

Introduced by: Mayor Eberhart

Date: July 11, 2016

RESOLUTION NO. 4751

A RESOLUTION AUTHORIZING THE CITY CLERK TO CONDUCT A SPECIAL ELECTION BY MAIL FOR THE PURPOSE OF DETACHING THE AREA KNOWN AS OPEN SKIES COMMERCIAL PARK

WHEREAS, on April 25, 2011, the City Council approved Resolution No. 4470, authorizing the Mayor to submit a petition to the State of Alaska Local Boundary Commission (LBC) for the detachment from the City of the Open Skies Commercial Park subdivision located at the intersection of Badger Road and the Old Richardson Highway and which is more particularly described in Attachment "A" and which is displayed in a map in Attachment "B"; and

WHEREAS, in accordance with 3 AAC 110.265 and AS 29.06.040(c), the City of Fairbanks is required to conduct a special election by the voters residing in the territory to decide whether the property should be detached; and

WHEREAS, pursuant to Ordinance No. 5070, as Amended, the City Clerk is authorized to administer a special or advisory election by mail at the direction of the City Council; and

WHEREAS, there is only one voter who will vote in this election, and the City Clerk has determined that an election by mail would be the most efficient and cost-effective method; and

WHEREAS, on March 3, 2016, the LBC approved the Fairbanks Detachment Petition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS that the City Clerk, working in conjunction with the Deputy City Attorney, is hereby authorized to conduct a special election by mail according to the procedures set forth in Attachment "C" to determine whether or not the resident in the territory known as "Open Skies Commercial Park" desires to be detached from the City of Fairbanks; and

BE IT FURTHER RESOLVED that this resolution shall take effect upon adoption by the Fairbanks City Council and that the City Clerk is hereby directed to send a copy of this resolution along with other appropriate documents to the State of Alaska Local Boundary Commission.


PASSED and APPROVED and EFFECTIVE this 11th day of July 2016.



John Eberhart, City Mayor

AYES: PASSED and APPROVED on the CONSENT AGENDA
NAYS: None
ABSENT: Gatewood
APPROVED: July 11, 2016

ATTEST:



D. Danyielle Snider, CMC, City Clerk

APPROVED AS TO FORM:



Paul J. Ewers, City Attorney

ATTACHMENT "A"
to Resolution No. 4751

DESCRIPTION OF THE TERRITORY PROPOSED FOR DETACHMENT.

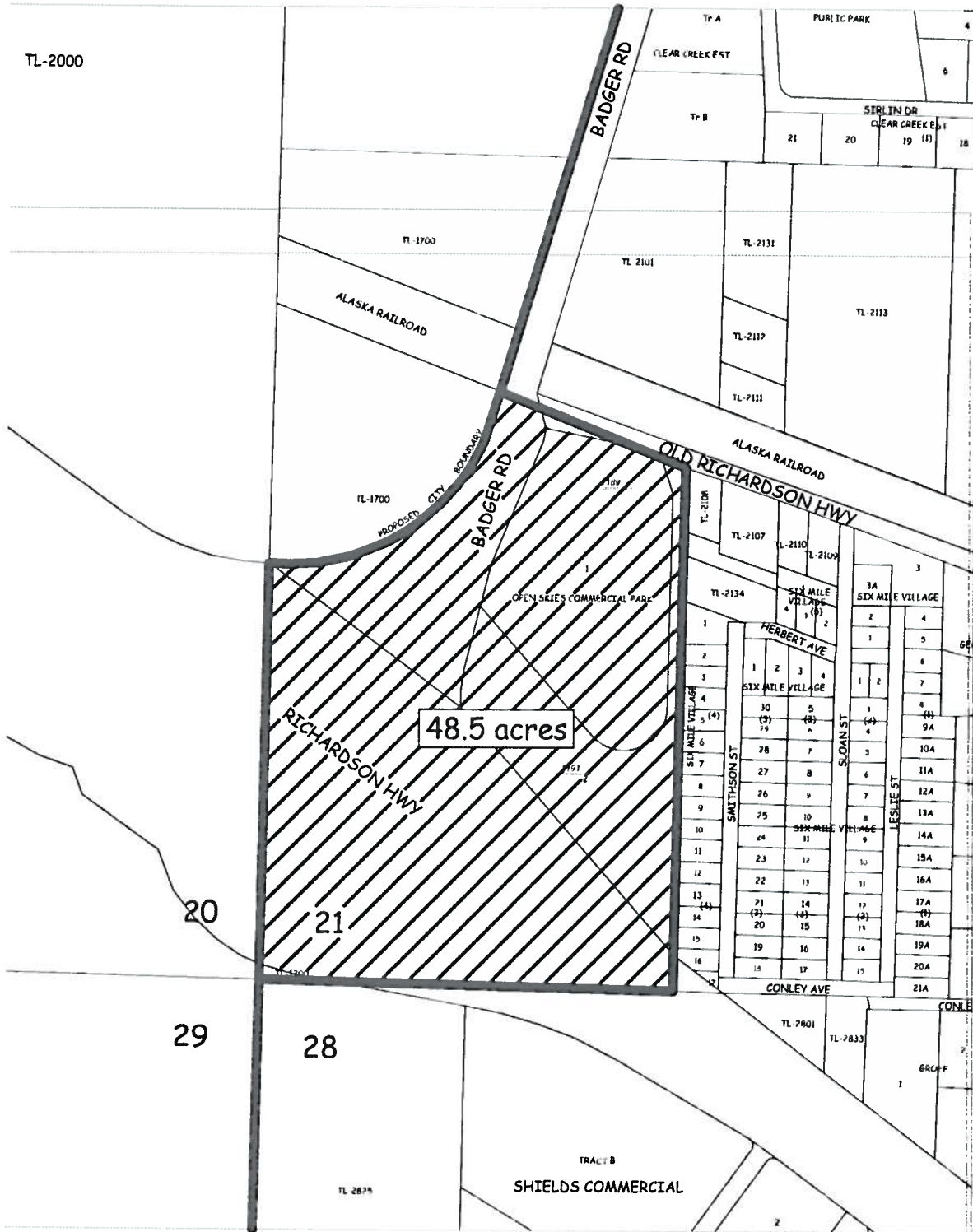
The territory proposed by the City for detachment consists of territory totaling approximately 0.076 square miles (48.5 acres). The detachment would decrease the area of the City from 33.85 to approximately 33.77 square miles. The legal description of the territory proposed for detachment is shown below. For ease of reference, the territory containing two lots owned by Open Skies LLC and neighboring state roadway land are referred to as "Open Skies." The territory is the site of a self-service storage facility and caretaker unit known as "Forbes Storage" and a drive-up restaurant known as "Spicy Thai."

