

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER

FINAL DECISION on Amendment to the FINAL FINDING AND DECISION

Public and Charitable Release of Reversionary Interest – ADL 416375

AS 38.05.035(e), AS 38.05.810(g)

RELATED ACTIONS

None

This Final Decision on Amendment to the Final Finding and Decision complements and updates the Proposed Amendment to the Final Finding and Decision dated May 29, 2026. The Proposed Amendment to the Final Finding and Decision (attached) has had the required public review.

I. Recommended Actions

The State of Alaska (State), Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) recommends removing the reversionary interest from the remaining 3.45 acres, more or less, of land that was conveyed to the Maniilaq Association as described in the attached Proposed Amendment to the Final Finding and Decision, pursuant to Alaska Statute (AS) 38.05.810(g) Public and Charitable Use. The parcel is located within DNR's Northern Region and is located along 5th Avenue in Kotzebue, Alaska, and surveyed as that portion of Tract 9, U.S. Survey No. 2645, in the Fairbanks Recording District, Fourth Judicial District, State of Alaska, described as follows:

FROM CORNER NO. 1, U.S. SURVEY 2645; THENCE NORTH 43°56'30" EAST ALONG THE WEST BOUNDARY OF SAID SURVEY, A DISTANCE OF 35.00 FEET; THENCE SOUTH 45°54' EAST, A DISTANCE OF 610.00 FEET TO CORNER NO. 1 PIONEER HOME SITE AND POINT OF BEGINNING; THENCE NORTH 43°56'30" EAST A DISTANCE OF 520.00 FEET; THENCE SOUTH 45°54' EAST A DISTANCE OF 380.00 FEET; THENCE SOUTHWESTERLY ALONG A CURVE TURNING TO THE RIGHT ON A RADIUS OF 2600 FEET AND A LENGTH OF 526.77 FEET, SAID CURVE TO HAVE A CHORD DISTANCE OF 525.90 FEET AND BEARING OF SOUTH 52°41'29" WEST; THENCE NORTH 45°54' WEST A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING, CONTAINING 172,123 SQUARE FEET, MORE OR LESS;

EXCEPTING THEREFROM LOT 5B2-B, BLOCK 2, TRACT 9, US. SURVEY NO. 2645, ACCORDING TO THE SURVEY PLAT RECORDED IN THE KOTZEBUE RECORDING DISTRICT ON OCTOBER 17, 2005, AS PLAT 2005-6, CONTAINING 21,875 SQUARE FEET, MORE OR LESS;

AGGREGATING 150,248 SQUARE FEET, MORE OR LESS.

II. Authority

DNR has the authority under AS 38.05.810(a)(3) Public and Charitable Use, to sell or dispose of state land to a tax-exempt, nonprofit corporation...with due consideration given to the nature of the public services or function rendered by the applicant, and of the terms of the grant under which the land was acquired by the State. AS 38.05.810(a) Public and Charitable Use, states,

Final Decision on Amendment to the Final Finding and Decision

AS 38.05.810(g) Public and Charitable Use – ADL 416375

Page 2 of 5

“The commissioner shall ensure, by regulation, deed restriction, covenant, or otherwise, that disposals of land under this subsection serve a public purpose and are in the public interest.”

AS 38.05.810(g) Public and Charitable Use, states, “The commissioner shall retain a reversionary interest on each sale or other disposal granted under (a) or (e) of this section. The commissioner may waive the reversionary interest on a written determination that the waiver is in the public interest.”

AS 38.05.035(e) Powers and Duties of the Director, gives DNR the authority to sell state land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State. Article VIII, Section 1, of the Alaska Constitution states, “It is the policy of the state to encourage settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.”

III. Public Participation and Input

Pursuant to AS 38.05.945 Notice, public notice inviting comment on the Proposed Amendment to the Final Finding and Decision for the proposed primary action was published and distributed in the following manner:

- Posted under State of Alaska Online Public Notice from May 29, 2026, to July 1, 2026, per AS 38.05.945(b)(3).
- Posted on DNR Land Sales website from May 29, 2026, to July 1, 2026.
- Mailed to postmaster in Kotzebue with a request to post for 30 days, per AS 38.05.945(c)(4).
- Mailed to Alaska Commercial Company and Rotman Stores with a request to post for 30 days, per AS 38.05.945(b)(3)(C).
- Emailed Statewide Alaska Soil and Water Conservation District per 11 AAC 67.029 and AS 41.10.130(a).
- Mailed to NANA Regional Corporation, Native Village of Kotzebue, and Kikiktagruk Inupiat Corporation per AS 38.05.945(c)(2)-(3).
- Mailed to the Northwest Arctic Borough and the City of Kotzebue per AS 38.05.945(c)(1).
- Mailed and emailed to the applicant per AS 38.05.945(b)(3)(D).
- Emailed notice to the Alaska State Legislature, Alaska Center for the Environment, Alaska Miners Association, University of Alaska Land Management Department, Trustees for Alaska, and all State agencies who receive DMLW LCS agency reviews.

The public notice stated that written comments were to be received by 3:00 PM, July 1, 2026, in order to ensure consideration and eligibility to appeal. For more information, refer to the attached Proposed Amendment to the Final Finding and Decision.

IV. Comments Received

DNR DMLW LCS received four agency comments and no comments from the public during the public comment period. All comments received during the public comment period are summarized and addressed below.

DNR DMLW LCS received comments of non-objection from the following agencies:

Department of Transportation and Public Facilities (DOT&PF), DNR DMLW Public Access Assertion & Defense (PAAD), and DNR DMLW LCS Project Development Team.

Final Decision on Amendment to the Final Finding and Decision

AS 38.05.810(g) Public and Charitable Use – ADL 416375

Page 3 of 5

DNR DMLW LCS Response: LCS appreciates your review of the proposal.

Department of Environmental Conservation Contaminated Sites Program (DEC-CSP) comment: DEC-CSP stated, “there is an active contaminated site located within this parcel.” More specifically, “Primary contaminants of concern are volatile organic compounds in soil and groundwater, which have not been fully characterized at this time. Construction activities to occur in 2026 include excavation, screening, and stockpiling contaminated soils. DEC will oversee additional site characterization after the construction activities conclude.”

