



	Approved	Denied
Date Action Taken:	8/25/08	
Other:	Amended: See page 2 of this Am	
Verified by:	K. Smith	

WASILLA CITY COUNCIL ACTION MEMORANDUM

AM No. 08-53

TITLE: APPROVAL OF AREA AND METHOD OF ANNEXATION FOR PROPERTIES NEAR JACOBSEN LAKE AND MANEY DRIVE

Agenda of: August 25, 2008

Date: August 14, 2008

Originator: Marvin Yoder, Interim Deputy Administrator
Jim Holycross, City Planner

Route to:	Department	Signature/Date
	Police Chief	
	Culture and Recreation Services	
	Public Works	
X	Finance	<i>Chad Adams</i>
X	Deputy Administrator	<i>Marv Yoder</i>
X	City Clerk	<i>K. Smith</i>

REVIEWED BY MAYOR DIANNE M. KELLER: *Dianne M. Keller 8/15/08*

FISCAL IMPACT: yes Unknown or no Funds Available yes no
Account name/number:

Attachments: Planning Commission Serial Resolution No. 08-14 with Attachments

SUMMARY STATEMENT:

During their meeting on August 12, 2008 the Planning Commission approved Serial Resolution No. 08-14 which recommends two areas for annexation using the "Annexation through Election by Voters in the Area Proposed for Annexation" methodology.

The sequence of events to process the annexation petition to the time of election are as follows:

1. Decide area to be annexed,
2. Decide methodology to use for annexation,
3. Prepare the annexation petition,

4. Hold a public hearing on the petition before the Planning Commission who then makes a recommendation to City Council,
5. Hold a public hearing on the petition before the City Council with the City Council adopting the petition.
6. Hold a public hearing of the adopted petition before the Local Area Boundary Commission (LBC).
7. If the LBC adopts the petition and issues a decisional statement then the City can hold an election in the area proposed for annexation.

The Planning Commission voted 6 to 1 to recommend that the City Council utilize methodology #3, *“Annexation through Election by Voters in the Area Proposed for Annexation”* which states, *“An area may be annexed, upon approval by the Local Boundary Commission, if an election is held and a majority of the voters living in the territory to be annexed vote to approve it. Only those living in the territory approved for annexation may vote on the proposal. To pass, the proposition must be approved by a majority of those voting on the question.”*

Planning Staff strongly recommend that the methodology recommended by the Planning Commission be selected by City Council as the preferred methodology to use, however, the City Council has the option of increasing or decreasing the boundary of the area proposed for annexation where the election would occur. Once that decision is made staff will prepare the petition and submit to the Local Area Boundary Commission.

ACTION:

Support the Planning Commission decision by adopting option #3, *Annexation through Election by Voters in the Area Proposed for Annexation*, and direct staff to prepare the annexation petition.

AM 08-53, Amended by Council on August 25, 2008.

Approved Council Action:

- **Jacobsen Lake area: Approved Exhibit D with methodology #3; and**
- **Maney Drive Area: Approved Exhibit A, to include parcel 2, with methodology #3; and**
- **Directed staff to hold open houses with the public on these options.**

Vote: Passed with Commissioners Koskela, Elkins, Hamilton, Korelov, Tucker & Webb, in favor; Opposed: Buswell

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 08-14**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION SUPPORTING A
METHOD OF ANNEXATION FOR ANNEXING PROPERTY LOCATED NEAR MANEY
DRIVE AND JACOBSON LAKE.**

WHEREAS, the following properties located near Maney Drive as noted in Exhibit A have already petitioned the City of Wasilla for annexation into the City:

- Block 3, Lot 1, Maney Acres Subdivision II; Charlie, Janna, and Caleb Bare;
- Block 3, Lot 3, Maney Acres Subdivision; Jamie and Nancy Smith;
- Block 3, Lot 4, Maney Acres Subdivision; Michael and Madonna Brady;
- The South one-half of the Southeast one-quarter of the Northeast one-quarter of Section 11, Township 17 North, Range 1 West, Seward Meridian, located in the Palmer Recording District, Third Judicial District, State of Alaska; W. Dean Weidner.

