

Members

Lynn Chrystal
Chair
At Large

John Harrington
Member
First Judicial District

Bob Harcharek
Member
Second Judicial District

Larry Semmens
Vice Chair
Third Judicial District

Lavell Wilson
Member
Fourth Judicial District



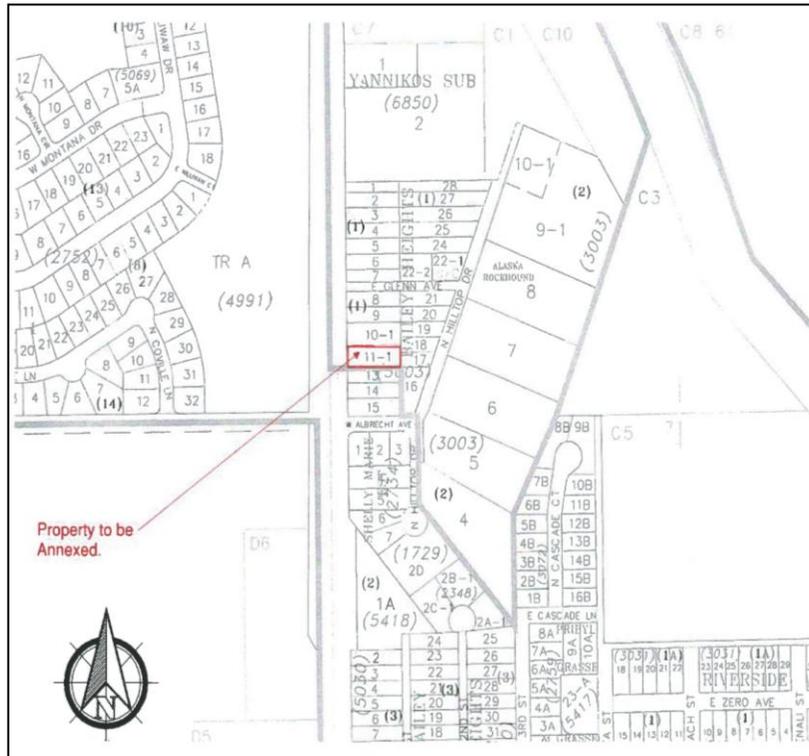
Local Boundary Commission Decision

In the Matter of the October 27, 2011, Petition by the City of Palmer to annex approximately 0.34 acres of land.

Section I Introduction

On October 27, 2011, the City of Palmer petitioned the Local Boundary Commission (also referred to as "LBC" or "commission") to annex approximately 0.34 acres of land. The territory proposed for annexation (territory) is described as follows and is shown on the map below:

The area to be annexed is Lot 11-1, Block 1 Bailey Heights Subdivision, according to Plat Recorded April 22, 1949, in Book 7, at Page 46; w/in S½, SW¼, NW¼, SW¼, Township 18 North, Range 02 East, Section 28, Seward Meridian, AK, located in Palmer Recording District, Third Judicial District, State of Alaska.



SECTION II PROCEEDINGS

- **Submission and Review of Petition**

The petition was submitted to LBC staff (also referred to as “Commerce”) on October 27, 2011, and accepted for filing on December 12, 2011.

- **Posting of Notice**

On December 16, 2011, notice was posted at the following locations within and surrounding the territory proposed for annexation:

Palmer City Hall

Palmer Public Library

Palmer Pentecostal Church

Palmer Fire Department

City of Palmer website

Palmer Community Development Department

All properties abutting the boundaries proposed for annexation

- **Public Notice**

Notice of the petition was published in the *Matanuska-Susitna Frontiersman* on December 16th, 2011.