DNR DMLW LCS Response: LCS appreciates your review of the proposal. This parcel is already conveyed to the Maniilaq Association, but LCS will provide this information to the Maniilaq Association via this decision. LCS will reach out if any questions arise.

V. Modifications to Decision

The recommended action has not been modified from the original proposed action described in the Proposed Amendment to the Final Finding and Decision.

Recommendation and approval of the Final Decision on Amendment to the Final Finding and Decision follow.

Final Decision on Amendment to the Final Finding and Decision

AS 38.05.810(g) Public and Charitable Use – ADL 416375

Page 4 of 5

VI. Final Finding and Decision

The Land Conveyance Section recommends proceeding with the action as described in the Proposed Amendment to the Final Finding and Decision. It is in the best interest of the State to remove the reversionary interest from the remainder of the Maniilaq Association parcel while all other reservations, exceptions, and restrictions stated in the Final Finding and Decision issued on March 3, 2000, and Quitclaim Deed No. 1424 issued May 22, 2000, remain unchanged.

The findings presented above have been reviewed and considered. Public Notice has been accomplished in accordance with AS 38.05.945 Notice, and comments received were considered. The case file has been found to be complete and the requirements of all applicable statutes have been satisfied. The actions are consistent with constitutional and statutory intent and this action is agreed to under relevant authorities.

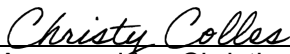


Recommended by: Hannah Uher-Koch
Section Chief
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

8/5/2026

Date

Under the authority of the applicable statutes, it is hereby found to be in the best interest of the State of Alaska to proceed with the recommended actions as described and referenced herein.



Approved by: Christianna Colles
Director
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

8/10/26

Date

Attachments

- Proposed Amendment to the Final Finding and Decision, May 2026
- Quitclaim Release No. 1 of QCD 1424, April 2006
- Final Decision on Amendment to the Final Finding and Decision, January 2006
- Proposed Amendment to the Final Finding and Decision, November 2005
- QCD 1424, May 2000
- Final Finding and Decision, March 2000
- Preliminary Decision, January 2000

Final Decision on Amendment to the Final Finding and Decision

AS 38.05.810(g) Public and Charitable Use – ADL 416375

Page 5 of 5

Appeal Provision

An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department.

Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b). A copy of 11 AAC 02 is available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER

PROPOSED AMENDMENT to the FINAL FINDING and DECISION
ADL 416375

Proposed Release of Reversionary Interest
AS 38.05.035(e), AS 38.05.810(g)

Related Actions
None

PUBLIC COMMENT PERIOD ENDS 3:00 PM, WEDNESDAY, JULY 1, 2026

I. Proposed Action

Proposed Amendment to the Final Finding and Decision: Proposed Release of Reversionary Interest for Maniilaq Association – ADL 416375
Attachment A: Vicinity Map
Attachment B: Public Notice

Primary Proposed Action: The State of Alaska (State), Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS), proposes to remove the reversionary interest on the remaining 3.45 acres, more or less, of land that was conveyed to Maniilaq Association. The subject parcel is located along 5th Avenue in Kotzebue, Alaska, within Section 3, Township 17 North, Range 18 West, Kateel River Meridian. See *Attachment A: Vicinity Map* for a depiction of the project area.

The subject parcel was conveyed through Quitclaim Deed (QCD) 1424 pursuant to AS 38.05.810(a)(3) Public and Charitable Use, which requires the State to retain a reversionary interest unless formally waived by the Commissioner through a written decision. The reversionary interest was removed from 0.5 acres, more or less, of the subject parcel under Quitclaim Release No. 1 of QCD 1424, and this decision proposes removal of the reversionary interest from the remaining 3.45 acres, more or less, of the subject parcel.

Public Notice of Proposal: In accordance with AS 38.05.945 Notice, during a period of at least 30 consecutive days, the public will have the opportunity to submit written comment on this Proposed Amendment to the Final Finding and Decision.

See section **VI. Submittal of Public Comments** at the end of this document and *Attachment B: Public Notice* for details on how to submit comment for consideration. If LCS moves forward with the proposal after consideration of timely, written comments, a Final Decision on Amendment to the Final Finding and Decision will be issued.

II. Authority

DNR has the authority under AS 38.05.810(a)(3) Public and Charitable Use, to sell or dispose of state land to a tax-exempt, nonprofit corporation...with due consideration given to the nature of the public services or function rendered by the applicant, and of the terms of the grant under which the land was acquired by the State. AS 38.05.810(a) Public and Charitable Use, states,

Proposed Amendment to the Final Finding and Decision

AS 38.05.810(g) Maniilaq Association - ADL 416375

Page 2 of 5

"The commissioner shall ensure, by regulation, deed restriction, covenant, or otherwise, that disposals of land under this subsection serve a public purpose and are in the public interest."

AS 38.5.810(g) Public and Charitable Use, states "The commissioner shall retain a reversionary interest on each sale or other disposal granted under (a) or (e) of this section. The commissioner may waive the reversionary interest on a written determination that the waiver is in the public interest."

AS 38.05.035(e) Powers and Duties of the Director, gives DNR the authority to sell state land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State. Article VIII, Section 1, of the Alaska Constitution states, "It is the policy of the state to encourage settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest."

III. Scope of the Proposal

The scope of this proposal, under the statutes described in the preceding section **II. Authority**, is limited and specific to determining if it is in the State's best interest to waive the reversionary interest, contained in QCD 1424, for the remainder of the subject parcel. Restrictions regarding land use will be handled by the local zoning authority, if any.

IV. Description

- a. Location: The subject parcel is located within DNR's Northern Region, in Kotzebue, Alaska, in the Northwest Arctic Borough, within Section 3, Township 17 North, Range 18 West, Kateel River Meridian. See *Attachment A: Vicinity Map* for additional information.

