not a considerable amount of transition necessary. Notwithstanding, the LBC deems that 3 AAC 110.900(a) has been satisfied because the petition includes the required transition plan. The commission, by concurrence, finds that the petition meets the standards of 3 AAC 110.900(a).

2. 3 AAC 110.900(b)

3 AAC 110.900(b) requires that the petition include 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 commission finds that there is a transition plan and the city indicates in its transition plan when the specific transition plan items would occur. The commission finds that there is very little external transition to be done. We find that the plan was designed to affect an orderly, efficient, and economical transfer within the shortest practical time, not to exceed two years after the effective date of the proposed change. The commission finds that 3 AAC 110.900(b) has been satisfied. The commission, by concurrence, finds that the petition meets the standards of 3 AAC 110.900(b).

3. 3 AAC 110.900(c)

3 AAC 110.900(c) requires that each petition must include 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 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 wholly or partially included within the boundaries proposed for 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 occur without loss of value in assets, loss of credit reputation, or a reduced bond rating for liabilities.

The transition plan was prepared in consultation with the officials of the Aleutians East Borough, as required by this regulation. No assets or liabilities are anticipated to be transferred as a result of the proposed annexation. The commission, by concurrence, finds that the petition meets the standards of 3 AAC 110.900(c).

4. 3 AAC 110.900(d)

3 AAC 110.900(d) allows the LBC to condition approval upon executing an agreement for assuming powers, duties, rights, and functions, and for the transfer and integration of assets and liabilities. The commission did not place a condition on the approval of this annexation petition.

5. 3 AAC 110.900(e)

The 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 did state the names and titles of all officials consulted by the petitioner as required by 3 AAC 110.900(e). The commission finds that the requirements of 3 AAC 110.900(e) have been met. The commission, by concurrence, finds that the petition meets the standards of 3 AAC 110.900(e).

6. 3 AAC 110.900(f)

If a petitioner has requested consultation, and borough 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 such 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 commission finds 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. The commission, by concurrence, finds that the petition meets the standards of 3 AAC 110.910.

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

Essential municipal services were discussed under 3 AAC 110.090. The essential municipal services must be reasonably necessary to the community, 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 operating the airport shelter and shuttle to the hovercraft dock, police and fire services, and planning, among other essential municipal services cannot be provided by any other municipality more efficiently or effectively than the City of Akutan. This annexation promotes maximum local self-government because the City of Akutan is efficiently and effectively taking on municipal services that it can provide to the proposed expanded boundaries. The city is also proactively implementing its long-term community plan with attention to its own ability to expand its responsibilities.

The commission finds that 3 AAC 110.970(d) includes “levying and collecting taxes” and “public safety protection” as services which the LBC can consider to be essential municipal services in this petition. We find that the petition has met 3 AAC 110.970’s requirements. The commission, by concurrence, finds that the petition meets the standards of 3 AAC 110.970.

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

The approval of this petition extends city government to the territory proposed for annexation where borough government currently exists. The commission finds that the proposed boundary change promotes maximum local self government under art. X, sec. 1, Constitution of the State of Alaska. The commission, by concurrence, finds that the petition meets the standards of 3 AAC 110.981.

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

The commission finds that Alaska’s constitution promotes minimizing the number of local government units unless creating additional units are found to serve the best interests of the state. Annexing the territory would not increase the number of local government units. Annexation would only change the size of the city. The commission finds that if no new local government units are created by this approved proposal, then the annexation would promote the principal of a minimum number of local government units. The commission, by concurrence, finds that the petition meets the standards of 3 AAC 110.982.

SECTION IV ORDER OF THE COMMISSION

The commission concludes that all of the relevant standards and requirements have been met for annexing the territory consisting of 52.6 square miles of land, and 77.42 square miles of water. If approved, the City of Akutan would encompass the existing 12.98 square miles of land and 4.91 square miles of water for an area wide (land and water) total of 147.91 square miles.

The commission, by concurrence, finds that the petition meets all the relevant annexation standards. The commission approves the 130.02 square miles annexation petition of the City of Akutan with no conditions or amendments.

CITY OF AKUTAN CORPORATE BOUNDARIES

Beginning at the northwest corner of Section 18, T70S, R112W, Seward Meridian (S.M.), Alaska;

Thence, westerly along the south boundary of Section 12, T70S, R113W, S.M. to the southwest corner of Section 12, T70S, R113W, S.M.

Thence, northerly along the west boundary of Sections 12 and 1, T70S, R113W, S.M. and Sections 36 and 25, T69S, R113W, S.M. to the northwest corner of Section 25, T69S, R113W, S.M.

Thence, westerly along the south boundary of Section 23, T69S, R113W, S.M. to the southwest corner of Section 23, T69S, R113W, S.M.