WHEREAS, the following properties located near Jacobsen Lake as noted in Exhibit C have already petitioned the City of Wasilla for annexation into the City:

- Lot 3B-1, Olympic RSB L/3B; Olympic Investments, LLC;
- Lot 3B-2, Olympic RSB L/3B; Olympic Investments, LLC;
- Lot 3C, Olympic Subdivision; Olympic Investments, LLC;
- Lot 3D, Olympic Subdivision; Olympic Investments, LLC;

- Block 1, Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Coghlan Estates Subdivision; Coghlan Family Trust;
- Block 2, Lot 1 and Lot 2, Coghlan Estates Subdivision; Coghlan Family Trust;
- Block 3, Lot 1, Lot 2, and Lot 3, Coghlan Estates Subdivision; Coghlan Family Trust;
- Lot 1, Jacobsen Lake Subdivision; Wayne and Marilyn Kubat;
- Tract B, McCallister Subdivision; Thomas and Tyra Moe;
- Parcel known as A016 located within the Southeast one-quarter (SE1/4), Section 12, Township 17 North, Range 2 West.

WHEREAS, State law establishes procedures for seven different types of annexation which are:

1. Annexation of Adjoining City-Owned Property. City owned property that is next to the boundaries of that city may be annexed. The city council must adopt an ordinance and then petition the Local Boundary Commission.
2. Annexation Upon Unanimous Consent of Owners and Resident Voters. An area next to a city may be annexed if all of the property owners and all of the voters living in the area proposed for annexation approve. The city council must adopt an ordinance and then petition the Local Boundary Commission.
3. Annexation Through Election by Voters in the Area Proposed for Annexation. An area may be annexed, upon approval by the Local Boundary Commission, if an election is held and a majority of the voters living in the territory to be annexed vote to approve it. Only those living in the territory

approved for annexation may vote on the proposal. To pass, the proposition must be approved by a majority of those voting on the question.

4. Annexation Through Election by Aggregate Voters of the Annexing City and the Area Proposed for Annexation. An area may be annexed, upon approval by the Local Boundary Commission, if an election is held and a majority of the voters living in both areas approve it.

5. Annexation Through Election by Voters of the Annexing City, if the Area Proposed for Annexation is Uninhabited. An uninhabited area may be annexed, upon approval by the Local Boundary Commission, if an election is held and a majority of the voters living in the annexing city vote to approve it. The proposition must be approved by a majority of those voting on the question.

6. Step Annexation. Territory next to a city may be annexed to a city gradually over a period not longer than five years. Step annexation requires approval by the Local Boundary Commission and the voters of the area proposed for annexation. In addition, it requires review and tacit approval by the State legislature. Legislative review is initiated when the LBC files a recommendation for the annexation with the legislature. Such recommendations may be filed only during the first ten days of a regular session of the legislature. The recommendation is rejected only if the legislature adopts a concurrent resolution to deny the action within 45 days of the date that it was filed. Otherwise, the proposal is tacitly approved by the legislature, meaning that it is approved unless the legislature specifically denies it within the 45 day period.

7. Annexation by Legislative Review. An area may be annexed without approval by the voters or property owners under the legislative review process.

Such proposals require approval by the Local Boundary Commission as well as review and tacit approval by the State legislature. Legislative review is initiated in the manner described for step annexation. Again, the recommendation receives tacit approval from the legislature unless that body adopts a concurrent resolution to deny the action within 45 days of the date that the Commission's recommendation concerning the matter was filed.

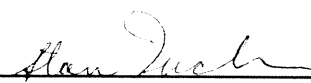
WHEREAS, staff recommend that method #3 be forwarded to City Council as the preferred method of annexation for properties located near Maney Drive and Jacobsen Lake and that all properties indicated in Exhibits B and D be included in the areas that would be subject to an election for annexation.

WHEREAS, staff recommend that a cost/benefit analysis be conducted for the provision of public facilities services and infrastructure before the approval of any annexation proposal.

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission hereby recommends annexation by method # 3 described above and the areas represented in Exhibits B and D and forwards their recommendation to the City Council as the preferred method of annexation for properties located near Maney Drive and Jacobsen Lake as depicted in attached Exhibits B and D.

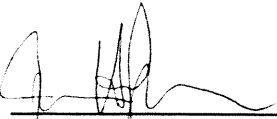
ADOPTED by the Wasilla Planning Commission on August 12, 2008.

