

Non-Code Ordinance

By: Planning

Introduced: October 8, 2012

Public Hearing: October 22, 2012

Adopted: October 22, 2012

Vote: Buswell, Harris, Lovell, Sullivan-Leonard, Wall and Woodruff in favor

Local Boundary Commission Approval: October 3, 2013

**CITY OF WASILLA
ORDINANCE SERIAL NO. 12-30**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AUTHORIZING THE CITY TO FILE A PETITION FOR ANNEXATION OF LOTS 3C AND 3D OF THE OLYMPIC SUBDIVISION (PLAT NO. 2006-86), LOTS 3B-1 AND 3B-2 OF THE OLYMPIC SUBDIVISION (PLAT NO. 2007-82), AND WAIVER PARCEL NO. 2 (REFILE WAIVER 94-5W) TO THE CITY OF WASILLA SUBJECT TO REVIEW BY THE DIVISION OF COMMUNITY AND REGIONAL AFFAIRS – LOCAL BOUNDARY COMMISSION FOR THE STATE OF ALASKA.

WHEREAS, as 29.06.040(c)(4) provides that an area adjoining the municipality may be annexed by ordinance without an election if all property owners and voters in the area petition the governing body;

WHEREAS, the territory proposed for annexation exhibits a reasonable need for city government; and

WHEREAS, services determined to be essential city services under 3 AAC 110.970 can be provided more efficiently and effectively by the City (Petitioner) than by another existing city or by an organized borough on an areawide basis or non-areawide basis, or through an existing borough service area; and

WHEREAS, the territory proposed for annexation is compatible in character with the annexing city; and

WHEREAS, the economy within the proposed expanded boundaries of the City include the human and financial resources necessary to provide services determined to be essential city services under 3 AAC 110.970 on an efficient, cost-effective level; and

WHEREAS, the population within the proposed expanded boundaries of the City is sufficiently large and stable to support the extension of city government; and

WHEREAS, the proposed expanded boundaries of the City include all land and water necessary to provide the development of services determined to be essential city services under 3 AAC 110.970 on an efficient, cost-effective level; and

WHEREAS, the territory proposed for annexation is contiguous to the existing boundaries of the City and would not create enclaves in the expanded boundaries of the City; and

WHEREAS, the proposed expanded boundaries of the City include only that territory comprising an existing local community, plus reasonably predictable growth, development, and public safety needs during the 10 years following the effective date of annexation; and

WHEREAS, the proposed expanded boundaries of the City do not include entire geographical regions or large unpopulated areas, except where justified by the application of the standards in 3 AAC 110.090 – 3 AAC 110.135; and

WHEREAS, if the Petition describes boundaries overlapping the boundaries of an existing organized borough, it will address the procedures and the brief will address the standards for either annexation of the enlarged city to the existing organized borough or annexation of the enlarged city from the existing organized borough; if the Petition describes boundaries overlapping the boundaries of another existing city, it will address the procedures and the brief will address the standards for annexation of territory from a city, merger of cities, or consolidation of cities; and

WHEREAS, annexation to the City is in the best interests of the State as required by AS 29.06.040(a) and 3 AAC 110.135; and

WHEREAS, the territory proposed for annexation meets the annexation standards specified in 3 AAC 110.090 – 3 AAC 110.135. Although not subject to the legislative review annexation standard set out in 3 AAC 110.140, the brief to accompany the Petition will also demonstrate with detailed facts and analysis any of the circumstances outlined in 3 AAC 110.140(1) – (9) that exist with respect to the annexation proposal; and

WHEREAS, all property owners in the territory proposed for annexation, as defined by 3 AAC 110.990(12), and all registered voters in the territory proposed for annexation have petitioned the City Council for annexation in accordance with AS 29.06.040(c)(4); and

WHEREAS, the proposed annexation to the City will not deny any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin; and

WHEREAS, the Petitioner has prepared a proper transition plan under 3 AAC 110.900; and

WHEREAS, other constitutional principles are served by the annexation proposal, such as the equal-protection clause and the equal-responsibility clause of Article I, section 1 of the Constitution of the State of Alaska and the maximum local self-government clause and minimum of local government units clause of article X, section 1 of the Constitution of the State of Alaska, and 3 AAC 110.981 – 982;

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF WASILLA, as follows:

Section 1. Classification. This is a non-code ordinance.

Section 2. Authorization. That the Wasilla Mayor is authorized to file a petition with the Alaska Local Boundary Commission for annexation using the method of annexation set out in AS 29.06.040(c)(4). The petition shall propose the annexation of the territory generally described as Lots 3C and 3D of the Olympic Subdivision (Plat No. 2006-86), Lots 3B-1 and 3B-2 of the Olympic Subdivision (Plat No. 2007-82), and Waiver Parcel No. 2 (Refile Waiver 94-5W). The legal boundary description of the territory proposed to be annexed is attached hereto as "Attachment A" and shown on the map attached here as "Attachment B", both of which are hereby incorporated by reference.

Section 3. Petitioner's Representative. That the Wasilla Mayor is designated as the representative of the City for all matters relating to the annexation proceeding.

Section 4. Terms and Conditions. That the annexation will be on the following terms and conditions:


- a) All municipal services, other than water and sewer, will go into effect immediately upon the effective date of annexation.
- b) Businesses located on the subject properties will be required to collect applicable City sales tax and obtain required City business licenses.