USGS Map Coverage: Kotzebue D-2

Geographic: Northwest Alaska

Borough/Municipality: Northwest Arctic Borough

Regional Native Corp.: NANA Regional Corporation

Federally Recognized Tribe: Native Village of Kotzebue

Village Corporation: Kikiktagruk Inupiat Corporation

ANCSA Non-Profit: Maniilaq Association

- b. Legal Description: THAT PORTION OF TRACT 9, U.S. SURVEY NO. 2645 IN THE FAIRBANKS RECORDING DISTRICT, FOURTH JUDICIAL DISTRICT, STATE OF ALASKA, DESCRIBED AS FOLLOWS:

FROM CORNER NO. 1, U.S. SURVEY 2645; THENCE NORTH 43°56'30" EAST ALONG THE WEST BOUNDARY OF SAID SURVEY, A DISTANCE OF 35.00 FEET; THENCE SOUTH 45°54' EAST, A DISTANCE OF 610.00 FEET TO CORNER NO. 1 PIONEER HOME SITE AND POINT OF BEGINNING; THENCE NORTH 43°56'30" EAST A DISTANCE OF 520.00 FEET; THENCE SOUTH 45°54' EAST A DISTANCE OF 380.00 FEET; THENCE SOUTHWESTERLY ALONG A CURVE TURNING TO THE RIGHT ON A RADIUS OF 2600 FEET AND A LENGTH OF 526.77 FEET, SAID CURVE TO HAVE A CHORD DISTANCE OF 525.90 FEET AND BEARING OF SOUTH 52°41'29" WEST; THENCE NORTH 45°54' WEST A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING, CONTAINING 172,123 SQUARE FEET, MORE OR LESS;

EXCEPTING THEREFROM LOT 5B2-B, BLOCK 2, TRACT 9, US. SURVEY NO. 2645, ACCORDING TO THE SURVEY PLAT RECORDED IN THE KOTZEBUE RECORDING DISTRICT ON OCTOBER 17, 2005, AS PLAT 2005-6, CONTAINING 21,875 SQUARE FEET, MORE OR LESS;

AGGREGATING 150,248 SQUARE FEET, MORE OR LESS.

V. Background and Discussion

The State of Alaska conveyed 3.95 acres, more or less, of land to the Maniilaq Association pursuant to AS 38.05.810(a)(3) Public and Charitable Use. The conveyance was issued by QCD 1424 on May 22, 2000. Consistent with AS 38.05.810(g) Public and Charitable Use, the State retained a reversionary interest due to the public purpose requirement of land conveyed under AS 38.05.810(a)(3) Public and Charitable Use.

On November 7, 2005, DNR received a request from Maniilaq Association to remove the reversionary interest from 0.5 acres of the QCD 1424 parcel. The Maniilaq Association received Housing and Urban Development (HUD) funding for Tupqich Elder Apartments; HUD considered the reverter clause an unacceptable encumbrance that could impair marketable title. The Maniilaq Association was concerned their funding source for senior housing would be lost unless the reversionary clause was removed as requested. DNR issued a Final Decision on Amendment to the Final Finding and Decision on January 30, 2006, approving removal of the reversionary interest for the 0.5 acres of the subject parcel. The reversionary interest was removed from the QCD for the 0.5 acres through State of Alaska Quitclaim Release No. 1, QCD 1424 on April 4, 2006. See *Attachment A: Vicinity Map* for location information.

On April 28, 2026, LCS received a formal request from the Maniilaq Association to release the reversionary interest for the remaining 3.45 acres conveyed under QCD 1424, the subject parcel of this proposed decision. As Maniilaq Association stated in their request, "Maniilaq is currently advancing plans for a Patient Housing Project, which is critical to improving access to healthcare services for residents across Northwest Alaska." Maniilaq Association's funding sources consider the reversionary interest an encumbrance and have indicated that financing may be jeopardized unless the reverter is removed. Maniilaq Association is concerned about losing the funding source required for the Patient Housing Project unless the reversionary interest is removed from the remainder of the subject parcel.

VI. Submittal of Public Comments

See *Attachment B: Public Notice* for specific date and conditions

Pursuant to AS 38.05.945 Notice, LCS is issuing public notice for comment on this Proposed Amendment to the Final Finding and Decision.

In accordance with AS 38.05.946(a) Hearings, a municipality or corporation entitled to receive notice under AS 38.05.945(c) Notice, may hold a hearing within 30 days after receipt of the notice. If a hearing is held, the Commissioner (or representative) shall attend the hearing. The Commissioner has discretion whether or not to hold a public hearing.

LCS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the Proposed Amendment to the Final Finding and Decision, additional public notice for the affected land will be given. Reducing the amount of land offered and making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

Proposed Amendment to the Final Finding and Decision

AS 38.05.810(g) Maniilaq Association - ADL 416375

Page 4 of 5

If the proposal is approved and no significant change is required, the Proposed Amendment to the Final Finding and Decision, including any deletions, minor changes, and summary of comments and LCS responses will be issued as a subsequent Final Decision on Amendment to the Final Finding and Decision without further notice.

Only persons from whom LCS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Decision on Amendment to the Final Finding and Decision. Upon approval and issuance of a Final Decision on Amendment to the Final Finding and Decision, a copy of the decision will be made available online at <http://landsales.alaska.gov/> and sent with an explanation of the appeal process to any party who provides timely written comment.

DNR is prepared to accommodate individuals with disabilities by providing auxiliary aids, services, or special modifications in order to participate in this review. Individuals who may need such assistance should contact DNR's Public Information Center. For more information, refer to the attached Public Notice.

DEADLINE TO SUBMIT WRITTEN COMMENT IS

3:00 PM, WEDNESDAY, JULY 1, 2026

VII. Discussion and Alternatives

The following alternatives were considered:

Alternative 1: Release

Approve the release of the reversionary interest from the remainder of the subject parcel.

Alternative 2: Retain

DNR will reject the request for release of the reversionary interest, and the reversionary interest will remain with the subject parcel.

Alternative 1 will allow a non-profit, tax-exempt entity to expand their patient housing. This will support a local public interest and provide critical patient housing in Kotzebue, the hub of the Northwest Arctic Borough. LCS has determined that the Patient Housing Project meets the definition of a public purpose under 11 AAC 98.010 and is consistent with AS 38.05.810(a)(3) Public and Charitable Use. Therefore, it is in the best interest of the State to remove the reversionary interest from the remainder of the subject parcel as proposed in this decision.

Article VIII, Section 1 of the Alaska Constitution states, "it is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest." Alternative 1 provides a method for DNR to meet the obligations laid out in the Constitution and statute and maximizes public interest. This is the preferred alternative.