Legal Description: Commencing at the Section Corner common to Sections 20, 21, 28, and 29, T1S, R1E, F.B. & M., being the true point of beginning of this description; thence in an easterly direction along the section line common to Sections 28 and 21, T1S, R1E, F.B. & M., to the westerly 1/16 corner common to Sections 28 and 21, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M. to the southernmost right of way limit of the Old Richardson Highway, FAP 62-4; thence in a northwesterly direction along the southernmost right of way limit of the Old Richardson Highway, FAP 62-4, extended to the westernmost right of way limit of Badger Road, State of Alaska Project S-0620(2); thence in a southerly direction along the westernmost right of way limit of Badger Road, State of Alaska Project S-0620(2) to the northernmost right of way limit of the Richardson Highway 6 Mile Badger Road Interchange, State of Alaska Project NH-IR-0A2-4(9)/63886; thence in a southwesterly direction along the northernmost right of way limit of the Richardson Highway 6 Mile Badger Road Interchange to the section line common to sections 20 and 21, T1S, R1E, F.B. & M.; thence in a southerly direction along the section line common to sections 20 and 21, T1S, R1E, F.B. & M. to the true point of beginning, containing an area of 48.5 acres more or less.

One platted subdivision lies inside the above-described territory:

Lots 1 & 2, Open Skies Commercial Park, subdivision plat 2009-015996-0, as amended by record survey 2012-000982-0, Section 21, Township 1S, Range 1E, Fairbanks Meridian.

ATTACHMENT "B"
to Resolution No. 4751



**ATTACHMENT “C”
to Resolution No. 4751**

FGC 22-16 states:

The city clerk may administer a special or advisory election by mail at the direction of the city council. If by mail, the city clerk shall administer the election in accordance with the provisions of the Charter and this chapter relating to special elections and absentee voting by mail.

Due to the unique nature of this special election, the City Clerk is requesting that the following procedures be followed. These procedures differ from what is set forth in the FGC but are more applicable since the election will only involve one voter.

Date/Deadline	Action
Monday, July 18, 2016	Notice of Election will be mailed to the voter within the area. The notice will contain the type of election, the date the ballot will be mailed, the due date by which the ballot must be returned, and a sample ballot.
Monday, July 25, 2016	Official ballot will be mailed to voter
Monday, August 8, 2016	Voting deadline (ballot must be postmarked by this date)
Monday, August 15, 2016	City Clerk will prepare a sworn statement and report of the election outcome (sample is attached)
Monday, August 22, 2016	Election results will be presented to the City Council for certification
Tuesday, August 23, 2016	City Clerk will notify Deputy City Attorney and Local Boundary Commission of the election outcome



REPORT OF ELECTION RETURNS

SPECIAL ELECTION – AUGUST 8, 2016

RE: DETACHMENT OF OPEN SKIES COMMERCIAL PARK

I, the undersigned, appointed at the Regular City Council Meeting of July 11, 2016, to report the election outcome of the August 8, 2016 Special Election, do hereby certify that I have examined the ballot to determine the vote on the detachment of the area known as "Open Skies Commercial Park."

Upon completion of my examination, I have determined that the following report accurately reflects the vote(s) cast in the election:

Question 1:

Shall the City of Fairbanks detach from its boundaries 0.076 square miles (48.5 acres) of land generally described as Open Skies Commercial Park with surrounding state highways, with an effective date of August 22, 2016?

Votes in favor: _____

Votes against: _____

D. Danyielle Snider, CMC, City Clerk

SWORN to subscribed before me, this ____ day of _____, 20____

NOTARY PUBLIC

My Commission Expires: _____

Fairbanks Detachment Petition Schedule
(Subject to change by LBC chair)
May 22, 2015

May 22, 2015

LBC accepts petition for filing.

May 27, 2015

Petition public comment period starts on this first date of publication of notice.