Section 5. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on October 22, 2012.


VERNE E. RUPRIGHT, Mayor

ATTEST:



KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

ATTACHMENT A

Metes and Bounds Description

This is a metes and bounds description for annexation into the City of Wasilla, State of Alaska. This description includes the following parcels: Lots 3C and 3D of Olympic Subdivision, Plat No. 2006-86, Lots 3B-1 and 3B-2 of Olympic Subdivision, Plat No. 2007-82, and Waiver Parcel No. 2 as described in the Refile Waiver 94-5W. Described by metes and bounds as follows:

A parcel of land located in the Northeast Quarter (NE¼) of Section 12, Township 17 North, Range 2 West, Seward Meridian, Alaska. More particularly described as follows:

Commencing at the Section Corner common to Section 1, 6, 7, and 12 marked with a 3" BLM aluminum cap monument;

Thence S 00° 03' 00" E along the Section Line Common to Section 12 and 7 a distance of 392.62 ft. to the south right-of-way line for the W. Parks Highway;

Thence along a curve to the left for the south right-of-way line of the W. Parks Highway, whose chord bears N 84° 57' 20" W, a chord distance of 1083.87 ft., a delta angle of 22° 20' 45", a radius of 2796.79 ft., and a curve length of 1090.77 ft. to the northeast corner of Parcel 2 and the True Point of Beginning;

Thence S 00° 03' 00" E along the lot line common to Parcels 1 and 2, a distance of 282.55 ft.;

Thence S 14° 01' 55" E a distance of 457.65 ft. to the north meander line for Jacobson Lake;

Thence along the north meander line S 80° 30' 09" E a distance of 156.76 ft.;

Thence S 80° 14' 20" E a distance of 134.95 ft.;

Thence N 89° 23' 36" E a distance of 59.07 ft.;

Thence S 66° 44' 04" E a distance of 188.71 ft.;

Thence S 64° 14' 15" E a distance of 187.78 ft.;

Thence S 81° 28' 39" E a distance of 87.13 ft.;

Thence S 73° 57' 44" E a distance of 101.03 ft.;

Thence S 57° 15' 23" E a distance of 67.97 ft.;

Thence S 52° 42' 08" E a distance of 49.98 ft. to the section line common to Sections 12 and 7;

Thence S 00° 03' 00" E along said Section line a distance of 1272.02 ft. to the North right-of-way line of the Alaska Railroad;

Thence along the Alaska Railroad right-of-way N 63° 22' 00" W a distance of 1354.03 ft. to a point of curve;

Thence continuing on said railroad right-of-way on a curve to the left, whose chord bears N 74° 00' 30" W, a chord distance of 777.35 ft., a delta angle of 21° 17' 00", a radius of 2104.75 ft., and a curve length of 781.84 ft. to a point of curve;

Thence continuing along said railroad right-of-way N 84° 39' 00" W a distance of 681.42 ft. to the center quarter line of Section 12 and also the southwest corner of Lot 3C of Olympic Subdivision, Plat No. 2006-86;

Thence along the west line of said Lot 3C N 00° 00' 58" W a distance of 871.66 ft. to the westerly corner of Lot 3D of Olympic Subdivision, Plat No. 2006-86 common with the southwest corner of Tract 2 of Naomi Subdivision, Plat No. 73-86;

Thence N 89° 58' 32" E along the line common to said Tract 2 and Lot 3D a distance of 634.72 ft.;

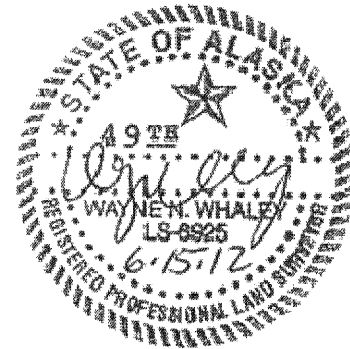
Thence N 40° 10' 03" W along common line between said Tract 2 and Lot 3D a distance of 426.00 ft. to the northwesterly corner of said Lot 3D and the south right-of-way line of the W. Parks Highway;

Thence N 78° 37' 04" E along the right-of-way a distance of 637.00 ft. to the northwest corner of Waiver Parcel 2 of Refiled Waiver No. 94-5W;

Thence continuing along the right-of-way N 78° 37' 04" E a distance of 323.30 ft. to a point of curve;

Thence continuing along the south right-of-way line on a curve to the right, whose chord bears N 81° 14' 41" E, a chord distance of 256.36 ft., a delta angle of 5° 15' 13", a radius of 2796.79 ft., and a curve length of 256.44 ft. to the True Point of Beginning. Also being the northeast corner of Waiver Parcel No. 2 of Refiled Waiver 94-5W. Containing 76.60 acres more or less.

NOTE: This legal also includes a portion of Jacobson Lake as shown on the Olympic Subdivision plats. The basis of bearing is the same as the Olympic plats.



ATTACHMENT B

MSB Map HO 09

T17N, R02W, Sec. 12: Lots 3B-1, 3B-2, 3C, 3D of Olympic Sub. & MSB Waiver No. 94-5W (Refiled) Lot 2; T17N, R02W, Sec. 12, A016, all approximately 76 acres.

July 30, 2012



SUBJECT PROPERTIES



CITY OF WASILLA
BOUNDARY

SCALE IN FEET



0 1,000

