

CITY OF GUSTAVUS, ALASKA
RESOLUTION 2010-16

**A RESOLUTION OF THE CITY COUNCIL OF GUSTAVUS, ALASKA
AUTHORIZING SUBMISSION TO THE ALASKA LOCAL BOUNDARY
COMMISSION OF A PETITION TO ANNEX CERTAIN FALLS CREEK
AND ICY PASSAGE TERRITORY TO THE CITY OF GUSTAVUS**

WHEREAS, by Resolution 2008-23 adopted December 11, 2008, the Gustavus City Council authorized its Special Borough Committee to prepare a proposal to annex certain Falls Creek and Icy Passage territory in the form of a draft petition for submission to the Alaska Local Boundary Commission (LBC); and

WHEREAS, by Resolution 2009-17 adopted June 11, 2009, the Gustavus City Council authorized the Mayor to submit a petition for annexation of certain Falls Creek and Icy Passage territory to the LBC; and

WHEREAS, by letter dated September 15, 2009, the Alaska Department of Commerce and Community Economic Development (DCCED), as staff for the Local Boundary Commission, advised the City of certain technical deficiencies in that petition; and

WHEREAS, the City's Borough Committee subsequently revised the proposed petition to address the deficiencies that DCCED identified; and

WHEREAS, the City of Gustavus made the prospective petition, as revised, available to the public for public review in accordance with 3 AAC 110.425(c); and

WHEREAS, the City Council conducted a public hearing on May 27, 2010, and took public testimony regarding the prospective annexation in accordance with 3 AAC 110.425(d); and

WHEREAS, based upon its review of the Borough Committee's draft proposed petition, and in consideration of public testimony taken during its May 27, 2010, public hearing regarding the proposed annexation, the City Council has determined as follows:

1. The territory proposed for annexation exhibits a reasonable need for city government as required by 3 AAC 110.090(a).
2. The City is capable of providing "essential municipal services" more efficiently and more effectively to the territory proposed for annexation than another existing city or organized borough as required by 3 AAC 110.090(b), 3 AAC 110.970(c) and 3 AAC 110.970(d).

3. The territory proposed for annexation is compatible in character with the area inside the current boundaries of the City as required by 3 AAC 110.100.
4. 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 as required by 3 AAC 110.110.
5. The population within the proposed expanded boundaries of the City is sufficiently large and stable to support the extension of city government as required by 3 AAC 110.120.
6. The proposed post-annexation boundaries of the City include all land and water necessary to provide the development of essential municipal services on an efficient, cost-effective level as required by 3 AAC 110.130(a).
7. The territory proposed for annexation is contiguous to the City's present corporate boundaries as presumed by 3 AAC 110.130(b).
8. The proposed post-annexation boundaries of the City include only that area comprising the local community plus reasonably predictable growth, development, and public safety needs during the 10 years following the effective date of annexation as required by 3 AAC 110.130(c).
9. As required by 3 AAC 110.130(d), the proposed post-annexation boundaries of the City exclude entire geographical regions or large unpopulated areas, except where justified by the application of the city annexation standards in 3 AAC 110.090 - 3 AAC 110.130.
10. The territory proposed for annexation does not overlap the boundaries of any other existing borough or city as required by 3 AAC 110.130(d).
11. The proposed annexation to the City is in the best interests of the state under AS 29.06.040(a) and as required by 3 AAC 110.135.
12. The City's proposal to annex the described territory via the legislative review process is appropriate because it meets the following conditions established set forth in 3 AAC 110.140:
 - a. The extension of city services or facilities into the territory is necessary to enable the city to provide adequate services to city residents, and it is impossible or impractical for the city to extend the facilities or services unless the territory is within the boundaries of the city. [3 AAC 110.140(3)]
 - b. Annexation of the territory will enable the city to plan and control reasonably anticipated growth or development in the

territory that otherwise may adversely impact the city.
[3 AAC 110.140(5)]

- c. Annexation of the territory will promote maximum local self-government, as determined under 3 AAC 110.981; and will promote a minimum number of local government units, as determined under 3 AAC 110.982 and in accordance with art. X, sec. 1, Constitution of the State of Alaska.
[3 AAC 110.140(7)]
- d. Annexation of the territory will enhance the extent to which the existing city meets the standards of incorporation of cities, as set out in the Constitution of the State of Alaska, AS 29.05, and 3 AAC 110.005 – 3 AAC 110.042.
[3 AAC 110.140(8)]
- e. Annexation of the territory by the legislative review process will serve the specific policies set out in the Constitution of the State of Alaska and AS 29.06, and is in the best interests of the state. [3 AAC 110.140(9)]

- 13. As required by 3 AAC 110.910, the City's proposed annexation 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.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GUSTAVUS, as follows:

Section 1. Authorization. The Mayor of the City of Gustavus is authorized to submit a petition for annexation by legislative review to the Alaska Local Boundary Commission. The petition shall propose the annexation of a single contiguous area totaling approximately 16 square miles, which is comprised of approximately 4 square miles of Falls Creek drainage uplands, and approximately 12 square miles of Icy Passage tidelands and submerged lands between present City limits and Pleasant Island.

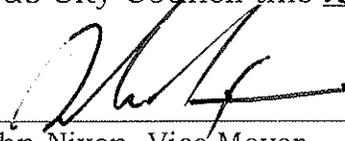
Section 2. Petitioner's Representative. The Mayor or the Mayor's designee is designated as the representative of the City for all matters relating to the annexation proceeding.

Section 4. Effective Date. This resolution shall become effective immediately.

PASSED AND ADOPTED by the Gustavus City Council this 10 day of June, 2010.



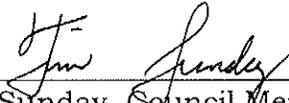
Paul Berry, Mayor



John Nixon, Vice Mayor



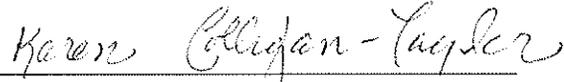
Joe Lassiter, Council Member



Tim Sunday, Council Member



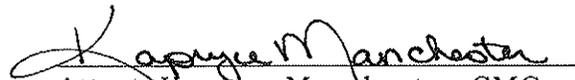
Melanie Lesh, Council Member



Karen Colligan-Taylor, Council Member



Jim Mackovjak, Council Member



Attest: Kapryce Manchester, CMC
City Clerk