

CODE ORDINANCE

By: Borough Manager
Introduced: 12/04/07
Public Hearing: 12/18/07
Adopted: 12/18/07

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 07-182**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 5.25.056, TO ANNEX PROPERTIES IN AND AROUND THE JANA ESTATES SUBDIVISION INTO THE BIG LAKE FIRE SERVICE AREA WITHOUT THE PLACEMENT OF THE QUESTION ON THE BALLOT, PER MSB 5.10.025(B).

WHEREAS, a petitioner has come forward requesting annexation of properties in the Jana Estates subdivision into the Big Lake Fire Service Area; and

WHEREAS, the petitioner has secured 100 percent of signatures of the properties owners on the required petition, and there is currently no one residing within the area proposed for annexation; and

WHEREAS, MSB 5.20.005, Alteration of Service Area Boundaries, states:

"(A) Territory may be annexed to a service area in the same manner that territory can be made a service area under MSB 5.10;" and

WHEREAS, MSB 5.10.010, Initiation by Petition, states:

"(A) A service area may be initiated by filing a petition with the clerk containing signatures of persons owning at least 50 percent of the real property within the proposed service area.

(B) All signatures of property owners shall be made and dated within 90 calendar days preceding submission of the petition to the clerk.

(C) Petitions shall contain:

(1) The signature, legal description and mailing address of each signatory;

(2) The name and mailing address of a representative designated by the signatories to receive correspondence

on their behalf;

(3) A statement of the services proposed to the signatories;

(4) A vicinity map indicating the location of the proposed service area with respect to cities and existing service areas as presented to the signatories; and

(5) The legal description of the real property owned within the proposed service area.

(D) On receipt of a petition proposing formation of a service area, the clerk shall review that petition and determine whether it contains the information required by this section. The clerk shall certify petitions containing the required information and forward them to the manager for further action. Petitions found insufficient shall be immediately returned to their sponsors.

(E) A service area established through a petition may not be amended or repealed within two years after its effective date; and

WHEREAS, MSB 5.10.025(B), Action by the Assembly, states:

"(C) Where no voters reside in a proposed service area and where the service area was proposed to the assembly by a certified petition bearing the signatures of 100 percent of the property owners in that area, the ordinance creating the service area shall become law upon enactment by the assembly and need not be ratified by the voters;" and

WHEREAS, a copy of the certified petition is on file in the Clerk's Office; and

WHEREAS, per MSB 5.10.020, the manager:

"...shall also prepare a recommendation on the wisdom of forming the service area as proposed, reflecting the manager's consideration of the feasibility of and public interest served by creation of the proposed service area."

Per MSB 5.10.020, the manager considers the proposed annexation to be feasible and serving the public interest, as the proposed annexation would provide fire coverage to the properties

and to future residents of that area.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 5.25.056, Service Area No. 33, Big Lake Fire Service Area, is hereby amended to read as follows:

(A) Establishment. There is established the Big Lake Fire Service Area No. 33 more particularly described as:

Big Lake Fire Service Area No. 33:

Township 16 North, Range 3 West, Seward Meridian, Alaska

Section 2, 3, 4, 5 and 6 All

Sections 8 and 9 All

Township 16 North, Range 4 West, Seward Meridian, Alaska

Section 1 All

Township 17 North, Range 3 West, Seward Meridian, Alaska

Section 4 and 5 All

Sections 8, 9 and 10 All

Section 13 N ½ NE ¼, SE ¼ NE ¼,
NE ¼ SE ¼, S ½ S ½

Sections 14, 15, 16, 17 and 18 All

Sections 20 and 21 That portion upland
from mean high
water of Big
Lake, except

	the islands
Sections 22 and 23	All
Section 2	All, except Whale Lake Subdivision Lots 1, 2, 3 and 4 (Plat No. 78-059
Section 27	All
Sections 28, 29, 30 and 31	That portion upland from mean high water of Big Lake, except the islands
Sections 32, 33, 34 and 35	All
Township 17 North, Range 4 West, Seward Meridian, Alaska	
Section 11	That portion lying southeasterly of mean high water of the southeasterly shore of West Lake
Section 12	All, except Government Lots 10, 11, 12 and 13
Sections 13 and 14	All
Section 15	E ½
Section 23	E ½
Section 24	All
Section 25	N ½ N ½, Government Lot 1, except the

Section 26

East 150'
Stewart Subdivision
Lots 1, 2, 3, 4, 5
and 6 (Plat No. 68-
028) and that
portion of the NE ¼
upland of mean high
water of Big Lake,
except the islands

Section 34

Jana Estates Phase
I, Lots 2, 3, and 4
of Block 2, and Lots
7 through 15 of
Block 1, [12, 13,
14 and 15] and
Tracts A and B (Plat
No. 87-035

Section 35

That portion of the
S ½ lying upland of
mean high water of
Big Lake, except the
islands

Section 36

That portion upland
from mean high water
of Big Lake, except
the islands

Excepting therefrom the area within the corporate limits of the city of Houston.

Section 3. Effective date. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly. Services shall commence on July 1, 2008.

ADOPTED by the Matanuska-Susitna Borough Assembly this 18 day of December, 2007.

/S/

CURTIS D. MENARD, Borough Mayor

ATTEST:

/S/

MICHELLE M. MCGEHEE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Woods, Houston, Church, Bettine, Wells, and Kluberton