On December 13, 2011, a public service announcement was sent to the following radio stations to broadcast for 14 days:

KMBQ

- **Service of Petition**

Commerce required that the petition be served on the Matanuska-Susitna Borough, City of Wasilla; Municipality of Anchorage, and Palmer Pentecostal Church. The petitioner was also required to ensure that the public notice for this annexation petition was delivered to the City of Wasilla, Municipality of Anchorage, the Matanuska-Susitna Borough, the Palmer Pentecostal Church, and all parties abutting the boundaries proposed for annexation. Service of the public notice to the entities and interested parties listed above was completed on December 13, 2011.

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

The notice of filing invited written public comment concerning the proposed annexation by December 30, 2011. Staff made revisions to the public notice and released a supplemental public notice extending the time for public comment from December 30, 2011 to January 13, 2012. Even with the additional time added to the public comment period, no responsive brief or public comment was filed regarding this petition.

- **Palmer Annexation Report Distribution**

On March 2, 2012, Commerce distributed copies of its 49 page *Report to the Local Boundary Commission Regarding the Proposal to annex by the unanimous consent local option method, approximately 0.34 acres of land to the City of Palmer* to interested parties including the petitioner, Local Boundary Commission members, and others.

- **Comments on Palmer Annexation Report**

The public comment period for the Palmer 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 Palmer's annexation petition. Formal notice of the hearing had been given by Commerce under 3 AAC 110.550.

Commerce published the full notice in the *Matanuska-Susitna Frontiersman* on February 24, 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 the LBC websites.

Additionally, notice of the hearing was provided to the Petitioner's representative, Mayor Delena Johnson. The city posted the notice in the places specified under "Posting of Notice" above.

- **LBC Public Hearing Regarding the City of Palmer'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 Palmer'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 close of the public hearing. The commission heard a

brief summary of the annexation petition presented by City Planner and Department Director Sandra Garley. No questions were asked of the director, however, the commissioners did briefly speak about the length, time, and effort expended for this petition, considering its size and significance.

- **LBC Decisional Meeting Regarding the City of Palmer'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 Palmer'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 Palmer's annexation petition and supporting materials, Commerce's annexation petition report, and testimony received at the LBC's March 29th public hearing on the petition.

The standards for annexation to cities that the Local Boundary Commission is required 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 decision 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 proposed for annexation is a small parcel of land that has been donated to the Palmer Pentecostal Church for the purpose of expansion and renovation of the

church building. The territory proposed for annexation requires inclusion in the city, so that the city may provide essential municipal services, namely planning services, to the church so that construction and ultimately expansion of the church building can occur. The church owned property is currently split between the jurisdictions of the City of Palmer and the Matanuska-Susitna Borough.

Annexation would, thereby, include this small parcel of land within the boundaries and authority of the city to provide the essential municipal services requested by the church. The territory proposed for annexation needs the city for planning purposes. The commission, by concurrence, finds that 110.090 has been met.

2. 3 AAC 110.090(b)

No other municipality, borough or city, has argued that it has the ability or desires the responsibility, of providing more efficient and more effective essential municipal services for the territory. Furthermore, because of the unique circumstances of this particular petition, the city's capacity to provide the proper planning services to the territory, including permits for church construction and expansion, will be more efficient and effective than if the church property was to remain outside of the city.

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 commission finds that the petition meets 3 AAC 110.090(b)'s requirements.

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 territory proposed for annexation is compatible in character and intended for the same use as the existing church property. The territory, if annexed and developed, should prove suitable for reasonably anticipated community purposes as a church.

The commission finds that the petition satisfies 3 AAC 110.100's requirements for the territory because Lot 11-1 is compatible in character to the City of Palmer.

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 because the city has and is expected to continue to provide essential municipal services on an efficient, cost effective level. That ability, however, will not be tested because the services the city anticipates providing for the territory are very minimal and would not add additional expenses to the city's annual budget, despite the fact that the territory is exempt from tax collection as a religious entity.

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.

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."

The city's population is healthy, growing, and sustainable. If annexation is approved, population of the city will not be impacted. For that reason, the commission finds the proposed expanded boundaries of the city are sufficiently large and stable to support the extension of city government. The commission concludes 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.