APPROVED:



Stan Tucker, Chairman

ATTEST:



Jim Holycross, City Planner

EXHIBIT A

MSB Map #WA 11

T17N, R01W, Sec. 11

Maney Acres Sub. # 2: Block 3, Lot 1, 3, & 4;
S1/2 SE1/4 NE1/4, Sec. 11, T17N, R01W

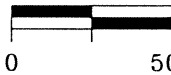
WASILLA LAKE



CITY OF WASILLA
BOUNDARY

SCALE IN FEET

SUBJECT PROPERTIES



City of Wasilla/Planning - 08-01-08

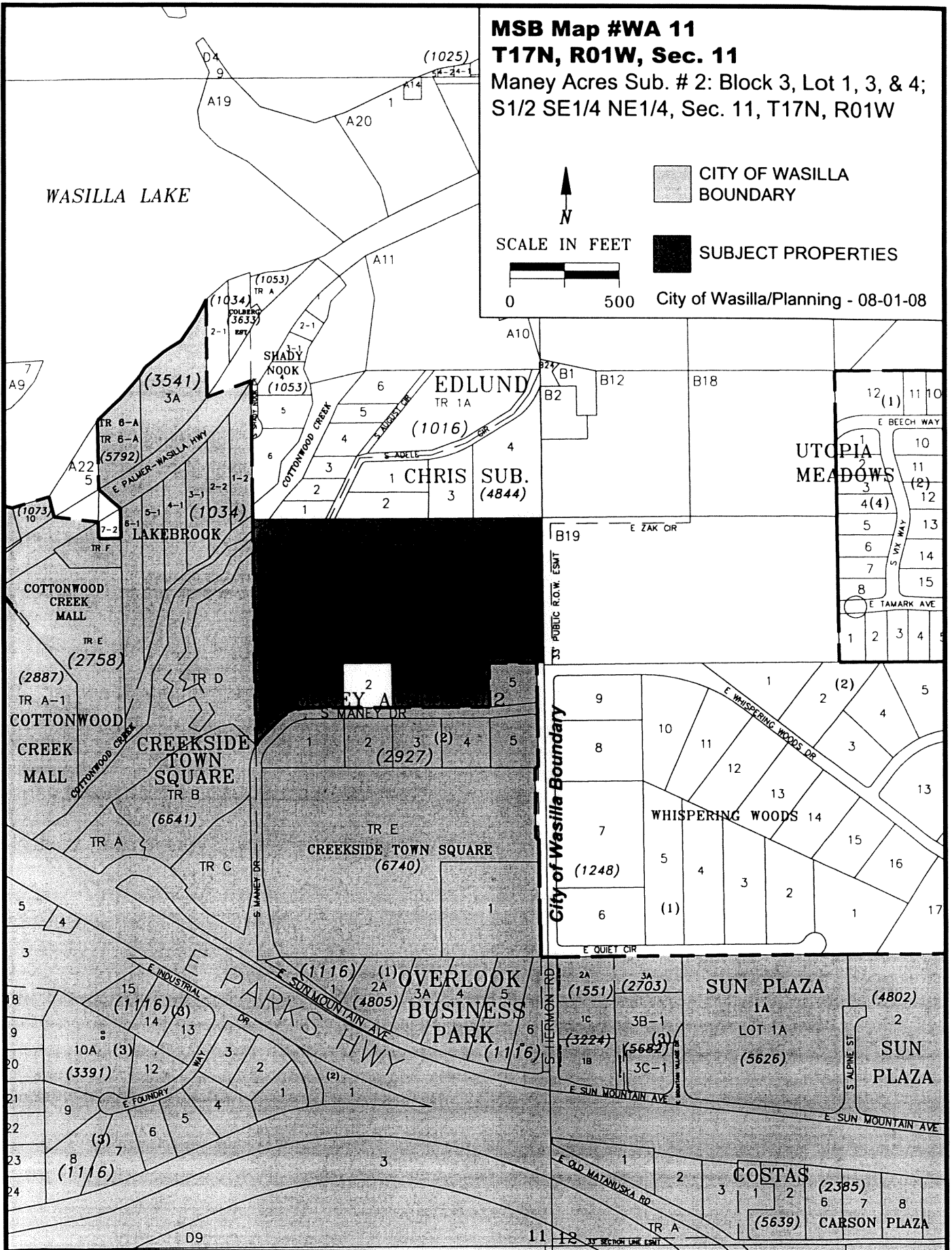