July 23, 2015

Deadline to file comments or responsive briefs concerning the petition.

Petitioner has 21 days after receiving a responsive brief to file a reply brief.

September 23, 2015

Staff issues a preliminary report.

Public comment period on the preliminary report begins.

October 28, 2015

Public comment period ends. Staff then considers the comments and writes a final report.

December 2, 2015

Staff mails the final report.

Staff issues a notice of public hearing.

January 6, 2016

LBC holds a public hearing.

LBC holds a decisional meeting immediately following the hearing.

January 20, 2016

Staff drafts a written decision and sends it to the commissioners.

January 27, 2016

LBC meets to approve or amend a written decision.

February 3, 2016

Staff issues the written decision.

An 18-day period for the public to request reconsideration of decision begins. LBC has 30 days, on its own motion, to reconsider. If reconsideration is granted, then petitioner or respondent has 10 days to file a brief.

Fairbanks Detachment Petition Schedule
(Subject to change by LBC chair)
July 30, 2015

May 22, 2015

LBC accepts petition for filing.

May 27, 2015

Petition public comment period starts on this first date of publication of notice.

July 23, 2015 (extended until August 20, 2015)

Deadline to file comments or responsive briefs concerning the petition.

Petitioner has 21 days after receiving a responsive brief to file a reply brief.

October 21, 2015

Staff issues a preliminary report.

Public comment period on the preliminary report begins.

November 25, 2015

Public comment period ends. Staff then considers the comments and writes a final report.

December 23, 2015

Staff mails the final report.

Staff issues a notice of public hearing.

February 3, 2016

LBC holds a public hearing.

LBC holds a decisional meeting immediately following the hearing.

February 17, 2016

Staff drafts a written decision and sends it to the commissioners.

February 24, 2016

LBC meets to approve or amend a written decision.

March 2, 2016

Staff issues the written decision.

An 18-day period for the public to request reconsideration of decision begins. LBC has 30 days, on its own motion, to reconsider. If reconsideration is granted, then petitioner or respondent has 10 days to file a brief.

State of Alaska Notice of a Local Boundary Commission (LBC) Public Meeting

The LBC will meet on Tuesday, December 15, 2015 at 2:30 at the Atwood Building, 550 W. 7th Ave., Suite 1640, Anchorage. The meeting will also be available toll free by calling 1-800-315-6338 and using access code 94587. The LBC will consider several items at this meeting including suspension of regulations requiring a final report and suspension of certain public notice procedural requirements for the Fairbanks detachment petition hearing; suspension of 3 AAC 110.660 to waive the requirement that telephonic attendees pay for the call, and suspension of 3 AAC 110.700(d) for the Whale Pass Petition so that people who file comments electronically do not need to follow up with a paper original of the comment, as well as other administrative matters.

All meeting materials, including an agenda, **will** be available on the LBC website at <https://www.commerce.alaska.gov/web/dcra/LocalBoundaryCommission/PublicMeetings.aspx>. Contact the LBC staff with any questions at LBC@alaska.gov or 269-4559/4587. Persons interested in receiving future notices from the LBC are encouraged to sign up for the email list serve at <http://list.state.ak.us/soalists/DCED-LocalBoundaryCommission/jl.htm>. Individuals with disabilities who need auxiliary aids, services, or special modifications to participate must contact LBC staff by 4:30 p.m. December 14, 2015.



State of Alaska Local Boundary Commission

550 West Seventh Avenue, Suite 1640, Anchorage, Alaska 99501, 907-269-4559, Fax 907-269-4563

PROPOSED AGENDA FOR LOCAL BOUNDARY COMMISSION (LBC) PUBLIC MEETING

Tuesday, December 15, 2015 – 2:30 p.m.

Atwood Building, 550 West Seventh Avenue, Room 1620, Anchorage, Alaska

Teleconference number: 1-800-315-6338. Access code: 94587#

ADMINISTRATIVE MATTERS

1. Call to order
2. Roll call and determination of quorum
3. Acknowledge guests and staff present at originating site and each individual teleconference site
Note: For clarity of the record, teleconference attendees will be asked to identify themselves and include a spelling
4. Approve agenda

NEW BUSINESS

1. Review of the recent Alaska Supreme Court decision that upheld the LBC's approval of the Petersburg borough incorporation petition
2. Suspension of 3 AAC 110.530 requiring a final report, and suspension of certain public notice procedural requirements under 3 AAC 110.550, for the Fairbanks detachment petition hearing
3. Suspension of 3 AAC 110.700(d) for the Whale Pass Petition
4. Suspension of 3 AAC 110.660 for 2016 to waive the requirement that telephonic attendees pay for the call
5. Discussion of LBC annual report
6. Commissioners' possible trip to Juneau during the legislative session
7. Resolution of thanks for Janell Hafner
8. Vice chair three year term end date
9. Adjourn

Lynn Chrystal, Chair

John Harrington, First Judicial District • Robert Harcharek, Second Judicial District
Darroll Hargraves, Third Judicial District • Lavell Wilson, Fourth Judicial District

Fairbanks Detachment Petition Schedule
(Subject to change by LBC chair)
December 16, 2015

May 22, 2015

LBC accepted petition for filing.

May 27, 2015

Petition public comment period started on this first date of publication of notice.