Due to the territory's small size, and the fact that Palmer already provides essential municipal services, Commerce 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)

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.

3. 3 AAC 110.130(c)(1)

The expanded boundaries of the City of Palmer 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 Palmer is 3.8 sq. miles of land and no water. The proposed annexation is .34 acres of land, or a single lot to be added to the total area of the city.

Palmer comprises a community by virtue of it being an incorporated city. The annexation promotes the growth of the city by allowing the church to expand, but is of such a small scale, it would not even change the city's square mileage. Palmer's proposed expanded boundaries only include 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.

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

4. 3 AAC 110.130(c)(2)

The proposed expanded boundaries of the City of Palmer 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 that reason, even if we had found that the annexation included entire geographical regions or large unpopulated areas, 3 AAC 110.130(c)(2) is met.

For these reasons, the commission, by concurrence, finds that the petition meets the standards of 3 AAC 110.130(c)(1).

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. For that 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.

We find that 3 AAC 110.130(d) is satisfied for the territory proposed for annexation.

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 commission finds that the proposed annexation would promote a minimum number of local government units because no additional units would be newly formed. Instead, the existing home rule city would expand. The annexation meets the best interests of the state requirement because the city is the appropriate government for the territory. The city requested annexation of this parcel of land on behalf of the property owner. The majority of the church property is within the city limits and outside of the borough's jurisdiction for planning purposes. The city, on behalf of the property owner, only wants to provide the necessary planning services required for construction and expansion of the church facility using this parcel of land for the expansion.

The commission finds that the City of Palmer is the appropriate government for the territory. The city has the essential municipal services readily available to the property owner, and only needs this annexation approved to complete the desired services needed by the church members.

We find that the petition satisfies 3 AAC 110.135's requirement for annexation.

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 almost immediately, and does not involve any service areas. 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 a transition plan.

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 plan must be prepared in consultation with the officials of each existing borough, city and unorganized borough service area, and must be designed to affect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after the effective date of the proposed change.

The commission finds that there is a transition plan and that the city indicates in its transition plan that transition would be within a few months based, almost exclusively, on the U.S. Department of Justice preclearance. The size of the territory proposed for annexation is so small that no city or borough services would be impacted by this annexation. The transition plan was prepared in consultation with the officials of the Matanuska-Susitna borough. 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. We find that 3 AAC 110.900(b) has been satisfied.

3. 3 AAC 110.900(c)

3 AAC 110.900(c) requires that the 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 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, 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.

Here, a plan to transfer assets and liabilities is a moot subject because there are no assets or liabilities that would be affected.

4. 3 AAC 110.900(d)

3 AAC 110.900(d) allows 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 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 not include specific names of officials consulted, however, the transition plan did include titles and the general range of dates when all officials were 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.

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.

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.

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 the planning services, for which this annexation was requested, are essential municipal services because without them the church cannot expand. This is reasonably necessary to the community because the church is part of the community of Palmer. This annexation promotes local self-government by providing the necessary services through the City of Palmer. Palmer can provide these essential municipal services more effectively than any other municipality can.

The commission finds that the petition has met 3 AAC 110.970's requirements.

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 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 territory proposed for annexation cannot function properly unless all of the church property is in the city of Palmer. The City of Palmer annexation petition would extend local government to the territory, which is outside the city. Palmer can provide planning, and other local government services more effectively in the territory than the borough can. No other government can meet the territory's governmental needs for that reason.

The commission finds that the proposed boundary change promotes maximum local self government under art. X, sec. 1, Constitution of the State of Alaska.

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 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 just change the size of the city. The commission finds that if no new local government units are created by a proposed annexation, then the annexation would promote the principle of a minimum number of local government units.

The commission finds that this annexation proposal will not create new local government units and therefore has met the requirements of 3 AAC 110.982(7).