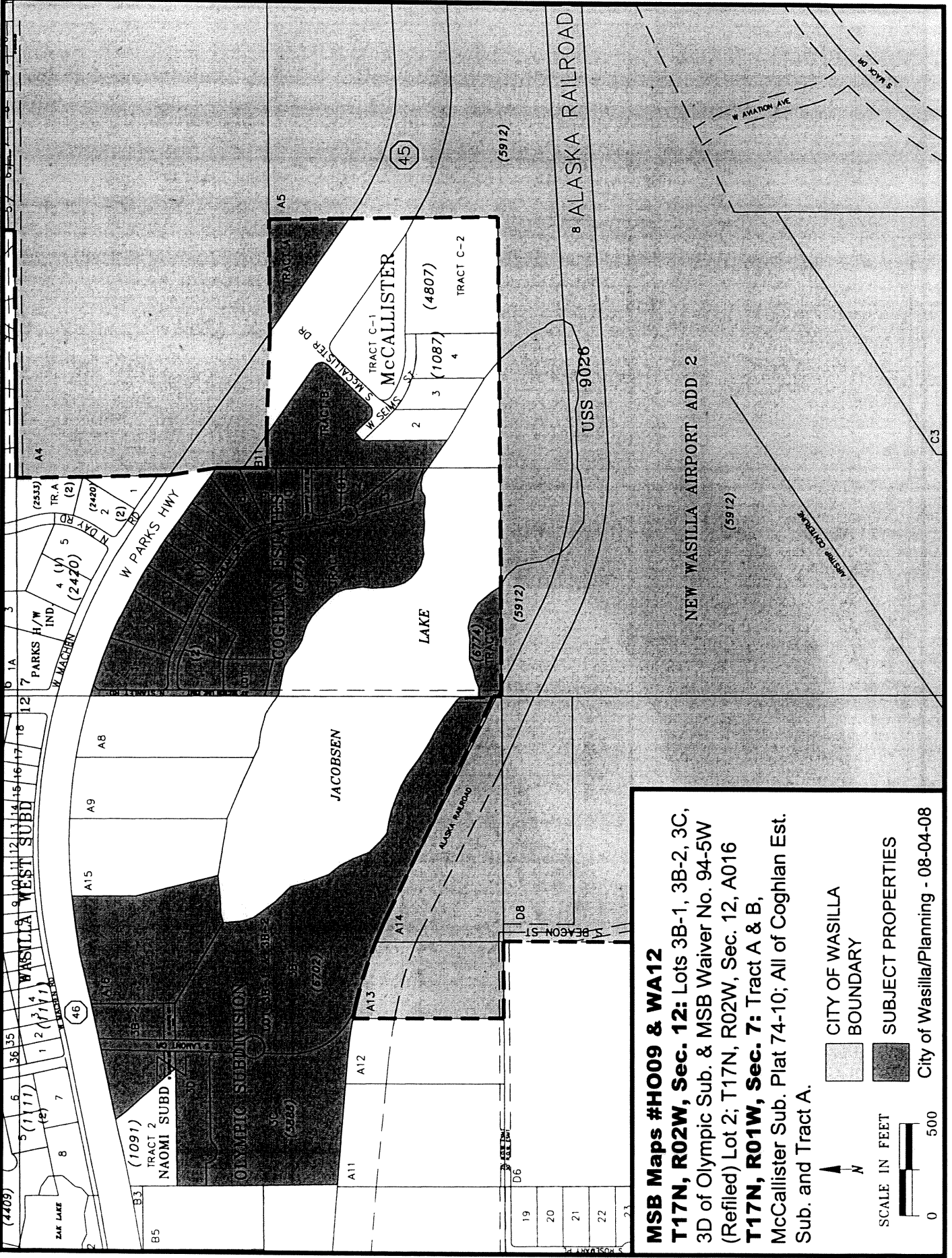


EXHIBIT C



MSB Maps #HO09 & WA12
T17N, R02W, Sec. 12: Lots 3B-1, 3B-2, 3C, 3D of Olympic Sub. & MSB Waiver No. 94-5W (Refilled) Lot 2; T17N, R02W, Sec. 12, A016
T17N, R01W, Sec. 7: Tract A & B, McCallister Sub. Plat 74-10; All of Coghlan Est. Sub. and Tract A.

CITY OF WASILLA BOUNDARY
 SUBJECT PROPERTIES
 City of Wasilla/Planning - 08-04-08

SCALE IN FEET
 0 500