Under Alternative 2, DNR will retain the reversionary interest on the subject parcel. If the State chooses this alternative, the requester may lose a funding source for critical patient housing at a regional health facility.

For the reasons outlined above, Alternative 1 is the preferred alternative.

Recommendation follows.

Proposed Amendment to the Final Finding and Decision

AS 38.05.810(g) Maniilaq Association - ADL 416375

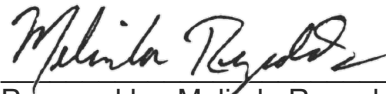
Page 5 of 5

VIII. Recommendation and Proposed Amendment to the Final Finding and Decision

This Proposed Amendment to the Final Finding and Decision for the proposed release of the reversionary interest on land described throughout this document is consistent with AS 38.05.810(g) Public and Charitable Use. Alternative 1 is the preferred alternative because it will support a local public interest and is in the best interest of the public. Alternative 1 will allow Maniilaq Association to secure funding to provide patient housing for the local and regional community.

This is a Proposed Amendment to the Final Finding and Decision, and analysis of subsequent public review may result in changes to the preferred alternative of the proposed release of the reversionary interest. A Final Decision on Amendment to the Final Finding and Decision will address any significant issues or concerns during the public review process.

The Proposed Amendment to the Final Finding and Decision described above, as represented by the preferred alternative, has been reviewed and considered. I find that the recommended action may be in the best interest of the State and that it is hereby approved to proceed to public notice.



Prepared by: Melinda Reynolds
Natural Resource Specialist
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

May 29, 2026

Date



Approved by: Hannah Uher-Koch
Section Chief
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

May 29, 2026

Date



Maniilaq Association
ADL 416375

Vicinity Map: Attachment A

Proposed Release of Reversionary Interest
Pursuant to AS 38.05.810(g)

This map is for graphic representation only. It is intended to be used only as a guide and may not show the exact location of existing survey parcels or show all easements and reservations. Source documents remain the official record.



Section 3, Township 17 North, Range 18 West, Kateel River Meridian

USGS Quad 1:63,360 Kotzebue D-2

For more information contact:

Melinda Reynolds

Department of Natural Resources

Division of Mining, Land and Water

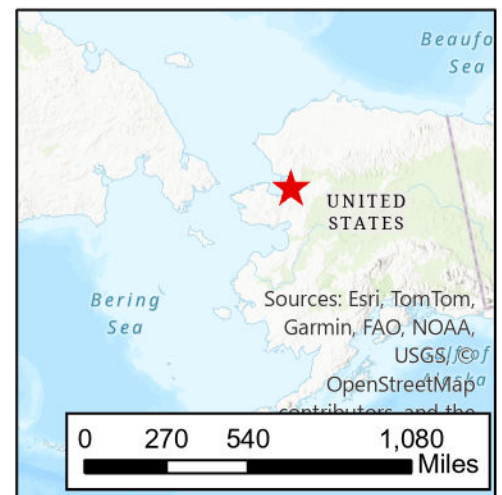
Land Conveyance Section

Phone: 907-269-8851

Fax: 907-269-8916

Email: melinda.reynolds@alaska.gov

MJR 5/13/2026



STATE OF ALASKA,
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER

Attachment B: PUBLIC NOTICE

**Requesting Input for Proposed Release of Reversionary Interest for
Maniilaq Association - ADL 416375
AS 38.05.810(g)**

COMMENT PERIOD ENDS 3:00 PM, WEDNESDAY, JULY 1, 2026

The Alaska Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) is conducting a public notice for a Public and Charitable Reversionary Interest Release located in Kotzebue, Alaska. The parcel is located within Section 3, Township 17 North, Range 18 West, Kateel River Meridian, containing 3.45 acres, more or less, that portion of Tract 9, U.S. Survey No 2645 in the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

To obtain the notice, Proposed Amendment to the Final Finding and Decision, or instructions on submitting comment, go to <https://dnr.alaska.gov/mlw/landsales/> or <https://aws.state.ak.us/OnlinePublicNotices/>. For assistance in obtaining the documents by an alternative method, to request auxiliary aids, services, or special accommodations, contact DNR's Public Information Centers on State work days, Monday through Friday, between 8:30 AM and 4:00 PM in Anchorage at (907) 269-8400 or Fairbanks at (907) 451-2705 or the Southeast Land Office in Juneau at (907) 465-3400 or TTY: 711 for Alaska Relay or 1-800-770-8973 or go to <https://dnr.alaska.gov/commis/pic/> for additional contact information. Individuals who require special assistance must request assistance from the Public Information Center in Anchorage no later than 4:00 PM, Wednesday, June 24, 2026.

Pursuant to AS 38.05.945 Notice, the public is invited to submit comments on the Proposed Amendment to the Final Finding and Decision. **The deadline for public comment is 3:00 PM, WEDNESDAY, JULY 1, 2026.** Only persons from whom DNR DMLW LCS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Decision on Amendment to the Final Finding and Decision. Written comment may be received by fax, email, or postal mail. To submit comments or for direct inquiries, contact Melinda Reynolds by mail at 550 West 7th Ave, Suite 640, Anchorage, AK 99501 or by fax at (907) 269-8916 or by email at melinda.reynolds@alaska.gov. If you have questions, call Melinda Reynolds at (907) 269-8851.

If no significant change is required, the Proposed Amendment to the Final Finding and Decision, including any minor changes and a summary of comments and responses, will be issued as the Final Decision on Amendment to the Final Finding and Decision without further notice. A copy of the Final Decision on Amendment to the Final Finding and Decision will be sent to any persons who commented timely on the Proposed Amendment to the Final Finding and Decision.

DNR reserves the right to waive technical defects in this notice.



State of Alaska

Quitclaim Release No. 1

ccc

Partial Release of Condition Reserved in Quitclaim Deed No. 1424

ADL No. 4 1 6 3 7 5

Pursuant to the authority granted to the Commissioner of the Alaska Department of Natural Resources under AS 38.05.020, AS 38.05.035, and AS 38.05.810, the Grantor, the STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, 550 West 7th Avenue, Suite 1050A, Anchorage, Alaska 99501-3579, hereby releases in part the condition for use "Public Purposes Only with provision for forfeiture" as reserved by State of Alaska Quitclaim Deed No. 1424, issued on May 22, 2000, to the MANILAQ ASSOCIATION, whose mailing address of record is P. O. Box 256, Kotzebue, Alaska 99752.