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 .34 acres of land. If approved, the City of Palmer would encompass the existing 3.8 square miles of land and the additional .34 acres of annexed land.

The commission, by concurrence, finds that the petition meets all the relevant annexation standards. The commission approves the .34 acre annexation petition of the City of Palmer with no conditions or amendments.

CITY OF PALMER CORPORATE BOUNDARIES

Beginning at the section corner common to Section 3, Section 4, Section 9 and Section 10, Township 17 North, Range 2 East, Seward Meridian, Palmer Recording District Alaska, and running thence in a westerly direction along the section line common to Section 4 and Section 9, N 89°58'00" W a distance of 1,637.99 feet;
thence continuing on said Section line for 1,000.00 feet to the one quarter corner common to sections 4 and 9, Township 17 North, Range 2 East, and the centerline of Outer Springer Loop Road;
thence S 0°03'30" E for 1,318.98 feet to the southeast corner of the Palmer

Commercial Center Subdivision, Plat 95-46;
thence N 89°56'16" W for 1,319.84 feet to the southwest corner of the Palmer Commercial Center Subdivision;
thence N 00°02'42" W for 851.89 feet to the southwest corner of the Willis Subdivision, Plat 81-149;
thence S 89°58'03" E for 467.37 feet to the southeast corner of Willis Subdivision;
thence N 0°08'33" W for 466.66 feet to the section line common to Sections 4 and 9, Township 17 North, Range 2 East, Seward Meridian and the centerline of Outer Springer Loop Road;
thence N 89°55'24" W on the section line a distance of approximately 1,786.52 feet to the section corner common to Section 4, Section 5, Section 8 and Section 9, Township 17 North, Range 2 East, Seward Meridian, Alaska;
thence along the section line common to Section 8 and Section 9, S 00°07'00" W a distance of 2,640.00 feet to the one-quarter corner common to Section 8 and Section 9 marking the southeast corner of the State Fair, Inc., property;
thence continuing on said section line South 00°07' West a distance of 1,322.64 feet to the south one-sixteenth corner common with Sections 8 and Section 9;
thence S 89°58'00" W for a distance of 2,638.68 feet to the center-south one sixteenth corner of Section 8;
thence S 89°58'00" W along the one-sixteenth line a distance of 2,208.77 feet to a point on the west right-of-way of the Glenn Highway;
thence along the west right-of-way of the Glenn Highway N 32°58'30" E a distance of 4,050.48 feet to the north-south one-quarter line of Section 8;
thence along the one-quarter line of Section 8 N 00°08'00" W a distance of 562.68 feet to the north section line of Section 8;
thence S 89°56'00" W on the north boundary of Section 8 a distance of 2,640.00 feet to the Section corner common with Sections 5, 6,7,and 8, Township 17 North, Range 2 East;
thence S 89°59'00" W on the line common with Section 6 and Section 7 for 2,640.00 feet to the southwest corner of Palmer West Subdivision, plot file No. 72-28;
thence north on the west boundary of said Palmer West Subdivision for 1,981.28 feet to the northwest corner of Palmer West Subdivision;
thence easterly for 2,640.00 feet to the North-South 1/64 corner common to Section 5 and Section 6;
thence N 00°10'00" W on the section line for a distance of 660.00 feet to the one quarter corner common to Section 5 and Section 6;