July 23, 2015 (extended until August 20, 2015)

Deadline to file comments or responsive briefs concerning the petition.

Petitioner had 21 days after receiving a responsive brief to file a reply brief.

October 21, 2015

Staff issued a preliminary report.

Public comment period on the preliminary report began.

November 25, 2015

Public comment period ends. No comments were received.

December 15, 2015

LBC voted to suspend requirement for staff to write a final report. It also voted to suspend the requirement that the notice of a public hearing be published three times. Instead, it needs to be published only once.

December 30, 2015

Staff issues a notice of public hearing.

February 9, 2016

LBC holds a public hearing via teleconference.

LBC holds a decisional meeting immediately following the hearing.

February 18, 2016

Staff drafts a written decision and sends it to the commissioners.

February 24, 2016

LBC meets to approve or amend a written decision.

February 29, 2016 (or earlier)

Staff issues the written decision.

An 18-day period for the public to request reconsideration of decision begins. LBC has 30 days, on its own motion, to reconsider. If reconsideration is granted, then petitioner or respondent has 10 days to file a brief.

**State of Alaska
Local Boundary Commission (LBC)**

**Notice of an LBC Public Hearing and Decisional Meeting Regarding a Detachment Petition
from the City of Fairbanks**

On February 9, 2016, at 10 a.m., the LBC will convene a public hearing on the petition to detach approximately 48.5 acres from the City of Fairbanks. The territory is on the eastern edge of the city, and south of the intersection of Old Richardson Highway and Badger Road. At the hearing the public may give verbal comments on the petition. Immediately after the hearing the LBC will hold a decisional meeting to act on the proposal. Both the public hearing and decisional meeting will be held by teleconference. The originating site is the Atwood Bldg., 550 W. 7th Ave., Room 1620, Anchorage, AK 99501. The public can attend there, or by teleconference by calling 1-800-315-6338 and using access code 94587.

The LBC suspended the requirement to have a final report, and so the preliminary report and its recommendations will be the only staff report. The report, petition, and all related materials are available for public review on the LBC website: <https://www.commerce.alaska.gov/web/dcra/LocalBoundaryCommission/CurrentPetitions/2015CityofFairbanksDetachmentPetition.aspx>. Once the hearing and decisional meeting agendas are prepared, they can be obtained prior to February 9, 2016 from the LBC staff at 550 W. 7th Ave., Suite 1640, Anchorage, Alaska 99501. The phone number is 907-269-4559/4587, the fax number is 907-269-4563, and the email is LBC@alaska.gov.

Individuals with disabilities who need auxiliary aids, services, or special modifications to participate must contact LBC staff by Tuesday, February 2, 2016. It is recommended that persons interested in receiving future LBC notices, updates, and materials by email subscribe to the LBC notice list server by visiting <http://list.state.ak.us/soalists/DCED-LocalBoundaryCommission/jl.htm>, and following the instructions.

Members

Lynn Chrystal
Chair
At Large

John Harrington
Member
First Judicial District

Bob Harbark
Vice Chair
Second Judicial District

Darrall Hargraves
Member
Third Judicial District

Lavell Wilson
Member
Fourth Judicial District



Local Boundary Commission Decision

In the matter of the April 22, 2015 petition by the City of Fairbanks to detach 0.076 square miles or 48.5 acres.

Section I Introduction

On April 22, 2015, the City of Fairbanks (also referred to as “city” or “petitioner”) petitioned the Local Boundary Commission (also referred to as “LBC” or “commission”) to detach a territory of 0.076 square miles or 48.5 acres. The territory proposed for detachment (“territory”) is generally described as:

Open Skies Commercial Park with surrounding state highway land. One platted subdivision lies inside the territory: Lots 1 and 2, Open Skies Commercial Park, subdivision plat 2009-015996-0, as amended by record survey 2012-000982-0, Section 21, Township 1S, Range 1E, Fairbanks Meridian.

The territory is wholly located in the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

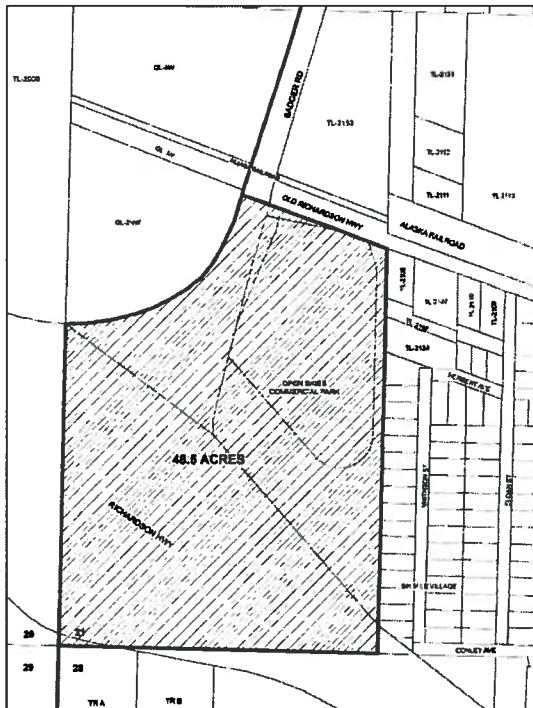


Figure 1. Territory proposed for detachment

Section II Proceedings

A version of this petition was submitted in 2013 by the late Patrick Cole as petitioner's representative. This petition was submitted in April of 2015, and after a technical review, was accepted on May 22, 2015. In October 2015, staff produced a preliminary report recommending approval of the petition proposal for detachment. Because of the nature of the petition, the LBC voted to suspend the requirement under 3 AAC 110.530(a) that there be a final report. They also suspended the requirement under 3 AAC 110.550(b) for the public notice for the hearing to be published three times. It was only published once in the *Fairbanks Daily News-Miner* on January 5, 2016.