The State of Alaska Quitclaim Deed No. 1424 was issued May 22, 2000, and recorded in the Kotzebue Recording District on May 31, 2000, in Book 56, at Pages 453 and 454 (Document 2000-000524-0), subject to the following reservation required by AS 38.05.810:

The condition of use for public purposes applies. If the Director of the Division of Mining, Land and Water of the Department of Natural Resources determines that the Grantee or Grantee's successors in interest have failed to observe this condition, the Director may declare a forfeiture of this conveyance and title hereby conveyed shall thereupon revert to the State of Alaska.

Pursuant to Department of Natural Resources, Division of Mining, Land and Water, Director's Final Decision on Amendment to the Final Finding and Decision issued January 30, 2006, the Forfeiture Provision within the "Condition of use for public purposes" reservation as noted above was determined to be appropriate for release for a portion of the lands included within Quitclaim No. 1424, so the Maniilaq Association could make public purpose use of the land, for the Tupqich Elder Apartments, Incorporated without provision for forfeiture.

Accordingly, the State of Alaska hereby expressly releases the Maniilaq Association, Grantee's successors and assigns, from the aforementioned "Forfeiture Provision" as applies to that portion of the land formally described

as, and as conveyed by Quitclaim Deed No. 1424 issued May 22, 2000, more particularly described as:

Lot 5B2-B, Block 2, Tract 9, U.S. Survey No. 2645, containing 21,875 square feet, more or less, according to the survey plat recorded in the Kotzebue recording district on October 17, 2005, as Plat 2005-6.

All Other terms and conditions, covenants, restrictions and reservations in Quitclaim Deed No. 1424, including, but not limited to, those restrictions appearing in the federal deed, or other conveyance, by which the State of Alaska acquired title, remain unchanged.

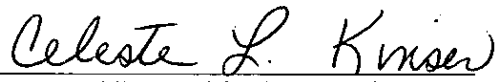
In Testimony Whereof the State of Alaska has caused these presents to be executed by the Acting Director of the Division of Mining, Land and Water, Department of Natural Resources, State of Alaska, pursuant to delegated authority, this 4th day of April, 2006.

By: 
Sandra J. Singer
For Richard H. Mylius, Acting Director
Division of Mining, Land and Water

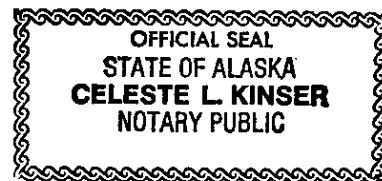
State of Alaska)
) ss.
Third Judicial District)

This Is To Certify that on the 4th day of April, 2006, appeared before me SANDRA J. SINGER, who is known to me to be the person who has been lawfully delegated the authority of Richard H. Mylius, the Acting Director of the Division of Mining, Land and Water, Department of Natural Resources, State of Alaska, to execute the foregoing document; that Sandra J. Singer executed said document under such legal authority and with knowledge of its contents; and that such act was performed freely and voluntarily upon the premises and for the purposes stated therein.

Witness my hand and official seal the day and year in this certificate first above written.


Notary Public in and for the State of Alaska

My commission expires: 4-4-2009



After Recording Return Original To:

**Manilaq Association
P. O. Box 256
Kotzebue, Alaska 99752**

After Recording Return Certified As True Copy To:

**Alaska Department of Natural Resources
550 West 7th Avenue, Suite 1050A
Anchorage, Alaska 99501-3579**

Quitclaim Release No. 1
ADL No. 416375
Location Index:
T. 17 N., R. 18 W., K.R.M.
Section 3

Page 3 of 3



3 of 3
2006-000173-0

This is to certify that this is a true and correct copy of the original as executed by the authorized lawful authority of the Department of Natural Resources.

Celeste L. Kinsey
Department of Natural Resources

Date 4-14-06

State of Alaska Conveyance Release

Release of Condition Reserved in Conveyance of Property

Pursuant to the authority granted to the Chief Procurement Officer, Alaska Department of Administration, the SELLER, the STATE OF ALASKA, DEPARTMENT OF ADMINISTRATION, P.O. Box 110210, Room 700, Juneau, Alaska 99811-0210, hereby releases in part the condition for use "Public Purposes Only" as reserved by State of Alaska Conveyance of Property, issued on May 23, 2000, to the MANIILAQ ASSOCIATION, whose mailing address of record is P.O. Box 256, Kotzebue, Alaska 99752.

The State of Alaska Conveyance of Property was issued May 23, 2000, and recorded in the Kotzebue Recording District on May 31, 2000, in Book 56, at Pages 451 and 452 (Document #2000-000523-0), subject to the following condition.

Buyer, in accepting the BUILDING, covenants and agrees that the condition of use of the BUILDING for public purpose applies.

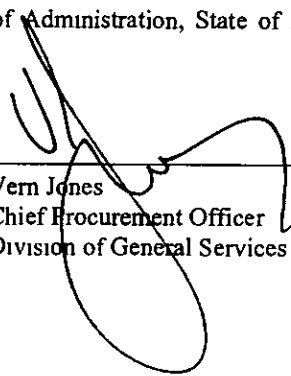
Pursuant to Department Administration, Division of General Services, Procurement Policy, the "Condition of use for public purposes" reservation as noted above was determined to be appropriate for release for a portion of the lands included within Conveyance of Property document, issued on May 23, 2000, so the Maniilaq Association could make public purpose use of the land, for the Tupqich Elder Apartments, Incorporated without provision for forfeiture.

Accordingly, The State of Alaska hereby expressly releases the Maniilaq Association, Grantee's successors and assigns, from the aforementioned "Forfeiture Provision within the Condition of use for public purposes" as noted above and as applies to that portion of the land formally described as, and as conveyed by Conveyance of Property document, issued on May 23, 2000, Document #2000-000523-0, more particularly described as:

Lot 5B2-B, Block 2, Tract 9, U S. Survey No. 2645, containing 21,875 square feet, more or less, according to the survey plat recorded in the Kotzebue recording district on October 17, 2005, as Plat 2005-6

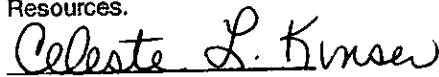
All Other terms and conditions, covenants, restrictions and reservations in Conveyance of Property document, issued on May 23, 2000, Document #2000-000523-0, including, but not limited to, those restrictions appearing in the federal deed, or other conveyance, by which the State of Alaska acquired title, remain unchanged.