thence east 990.00 feet to the center-east-west-west 1/256 corner Section 5;
thence north 660.00 feet to the center-east-southwest-northwest 1/256 corner Section 5;
thence east for 330.00 feet to the center-south-northwest 1/64 Section 5;
thence N 00°13'57" W on the west boundary of Brittany Estates Subdivision Phase I, plat file No. 85-68 a distance of 560.73 feet;
continuing on the said boundary S 89°56'57" E a distance of 50 feet;
continuing on the said boundary N 00°13'57" W a distance of 920.00 feet;
continuing on the said boundary N 89°56'57" W a distance of 50 feet;
continuing on the said boundary N 00°13'57" W for approximately 35.27 feet to a point lying 465 feet distant from the west one-sixteenth corner common with Section 5, Township 17 North, Range 2 East and Section 32, Township 18 North, Range 2 East lying within the East Palmer-Wasilla Highway;
thence northwesterly on the Wasilla-Finger Lake-Palmer Road (presently known as Irwin Loop Road), to a point lying 300.00 feet distant from the west 1/16 subdivision line of Section 5;
thence N 00°13'57" W, parallel with aforesaid west 1/16 subdivision line to an intersection point on the north boundary of Section 5;
thence East on the north boundary of Section 5, Township 17 North, Range 2 East, common with Section 32, Township 18 North, Range 2 East, for 300.00 feet to the west one-sixteenth corner;
thence north for a distance of 990.00 feet to the center-north-south-southwest (C-N-S-SW) 1/256 corner Section 32;
thence N 00°07'00" W a distance of 2,970.00 feet to the northwest one-sixteenth corner of section 32;
thence east a distance of 1,319.17 feet to the center-north one-sixteenth corner of section 32;
thence southerly a distance of 1,322.00 feet more or less to the center quarter corner of Section 32;
thence easterly on the center quarter line a distance of approximately 1,320.00 feet;
thence continuing easterly on the center quarter line a distance of 1,270.17 feet to a point 50.00 feet west of the one-quarter corner common to Section 32 and Section 33, Township 18 North, Range 2 East, Seward Meridian, Alaska;
thence northerly on a line 50.00 feet west of and parallel with the section line common to Section 32 and Section 33, Township 18 North, Range 2 East, Seward Meridian, Alaska, for approximately 1,320.00 feet to a point 50.00-foot distant from the north 1/16

corner common to Section 32 and Section 33, Township 18 North, Range 2 East, S.M., Alaska;

thence westerly on the center line of Scott Road to the southwest corner of the northeast one-quarter of the northeast one-quarter (NE1/4NE1/4), Section 32;

thence North a distance of 1,320.00 feet to the east one-sixteenth corner common to Section 29, and Section 33;

thence East 1,270.00 feet to a point 50.00 feet west of the section corner common to Section 28, Section 29, Section 32 and Section 33, Township 18 North, Range 2 East, Seward Meridian, Alaska;

thence northerly on a line 50.00 feet west of and parallel to the section line common to Section 28 and Section 29 a distance of approximately 1,316.00 feet to the south one-sixteenth line of said Section 29;

thence N 89°56'48" W a distance of 1,269.25 feet to the southeast one-sixteenth corner;

thence N 89°56'47" W a distance of 1,319.33 feet to the center-south one sixteenth corner;

thence N 00°04'18" W a distance of 1,318.30 feet to the center one-quarter corner;

thence N 00°06'13" W a distance of 1,316.41 feet to the center-north one sixteenth corner;

thence N 89°54'39" E a distance of 1,317.78 feet to the northeast one-sixteenth corner of said Section 29;

thence N 89°57'54" E a distance of 1,320.21 feet to the north one-sixteenth corner common to Section 28 and Section 29, Township 18 North, Range 2 East, Seward Meridian, Alaska;

thence along said section line, S 00°06'00" E a distance of 2,385.03 feet to a point 50.00 feet west of the northwest corner of Lot 11-1, Block 1 of Bailey Heights Subdivision;

thence east passing through the northwest corner of Lot 11-1, and running along and with the north line of Lot 11-1, a distance of 250.00 feet to the northeast corner of Lot 11-1, Block 1, Bailey Heights Subdivision;

thence south along the east line of Lot 11-1, Lot 13, Lot 14 and Lot 15, Block 1, Bailey Heights Subdivision, a distance of 235.00 feet to the southeast corner of Lot 15, Block 1, said corner being on the north side of Albrecht Avenue;