LBC Public Hearing

In accordance with 3 AAC 110.550 and 3 AAC 110.560, the commission held a duly noticed public hearing in Anchorage on Tuesday, February 9, 2016 at 10:00 a.m. regarding the City of Fairbanks detachment petition. The hearing was conducted via teleconference with three commissioners present in Anchorage. Two commissioners attended via the public teleconference. The commission heard from City of Fairbanks petitioner's alternate representative and the property owner.

LBC Decisional Meeting

In accordance with 3 AAC 110.570, the Local Boundary Commission held a duly noticed decisional meeting on February 9, 2016 immediately following the public hearing. After a discussion of the standards, the commission voted unanimously to approve the Fairbanks detachment.

Section III Findings and Conclusions

The Local Boundary Commission is required to apply the standards for detachment from cities found in 3 AAC 110.257-3 AAC 110.265 and 3 AAC 110.900-3 AAC 110.990. The record for this proceeding includes the City of Fairbanks detachment petition and supporting materials, the single comment received, the LBC staff preliminary report, as well as statements given at the LBC February 9, 2016 public hearing.¹ Only relevant standards were addressed by the commission in a decisional meeting and the result of the discussion is summarized below. Based on the evidence in the record, the commission has reached the findings and conclusions set out in this section.

In determining whether the proposed detachment is in accordance with AS 29.06.040(a), the commission may approve a proposal for detachment from a city only if the commission determines that the proposal meets applicable standards under the Constitution of the State of Alaska; meets standards in 3 AAC 110.257 - 3 AAC 110.260 and 3 AAC 110.900 - 3 AAC 110.970; and is in the best interests of the state. The commission finds that those standards are met.

3 AAC 110.981. Determination of maximum local self-government

In determining whether the proposed detachment promoted local maximum self-government, the commission considered whether the proposed detachment would diminish the local government provided to the territory and population proposed for detachment, or would detrimentally affect the remnant city's ability to serve the local government needs of city residents. The commission found that the proposed detachment would do neither.

The commission also considered whether the borough can adequately meet the local government needs of the territory and population proposed for detachment. The commission found that the borough could adequately meet those needs.

After considering that, the commission noted that the de facto arrangement whereby the territory was treated for many years as not being part of the city indicates that there would be no diminishing

¹ Only one comment and no briefs were filed with the department.

of local government for the residents of the territory. Prior to this petition, the territory was incorrectly believed to have been outside the city limits, and was served by Fairbanks North Star Borough. The borough has demonstrated that it can adequately serve the territory in terms of local government and will continue to after the territory detaches from the city. The commission finds that the proposed city detachment promotes maximum local self-government under art. X, sec. 1, Constitution of the State of Alaska. The commission finds this standard satisfied.

3 AAC 110.982. Minimum number of local government units

In determining whether a proposed city detachment promotes a minimum number of local government units in accordance with art. X, sec. 1, Constitution of the State of Alaska, the commission considers whether the detached area by itself is likely to be incorporated as a new city. The commission noted that there is no indication of a new city being formed as a result of this detachment, and so there will be no change in the number of local government units. As such, the commission finds that this standard is met.

3 AAC 110.260. Best interests of the state

In consideration of this standard, the commission may consider a number of factors which are listed in 3 AAC 110.260. The commission determined that it is not necessary for the territory to incorporate to ensure that its need for local government services will be adequately met because the territory is already and will remain a part of an organized borough. Nor will the detachment create noncontiguous parts of the city or borough or enclaves. The commission indicated that there is no major state concern to consider here. The borough and the city have demonstrated that they are already operating in concert and have agreed to work together going forward. The commission finds, as required, that this detachment is in the best interests of the state and that the standard is met.

3 AAC 110.900. Transition

The commission heard from the City of Fairbanks during the hearing and considered the transition plan prepared by the petitioner which is required for any boundary change. The commission determined that the petition did include a practical plan for the transition or ending of municipal services in the shortest practicable time after the proposed detachment, and to assume all powers, duties, rights, and functions now provided by the city to the territory proposed to be detached in the shortest practicable time after the proposed detachment. The commission found that the plan was designed to effect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after the effective date of the proposed detachment. In this plan, a list of consultations with relevant officials in the city, borough and service areas was provided. It included the names and title of the officials, the subject matter of the discussion, and dates and times.

After hearing from the petitioner, and officials from the Fairbanks North Star Borough, as well as the property owner, the commission determined that the transition planned has been designed to complete the process in a quick and efficient manner for all parties. There are no assets or liabilities that were relevant for the commission to consider. Furthermore, the transition will not include any loss of value to assets, loss of credit reputation or reduced bond rating for liabilities.