In Testimony Whereof the State of Alaska has caused these presents to be executed by the Chief Procurement Officer, Division of General Services, Department of Administration, State of Alaska, pursuant to delegated authority, this __th day of April, 2006.

By: 

Vern Jones
Chief Procurement Officer
Division of General Services

This is to certify that this is a true and correct copy of the original as executed by the authorized lawful authority of the Department of Natural Resources.

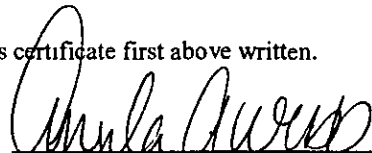

Department of Natural Resources

Date 4-14-06

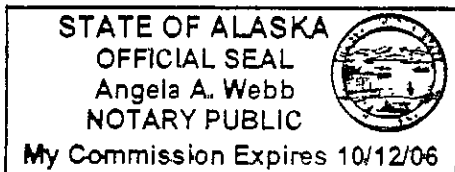
State of Alaska)
) ss.
First Judicial District)

This Is To Certify that on the 11th day of April, 2006, appeared before me Vern Jones, who is known to me to be the person who has been lawfully delegated the authority for the Division of General Services, Department of Administration, State of Alaska, to execute the foregoing document; that Vern Jones executed said document under such legal authority and with knowledge of its contents; and that such act was performed freely and voluntarily upon the premises and for the purposes stated therein.

Witness my hand and official seal the day and year in this certificate first above written.


Notary Public in and for the State of Alaska

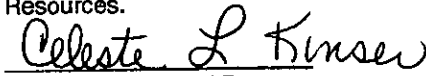
My commission expires. 10/12/2006



After Recording Return Original To:

Maniilaq Association
P. O. Box 256
Kotzebue, Alaska 99752

This is to certify that this is a true and correct copy of the original as executed by the authorized lawful authority of the Department of Natural Resources.


Department of Natural Resources

Date 4-14-06

After Recording Return Certified As True Copy To:

Alaska Department of Administration
Division of General Services
PO Box 110210, Room 700
Juneau, Alaska 99811-0210

Conveyance of Property Release
Location Index
T. 17 N , R. 18 W , K.R.M.
Section 3

Department of Natural Resources
Division of Mining, Land & Water

FINAL DECISION ON AMENDMENT TO THE FINAL FINDING AND DECISION
ADL 416375 – Maniilaq Association

PROPOSED ACTION

This action amends the Final Finding and Decision dated March 3, 2000, to remove the reverter clause on ½ acre of the total acreage that was approved for conveyance to Maniilaq Association (Maniilaq).

DISCUSSION

ADL 416375, was adjudicated and approved for conveyance under AS 38.05.810(a) public and charitable conveyance. On May 22, 2000, State of Alaska Quitclaim Deed No. 1424 conveyed Lot 5, Block 2, USS 2645 containing approximately 3.95 acres, to Maniilaq. The Deed contains a reverter clause:

The condition of use for public purposes applies. If the Director of the Division of Mining, Land and Water of the Department of Natural Resources determines that the Grantee or Grantee's successors in interest have failed to observe this condition, the Director may declare a forfeiture of this conveyance and title hereby conveyed shall thereupon revert to the State of Alaska.

By letter to DNR dated November 7, 2005, Maniilaq requested removal of the reverter clause.

Maniilaq successfully applied to Housing and Urban Development (HUD), a federal agency, for financial assistance to construct Tupqich Elder Apartments, a rental housing project for low-income elderly persons. These apartments would be located on Lot 5B2-B of Block 2, Tract 9, U.S. Survey 2645, Swan Lake Subdivision (replat filed 10/17/05 under Plat No. 2005-6 in the Kotzebue Recording District), a 0.5 acre parcel.

Maniilaq organized Tupqich Elder Apartments, Inc. (TEI), an Alaska non-profit corporation, to own the project as its single asset. Maniilaq would lease the parcel to TEI for a term of 51 years. HUD allows such a lease as long as the term is for at least 50 years and the lease contains certain prescribed language, including a provision whereby the lessor/owner of the real property agrees that HUD has the option, in the event that it acquires title to the leasehold estate (should TEI default under its use or regulatory agreements and HUD foreclose on its mortgage), to purchase good and marketable fee title to the real property, free of all liens and encumbrances, for the sum certain.

HUD considers the reverter clause in the Quit Claim Deed as an unacceptable encumbrance that would affect the marketability of the title and its mortgage's position. Maniilaq and TEI are in jeopardy of losing the funding for this much-needed elder housing, unless the reverter clause is removed from the Quit Claim Deed.

PUBLIC NOTICE

AS 38.05.945 public notice was published in the Arctic Sounder newspaper on Thursday, December 8, 2005, and on the state web site. AS 38.05.945 - .946 notice was sent to the Northwest Arctic Borough, and notice was posted in the Kotzebue U.S. Post Office.

DNR received no public comment during the public comment period, which ended on January 9, 2006.

DECISION

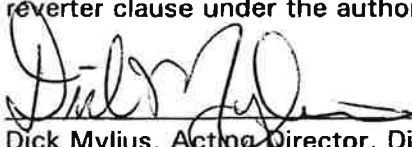
Removal of the reverter clause on ½ acre from Alaska Quit Claim Deed No. 1424, will facilitate Maniilaq in supplying elder housing to the local Kotzebue community. The benefit to the local community outweighs the State's loss of control to maintain into infinity the non-profit use of the ½ acre parcel.

DNR finds that it is in the best interest of the State to approve removal of the reverter clause under AS 38.05.810(g). All other terms and conditions of the Final Finding and Decision remain unchanged.


Nancy Rabener, Natural Resource Specialist 1/30/06
Date


Chris Milles, Acting Northern Regional Manager 1/30/06
Date

The finding presented above has been reviewed and considered. The case file has been found to be complete and the requirements of all applicable statutes have been satisfied. It is the finding of the Director that it is in the best interests of the state to remove the reverter clause under the authority of AS 38.05.810(g).