thence along the north side of Albrecht Avenue, east a distance of 95.28 feet;

thence south, passing through the northeast corner of Lot 2, Block 2, Bailey Heights Subdivision in Section 28, Township 18 North, Range 2 East, Seward Meridian, Alaska, and along the west side of a 20.00-foot wide street, a distance of 284.79 feet to the southeast corner of Lot 2, Block 2;

thence along the east line of Lot 3, Block 2, Bailey Heights Subdivision, S 40°51'00" E a distance of 548.58 feet to the southeast corner of Lot 3, Block 2, being on the west side of a 54.00-foot wide street;

thence along the west side of Diamond Willow Estates Subdivision N 00° 01'04" W a distance of 361.94 feet to a point marking a joint corner of Lot 4 and Lot 5, Block 2 of Bailey Heights Subdivision;

thence continuing along the west side of Diamond Willow Subdivision N 27°35'48" E a distance of 355.70 feet;

thence leaving the west side of Diamond Willow Subdivision, running on the east boundary of Bailey Heights Subdivision N 21°30" E for approximately 737.00 feet to the east angle point Lot 10, Block 2;

thence N 21°30' E for approximately 250.00 feet to the westerly right-of-way of the Alaska Railroad;

thence running northwesterly on the west right-of-way for approximately 3,380.00 feet to its intersection with the north boundary of Section 28, Township 18 North, Range 2 East, Seward Meridian;

thence east on the north boundary of Section 28 for approximately 200.00 feet to a meander point of the right bank of the Matanuska River;

thence along the right bank of the Matanuska River as it meanders to the South East 6,430.00 feet to its intersection with the south boundary of section 28;

thence continuing 16,250.00 feet on the meanders of the right bank of Matanuska River to its intersection with the east boundary of section 33;

thence within section 34 and continuing on the sinuous meanders of the west and right bank of the Matanuska River southeast, east, northeast, south, southwest and south for a distance of 7,716.00 feet to its intersection with the south boundary of section 34, Township 1 E North, Range 2 East; and section 3, Township 17 North, Range 2 East;

thence within Section 3 and continuing on the sinuous meanders of the west and right bank of the Matanuska River southeast, south, southwest for a distance of approximately 1,035.00 feet to a point lying 1,020.00 feet south of Section 3;

thence continuing the meanders along the west bank of the Matanuska River to the south one-sixteenth line of said Section 3;

thence leaving the river along the one-sixteenth line, N 89°59'00 W to the southwest one-sixteenth corner a distance of 1,146.49 feet;

thence S 00°11'00" E to the west one-sixteenth corner common to Section 3 and Section 10, a distance of 1,320.00 feet;

thence along the section line common to Section 3 and Section 10, Township 17 North, Range 2 East, N 89°59'00" W to the centerline of Deland Street, Lepak Subdivision, Plat 85-77, a distance of 348.47 feet;

thence along said centerline S 00°05'00" E to the northerly one-sixteenth line of said Section 10, which is the centerline of Branch Road, a distance of 1,319.42 feet;

thence along said one-sixteenth line S 89°55'25" W to the north one-sixteenth corner common to Sections 9 and 10, a distance of 971.20 feet;

thence on the section line, which is the centerline of Outer Springer Loop Road, N 00°05'00" W a distance of 311.82 feet more or less;

thence West a distance of 465.39 feet;

thence North a distance of 512.00 feet to the south boundary of the Mohan Subdivision, Plat 87-7;

thence West 26.58 feet to the southwest corner of Mohan Subdivision;

thence North 495.00 feet to the North boundary of Section 9;

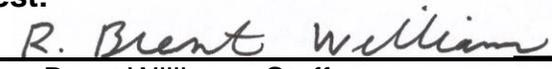
thence East on the section line a distance of 560.77 feet to the corner common to Section 3, 4, 9 and 10, Township 17 North, Range 2 East, which is the Point of Beginning.

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

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).