Thence, northerly along the west boundary of Sections 23, 14 and 11, T69S, R113W, S.M. to the intersection of the mean high water line of the Bering Sea and the west boundary of Section 11, T69S, R113W, S.M.

Thence, continuing northerly along the west boundary of protracted Sections 11 and 2, T69S, R113W, S.M. to the northwest corner of protracted Section 2, T69S, R113W, S.M.

Thence, easterly along the north boundary of protracted Sections 2 and 1, T69S, R113W, S.M., protracted Sections 6, 5, 4, 3, 2 and 1, T69S, R112W, S.M. and protracted Sections 6, 5 and 4, T69S, R111W, S.M. to the intersection of the mean high water line of Akutan Bay and the north boundary of Section 4, T69S, R111W, S.M.

Thence, continuing easterly along the north boundary of Sections 4, 3 and 2, T69S, R111W, S.M. to the southwest corner of Section 35, T68S, R110W, S.M.

Thence, northerly along the west boundary of Section 35, T68S, R110W, S.M. to the northwest corner of Section 35, T68S, R110W, S.M.

Thence, easterly along the north boundary of Sections 35 and 36, T68S, R110W, S.M. to the northeast corner of Section 36, T68S, R110W, S.M.

Thence, southerly along the east boundary of Section 36, T68S, R110W, S.M. to the southeast corner of Section 36, T68S, R110W, S.M.

Thence, easterly along the north boundary of Section 6, T69S, R110W, S.M. to the northeast corner of Section 6, T69S, R110W, S.M.

Thence, southerly along the east boundary of Sections 6 and 7, T69S, R110W, S.M. to the southeast corner of Section 7, T69S, R110W, S.M.

Thence, easterly along the north boundary of Sections 17 and 16, T69S, R110W, S.M. to the northeast corner of Section 16, T69S, R110W, S.M.

Thence, southerly along the east boundary of Sections 16, 21, 28 and 33, T69S, R110W, S.M. and Section 4, T70S, R110W, S.M. to the intersection of the mean high water line of Trident Bay and the east boundary of Section 4, T70S, R110W, S.M.

Thence, continuing southerly along the east boundary of protracted Sections 4, 9 and 16, T70S, R110W, S.M. to the southeast corner of protracted Section 16, T70S, R110W, S.M.

Thence, westerly along the south boundary of protracted Section 16, T70S, R110W, S.M. to the southwest corner of protracted Section 16, T70S, R110W, S.M.

Thence, southerly along the east boundary of protracted Section 20, T70S, R110W, S.M. to the southeast corner of protracted Section 20, T70S, R110W, S.M.

Thence, westerly along the south boundary of protracted Section 20, T70S, R110W, S.M. to the southwest corner of protracted Section 20, T70S, R110W, S.M.

Thence, northerly along the west boundary of protracted Section 20, T70S, R110W, S.M. to the northwest corner of protracted Section 20, T70S, R110W, S.M.

Thence, westerly along the south boundary of protracted Section 18, T70S, R110W, S.M. and Sections 13, 14, 15 and 16, T70S, R111W, S.M. to the intersection of the mean high water line of the Pacific Ocean and the south boundary of Section 16, T70S, R111W, S.M.

Thence, continuing westerly along the south boundary of Sections 16, 17 and 18, T70S, R111W, S.M. to the southwest corner of Section 18, T70S, R111W, S.M.

Thence, southerly along the east boundary of Section 24, T70S, R112W, S.M. to the southeast corner of Section 24, T70S, R112W, S.M.

Thence, westerly along the south boundary of Sections 24, 23 and 22, T70S, R112W, S.M. to the southwest corner of Section 22, T70S, R112W, S.M.

Thence, northerly along the west boundary of Section 22, T70S, R112W, S.M. to the northwest corner of Section 22, T70S, R112W, S.M.

Thence, westerly along the south boundary of Sections 16, 17 and 18, T70S, R112W, S.M. to the southwest corner of Section 18, T70S, R112W, S.M.

Thence, northerly along the west boundary of Section 18, T70S, R112W, S.M. to the Point of Beginning.


Excluding there from the area within the current boundary of the City of Akutan, as described in Document No. 80-90, recorded in Book 19, Page 535, Aleutian Islands Recording District.

LBC Decision
City of Akutan Annexation
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Containing approximately 130.02 square miles (of which 77.42 is water), all within the Third Judicial District, Alaska.

Approved in writing this 19th day of April, 2012.

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.”

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

Per 3 AAC 110.620, “a final decision of the commission made under the Constitution of the State of Alaska, AS 29.04, AS 29.05, AS 29.06, or this chapter may be appealed to the superior court in accordance with the Administrative Procedure Act (AS 44.62).” 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).