Dick Mylius, Acting Director, Division of Mining, Land and Water 1/30/06
Date

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received by 2/21/06, and may be mailed or delivered to Michael L. Menge, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918; or sent by electronic mail to dnr_appeals@dnr.state.ak.us. If no appeal is filed by that date, this decision goes into effect as a final order and decision on 3/02/06. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

Department of Natural Resources
Division of Mining, Land & Water

PROPOSED AMENDMENT TO THE FINAL FINDING AND DECISION
ADL 416375 – Maniilaq Association

PROPOSED ACTION

This action proposes to amend the Final Finding and Decision dated March 3, 2000, to remove the reverter clause on ½ acre of the total acreage that was approved for conveyance to Maniilaq Association (Maniilaq).

AUTHORITY

The removal of the reverter clause is being adjudicated pursuant to AS 38.05.035, AS 38.05.810(g), AS 38.05.945-.946, Policies and Procedures of the Division. The authority to execute the Proposed Amendment to the Final Finding and Decision has been delegated to the Regional Manager. The Regional Manager is delegated to approve the Amendment to the Final Finding and Decision.

LEGAL DESCRIPTION

The ½ acre parcel is Lot 5B2-B of USS 2645, within Section 3, Township 17 North, Range 18 West, Kateel Meridian, containing approximately 0.5 acre, more or less. It is located within the city of Kotzebue, in the Kotzebue Recording District. See **Attachment B**.

ALASKA COASTAL MANAGEMENT PLAN

The parcel is located in the coastal zone within the Bering Straits CRSA. Because the purpose of this amendment is to eliminate a reverter clause on ½ acre of the total disposal without changing the decision to dispose, an ACMP review is not required.

BACKGROUND

ADL 416375, was adjudicated and approved for conveyance under AS 38.05.810(a) public and charitable conveyance. On May 22, 2000, State of Alaska Quitclaim Deed No. 1424 conveyed Lot 5, Block 2, USS 2645 containing approximately 3.95 acres, to Maniilaq. The Deed contains a reverter clause:

The condition of use for public purposes applies. If the Director of the Division of Mining, Land and Water of the Department of Natural Resources determines that the Grantee or Grantee's successors in interest have failed to observe this condition, the Director may declare a forfeiture of this conveyance and title hereby conveyed shall thereupon revert to the State of Alaska.

By letter to DNR dated November 7, 2005, Maniilaq has requested removal of the reverter clause. See **Attachment A**.

Maniilaq successfully applied to Housing and Urban Development (HUD), a federal agency, for financial assistance to construct Tupqich Elder Apartments, a rental housing project for low-income elderly persons. These apartments would be located on Lot 5B2-B of Block 2, Tract 9, U.S. Survey 2645, Swan Lake Subdivision (replat filed 10/17/05 under Plat No. 2005-6 in the Kotzebue Recording District), a 0.5 acre parcel.

Maniilaq organized Tupqich Elder Apartments, Inc. (TEI), an Alaska non-profit corporation, to own the project as its single asset. Maniilaq would lease the parcel to TEI for a term of 51 years. HUD allows such a lease as long as the term is for at least 50 years and the lease contains certain prescribed language, including a provision whereby the lessor/owner of the real property agrees that HUD has the option, in the event that it acquires title to the leasehold estate (should TEI default under its use or regulatory agreements and HUD foreclose on its mortgage), to purchase good and marketable fee title to the real property, free of all liens and encumbrances, for the sum certain.

HUD considers the reverter clause in the Quit Claim Deed as an unacceptable encumbrance that would affect the marketability of the title and its mortgage's position. Maniilaq and TEI are in jeopardy of losing the funding for this much-needed elder housing, unless the reverter clause is removed from the Quit Claim Deed.

PUBLIC NOTICE

AS 38.05.945 public notice will be published in the Arctic Sounder newspaper and on the state web site. AS 38.05.945 - .946 notice will be sent to the Northwest Arctic Borough. Notice will be posted in the Kotzebue U.S. Post Office.

DISCUSSION

Removal of the reverter clause on ½ acre from Alaska Quit Claim Deed No. 1424, would facilitate Maniilaq in supplying elder housing to the local Kotzebue community. The benefit to the local community outweighs the State's loss of control to maintain into infinity the non-profit use of the ½ acre parcel. All other terms and conditions of the Final Finding and Decision would remain unchanged.

RECOMMENDATION

Based on the information provided by the applicant, and review of relevant planning documents, statutes, and regulations related to this application, I find that the proposed amendment may be in the State's best interest, and is hereby approved to proceed with public notice.


Adjudicated by Nancy Rabener, Natural Resource Specialist

11/23/05
Date

State of Alaska

Quitclaim Deed

No. 1 4 2 4

This is to certify that this is a true and correct copy of the original as executed by the authorized lawful authority of the Department of Natural Resources.

Celeste L. Kinsie
Department of Natural Resources

Date 5-22-00

The Grantor, the STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, 550 West 7th Avenue, Suite 1050A, Anchorage, Alaska 99501-3579, pursuant to AS 38.05.810(a) and the regulations promulgated thereunder, for good and valuable consideration, does hereby remise, release and quitclaim unto the Grantee, the MANILAQ ASSOCIATION, whose mailing address of record is P.O. Box 256, Kotzebue, Alaska 99752, Grantee's successors and assigns, all right, title and interest, if any, in and to that real property situated in the Kotzebue Recording District, State of Alaska, and described as follows:

THAT PORTION OF TRACT 9, U.S. SURVEY NO. 2645 IN THE FAIRBANKS RECORDING DISTRICT, FOURTH JUDICIAL DISTRICT, STATE OF ALASKA, DESCRIBED AS FOLLOWS:

FROM CORNER NO. 1, U.S. SURVEY 2645; THENCE NORTH 43°56'30" EAST ALONG THE WEST BOUNDARY OF SAID SURVEY, A DISTANCE OF 35.00 FEET; THENCE SOUTH 45°54' EAST, A DISTANCE OF 610.00 FEET TO CORNER NO. 1 PIONEER HOME SITE AND POINT OF BEGINNING; THENCE NORTH 43°56'30" EAST A DISTANCE OF 520.00 FEET; THENCE SOUTH 45°54' EAST A DISTANCE OF 380.00 FEET; THENCE SOUTHWESTERLY ALONG A CURVE TURNING TO THE RIGHT ON A RADIUS OF 2600 FEET AND A LENGTH OF 526.77 FEET, SAID CURVE TO HAVE A CHORD DISTANCE OF 525.90 FEET AND BEARING OF SOUTH 52°41'29" WEST; THENCE NORTH 45°54' WEST A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING, CONTAINING 172,123 SQUARE FEET, MORE OR LESS.