The City of Fairbanks indicated that it would hold an election for the resident(s) of the territory. The borough indicated it was willing to expedite the process of inclusion of the property into the North Star Fire Service Area as well.

The commission determined it is not necessary to require an agreement between parties as they are already working together closely. The petition record includes evidence of this collaboration.

Through the testimony provided in the public hearing, the petition and relevant materials, as well as staff recommendations, the commission finds that all parts of 3 AAC 110.900 are satisfied. This standard is met.

3 AAC 110.910. Statement of Nondiscrimination

The commission determined that the detachment would have no adverse effect on any person with regard to enjoyment of any civil or political right. This standard is met.

Section IV Order of the Commission

After considering the record, the LBC finds that the petition meets all relevant standards. The commission approves the petition without condition or amendment. The territory proposed for detachment is 0.076 square miles or 48.5 acres. With the commission's approval of the petition, the City of Fairbanks decreases from 33.85 square miles to 33.77 square miles. The metes and bounds of the post-detachment City of Fairbanks boundaries are described as follows:

Commencing at the south 1/4 corner of Section 36, T1N, R1W, F.B. & M. which is located on the Fairbanks Base Line, being the true point of beginning of this description; thence west along the Fairbanks Base Line to the northwesterly corner of Section 3, T1S, R1W, F.B. & M.; thence in a southerly direction along the section line common to Sections 3 and 4, T1S, R1W, F.B. & M., to an intersection with the thread of the Noyes Slough; thence downstream along the thread of the Noyes Slough to the easterly 1/16 line of Section 4, T1S, R1W, F.B. & M.; thence in a northerly direction along said easterly 1/16 line to the southerly boundary of Johnston Subdivision, filed in the Fairbanks Recorder's Office October 4, 1954, as Instrument No. 151.674; thence in northerly, northeasterly and northerly directions, respectively, along the easterly boundary of Johnston Subdivision filed in the Fairbanks Recorder's Office on October 4, 1954, as Instrument No. 151.674, to the southernmost right of way limit of College Road, State of Alaska Project S-SG-0644(5); thence in a northwesterly direction along the southernmost right of way limit of College Road, State of Alaska Project S-SG-0644(5), to the Fairbanks Base Line; thence west along said Base Line to the thread of Noyes Slough; thence downstream along the thread of Noyes Slough to the northerly extension of the lot line common to Lots 1 and 11 of the Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence in a southerly direction along the westerly boundaries of Lots 1 through 6 and 9 and the southerly extension of said line to the southernmost right of way limit of Hanson Road, shown on the plat of Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence in a westerly direction along the southernmost right of way limit of Hanson Road to the northwesterly corner of Lot 21, Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence in a southerly direction along the westerly boundary of said Lot 21 to the southwest corner of Lot 21, Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office, on October 15, 1976, as Instrument No. 76-165; thence easterly and northeasterly along the southerly boundaries of Lots 21, 20 and 24 to the southeasterly corner of Lot 24, Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence easterly, normal to the section line, to said section line common to Sections 5 and 4, T1S, R1W, F.B. & M.; thence in a southerly direction along said section line common to Sections 4, 5, 8 and 9, T1S, R1W, F.B. & M. to an intersection with the easterly extension of the southernmost right of way limit of Phillips field Road as shown on the plat of Doyon Estates subdivision, filed in the Fairbanks Recorder's Office on October 16, 1997 as Instrument No. 97-100 ; thence in a westerly direction along said easterly extension of the southernmost right of way limit of Phillips Field Road to an intersection with the westernmost right of way limit of Mouton Street as shown on the plat of Doyon Estates subdivision, filed in the Fairbanks Recorder's Office on October 16, 1997 as Instrument No. 97-100 ; Thence southeasterly and southwest along said westernmost right of way limit of Mouton Street to the northern most boundary of Government Lot 10, Section 8, T1S, R1W, F.B.& M.; thence in a westerly direction along the northerly boundary of Government Lot 10, Section 8, T1S, R1W, F.B.& M. extended to intersect with the thread of the Chena River; thence downstream along the thread of the Chena River to the section line common to Sections 7 and 8, T1S, R1W, F.B. & M.; thence in a southerly direction along said section line to the easterly extension of the northerly boundary of Fred Meyer Subdivision as filed in the Fairbanks Recorder's Office as Plat No. 91-55; thence westerly, southerly and easterly along the boundary of said Fred Meyer Subdivision to the northwesternmost corner of Lot 2, Block 1, Fairwest Subdivision West Addition filed in the Fairbanks Recorder's Office January 24, 1964, as Instrument No. 64-486; thence in a southerly direction along the westerly lot line of said Lot 2, Block 1, to the northernmost right of way limit of Mitchell Avenue as shown on said plat of Fairwest Subdivision West Addition; thence in an easterly direction along the northernmost right of way limit of Mitchell Avenue as shown on said plat of Fairwest Subdivision West Addition extended to the section line common to Sections 17 and 18, T1S, R1W, F.B. & M.; thence in a southerly direction along the section line common to Sections 17 and 18, T1S, R1W, F.B. & M. to the northernmost 1/16 corner common to Sections 17 and 18, T1S, R1W, F.B. & M.; thence in an easterly direction along the northernmost east-west 1/16 line to the northerly 1/16 corner on the centerline (north-south) of Section 17, T1S, R1W, F.B. &

M.; thence in a southerly direction along the centerline (north-south) of Section 17, T1S, R1W, F.B. & M. to the center 1/4 corner of Section 17, T1S, R1W, F.B. & M.; thence in a easterly direction along the centerline (east-west) of Section 17, T1S, R1W, F.B. & M. to an intersection with the westernmost right of way limit of Peger Road, State of Alaska Project S-0665(2); thence in a southerly direction along the westernmost right of way limit of Peger Road, State of Alaska Project S-0665(2), to a point on the extended southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2), thence in an easterly direction along the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2), to the easternmost limit of Schacht Street as shown on the plat of Metro Industrial Airpark subdivision filed in the Fairbanks Recorders Office on December 12, 1969, as instrument No. 69-12194; thence in a southerly direction along the easternmost limit of said Schacht Street to the southwest corner of Lot 1-A as shown on the replat of Lot 1, Block 7, Metro Industrial Air Park filed in the Fairbanks Recorders Office on June 18, 1985, as Instrument No. 85-96; thence in a easterly direction along the southerly boundary of said Lot 1-A to the southeasterly corner of said Lot 1-A at the westerly boundary of the Subdivision of the Arvo A. Joki Property in the SE 1/4 of Section 21, T.1S. R.1 W. F.M., filed in the Fairbanks Recorder's Office on May 31, 1973, as instrument No. 73-34; thence in southerly easterly and northerly directions around the perimeter of the Avro A. Joki Property encompassing Tract A and Tract B to the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2); thence in an easterly direction along the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2) to the easternmost limit of South Lathrop Street, a 66 foot section line easement centered on the section line common to Sections 21 and 22, T1S, R1W, F.B. & M.; thence in a southerly direction along the easternmost limit of South Lathrop Street, a 66 foot section line easement centered on the section line common to Sections 21 and 22, T1S, R1W, F.B. & M. to the northwesterly corner of Lot 1, as shown on the Amended Plat of D-5 Subdivision filed in the Fairbanks Recorder's Office on September 19, 1980, as Instrument No. 80-160; thence in an easterly direction along the northerly boundary of Lot 1, as shown on the Amended Plat of D-5 Subdivision filed in the Fairbanks Recorder's Office on September 19, 1980, as Instrument No. 80-160; thence in a southerly direction along the easterly boundary of Lot 1, as shown on the Amended Plat of D-5 Subdivision filed in the Fairbanks Recorder's Office on September 19, 1980, as Instrument No. 80-160 common to the westerly boundary of Lot 6, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the southwest corner of Lot 6, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence in an easterly direction along the southerly boundary of Lot 6, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the westernmost right of way limit of Royal Road, as shown on the plat of King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence in a northerly direction along the westernmost right of way limit of Royal Road, as shown on the plat of King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the northeasterly corner of Lot 7, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence in an easterly direction along the westerly extension of and continuing along the southerly boundary of Lot 2, Block 2, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the southeasterly corner of Lot 2, Block 2, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence northerly along the easterly boundary of Lots 1 and 2, Block 2, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2); thence in an easterly direction along the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2), to an intersection with the westernmost right of way limit of South Cushman Street; thence in a southerly direction along the westernmost right of way limit of South Cushman Street as shown on the plat of Tennessee Miller Industrial Park recorded in the Fairbanks District Recorders Office on March 14, 1986 as instrument number 86-35; thence continuing along the southerly extension of said westernmost right of way limit of South Cushman Street to the section line common to Sections 22 and 27, T1S, R1W, F. B. & M.; thence in an easterly direction along the section line common to Sections 22, 27, 23 and 26, to the 1/4 common to Sections 23 and 26, T1S, R1W, F.B. & M.; thence in a northerly direction along the north-south centerline of Section 23, to the northernmost 1/16 corner on said north-south centerline of Section 23, T1S, R1W, F.B. & M.; thence in an easterly direction along the northernmost east-west 1/16 line of said Section 23 to the northernmost 1/16 corner common to Sections 23 and 24, T1S, R1W, F.B. & M.; thence in a southerly direction along the section line common to Sections 23 and 24 to the southerly limit of Parcel B of Exhibit A to the Special Warranty Deed recorded in the Fairbanks Recorder's Office on February 27, 1985, in Book 414, Pages 331 through 337, as Instrument Number 85-4616; thence North 8959'52" East along the southerly boundary of said Parcel B a distance of 330.14 feet; thence

North 002'05" West a distance of 330.22 feet to a point on the southerly boundary of said Parcel B; thence North 8959'59" East a distance of 690.39 feet to a point on the southerly boundary of said Parcel B; thence South 000'01" East a distance of 660.40 feet to a point on the southerly limit of said Parcel B; thence North 8959'46" East a distance of 300.44 feet to the southeasternmost corner of said Parcel B which lies on the westerly 1/16 line of Section 24, T1S, R1W, F.B. & M.; thence in a southerly direction along the westerly 1/16 line of Sections 24 and 25, T1S, R1W, F.B. & M., to the meander of the north bank of the Tanana River; thence in northeasterly and southeasterly directions along the meanders of the north bank of the Tanana River to an intersection with the section line common to Sections 32 and 33, T1S, R1E, F.B. & M.; thence in a northerly direction along the section line common to Sections 33, 28, 29 and 32, T1S, R1E, F.B. & M., to the section corner common to Sections 21, 28, 29 and 20, T1S, R1E, F.B. & M.; thence in a northerly direction along the section line common to Sections 20 and 21, T1S, R1E, F.B. & M., to the northernmost right of way limit of the Richardson Highway 6 Mile Badger Road Interchange, State of Alaska Project NH-IR-0A2-4(9)/63886; thence in a northeasterly direction along the northernmost right of way limit of the Richardson Highway 6 Mile Badger Road Interchange NH-IR-0A2-4(9)/63886; thence in a northerly direction along the westernmost right of way limit of Badger Road State of Alaska Project S-0620(2) to an intersection with the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M., to the westerly 1/16 corner common to Sections 21 and 16, T1S, R1E, F.B. & M.; thence in an easterly direction along the section line common to Sections 21 and 16, T1S, R1E, F.B. & M. to the centerline of Badger Road State of Alaska Project RS-0622(6); thence in a northerly direction along the centerline of Badger Road State of Alaska Project No. RS-0622(6) to the centerline of Holms Road State of Alaska Project RS-0622(1) /63872; thence in a southeasterly direction along the centerline of Holms Road to a point of tangent at centerline station 24+59.63; thence South 02°32' 10" West (basis of bearing for this call is Holms Road State of Alaska Project RS-0622(1) /63872) to the section line common to Sections 21 and 16, T1S, R1E, F.B. & M.; thence in an easterly direction along said section line to the section corner common to Sections 22, 21, 16 and 15, T1S, R1E, F.B. & M.; thence in a northerly direction along the section line common to Sections 15 and 16, T1S, R1E, F.B. & M., to the section corner common to Sections 10, 15, 16 and 9, T1S, R1E, F.B. & M.; thence in a westerly direction along the section line common to Sections 9 and 16, T1S, R1E, F.B. & M., to the 1/4 corner common to Sections 9 and 16, T1S, R1E, F.B. & M.; thence in a northerly direction along the centerline (north-south) of Section 9, T1S, R1E, F.B. & M., to the 1/4 corner common to Sections 9 and 4, T1S, R1E, F.B. & M.; thence in an easterly direction along the section line common to Sections 9, 4, 3 and 10, T1S, R1E, F.B. & M., to the westerly 1/16 corner common to Sections 10 and 3, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line to the mid 1/16 corner located in the SW 1/4 of Section 3, T1S, R1E, F.B. & M.; thence in an easterly direction along the southerly 1/16 line to the southerly 1/16 corner on the centerline (north-south) of Section 3, T1S, R1E, F.B. & M.; thence in a northerly direction along the centerline (north-south) of Section 3, T1S, R1E, F.B. & M., to the 1/4 corner of Section 3, T1S, R1E, F.B. & M., located on the Fairbanks Base Line; thence east along the Fairbanks Base Line to the southerly 1/4 corner of Section 34, T1N, R1E, F.B. & M.; thence in a northerly direction along the centerline (north-south) of Section 34, T1N, R1E, F.B. & M., to the 1/4 corner common to Sections 34 and 27, T1N, R1E, F.B. & M.; thence in a westerly direction along the section line common to Sections 27, 34, 33 and 28, T1N, R1E, F.B. & M., to the section corner common to Sections 29, 28, 33 and 32, T1N, R1E, F.B. & M.; thence in a southerly direction along the section line common to Sections 32 and 33, T1N, R1E, F.B. & M., to the 1/4 corner common to Sections 32 and 33, T1N, R1E, F.B. & M.; thence in a westerly direction along the centerlines (east-west) of Sections 32 and 31, T1N, R1E, F.B. & M., to the 1/4 corner of Section 31, T1N, R1E, F.B. & M., located on the Fairbanks Meridian; thence north along the Fairbanks Meridian to the northernmost 1/16 corner of Section 36, T1N, R1W, F.B. & M., thence in a westerly direction along the northerly 1/16 line of Section 36, T1N, R1W, F.B. & M., to the mid 1/16 corner located in the NE 1/4 of Section 36, T1N, R1W, F.B. & M.; thence in a southerly direction along the easterly 1/16 line to the easterly 1/16 corner on the centerline (east-west) of Section 36, T1N, R1W, F.B. & M.; thence in a westerly direction to the interior 1/4 corner of Section 36, T1N, R1W, F.B. & M.; thence in a southerly direction along the centerline (north-south) of Section 36, T1N, R1W, F.B. & M., to the 1/4 corner common to Section 36, T1N, R1W, F.B. & M., and located on the Fairbanks Base Line, the true point of beginning of this description. This description encompasses an area of 33.77 square miles.

All land is located within the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

Approved in writing this 3rd day of March 2016.

LOCAL BOUNDARY COMMISSION

By: *Lynn Chrystal*
Lynn Chrystal, Chair

By: ^{Attest}*Eileen Collins*
Eileen Collins, Staff

Section V 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.”

Section VI Judicial Appeal

Per 3 AAC 110.570(g), this is the final decision of the commission, unless reconsideration is timely requested or the commission orders reconsideration. A decision of the Local Boundary Commission may be appealed to the Superior Court under AS 44.62.560(a) and Rules of Appellate Procedure 602(a)(2). A claimant has 30 days to file an appeal with the Superior Court.