Subject to platted and valid existing easements and reservations.

The condition of use for public purposes applies. If the Director of the Division of Mining, Land and Water of the Department of Natural Resources determines that the Grantee or Grantee's successors in interest have failed to observe this condition, the Director may declare a forfeiture of this conveyance and title hereby conveyed shall thereupon revert to the State of Alaska.

Save and Except, those restrictions appearing in the Federal Patent or other conveyance by which the Grantor acquired title;

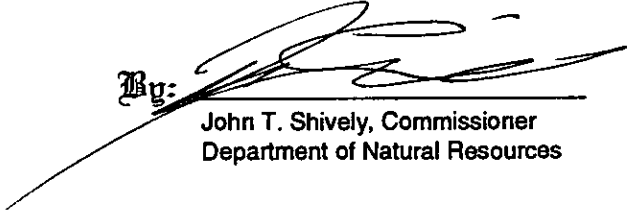
And Further, the Grantor hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, all oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right to enter by itself, its or their agents,

attorneys, and servants upon said lands, or any part or parts thereof, at any and all times for the purpose of opening, developing, drilling, and working mines or wells on these or other lands and taking out and removing therefrom all such oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads, pipelines, powerlines, and railroads, sink such shafts, drill such wells, remove such soil, and to remain on said lands or any part thereof for the foregoing purposes and to occupy as much of said lands as may be necessary or convenient for such purposes hereby expressly reserving to itself, its lessees, successors, and assigns, as aforesaid, generally all rights and power in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved.

Together, with all the appurtenances and all the estate and rights of the Grantor to said premises.

To Have And To Hold the said land, together with the tenements, hereditaments, and appurtenances thereunto appertaining, unto the said Grantee and Grantee's successors and assigns forever.

In Testimony Whereof the State of Alaska has caused these presents to be executed by the Commissioner, Department of Natural Resources, State of Alaska, pursuant to delegated authority, this 22nd day of May, 2000.

By: 

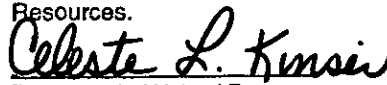
John T. Shively, Commissioner
Department of Natural Resources

State of Alaska)
) ss.
Third Judicial District)

This Is To Certify that on the 22nd day of May, 2000, appeared before me JOHN T. SHIVELY, who is known to me to be the Commissioner of the Department of Natural Resources, State of Alaska, to execute the foregoing document; that John T. Shively executed said document under such legal authority and with knowledge of its contents; and that such act was performed freely and voluntarily upon the premises and for the purposes stated therein.

Witness my hand and official seal the day and year in this certificate first above written.

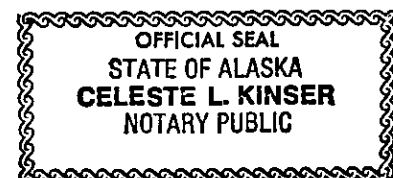
This is to certify that this is a true and correct copy of the original as executed by the authorized lawful authority of the Department of Natural Resources.


Department of Natural Resources

Date 5-22-00


Notary Public in and for the State of Alaska

My Commission Expires: April 4, 2001



DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
RESOURCE ASSESSMENT AND DEVELOPMENT SECTION

ADL 416375
MANIILAQ ASSOCIATION
CONVEYANCE UNDER AS 38.05.810
FINAL FINDING AND DECISION

This final finding and decision is intended to complement and update the preliminary finding and decision, dated January 3, 2000, for this action.

Action: This final finding and decision finds that it is in the best interest of the state to convey approximately 4.10 acres of state land, which houses the Kotzebue Senior Center and is located in Section 3, T17N, R18W, KRM, to the Maniilaq Association.

Authority: This action is authorized pursuant to AS 38.05.810. Authority to execute this final finding and decision has been delegated to the Section Chief, Resource Assessment and Development Section.

Administrative Record: Department of Natural Resources case file ADL 416375 comprises the administrative record used for this decision. Adjudication procedures specified by the Division Procedures Manual were used.

Public Notice and Discussion: Public notice of the proposed conveyance was published in the Anchorage Daily News and the Arctic Sounder on January 13, 2000. Notice also appeared on the State of Alaska's Online Public Notice website. Additionally, notice was posted at the Kotzebue post office. Comments were to have been received by February 14, 2000. No comments were received.

Finding: It is in the best interest of the state to transfer to the Maniilaq Association the land described below. The stipulations as specified in the preliminary finding and decision remain unchanged. Actual conveyance will not take place until DOT&PF relinquishes its interest in the parcel and DOA transfers ownership of the existing structure to the Maniilaq Association.

Lands Approved:

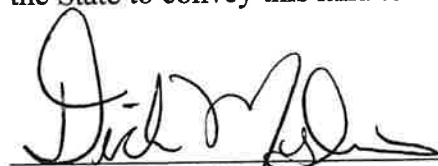
That portion of Tract 9, U.S. Survey No. 2645 in the Fairbanks Recording District, Fourth Judicial District, State of Alaska, described as follows:

From Corner No. 1, U.S. Survey 2645; thence North 43°56'30" East along the West boundary of said survey, a distance of 35.00 feet; thence South 45°54' East, a distance of 610.00 feet to Corner No. 1 Pioneer Home Site and Point of Beginning; thence North 43°56'30" East a distance of 520.00 feet; thence South 45°54' East a distance of 380.00 feet; thence Southwesterly along a curve turning to the right on a radius of 2600 feet and a length of 526.77 feet, said curve to have a chord distance of 525.90 feet and bearing of South 52°41'29" West; thence North 45°54' West a distance of 300.00 feet to the point of beginning.

Subject to platted and valid existing easements and reservations.

Final Finding and Decision:

The finding presented above has been reviewed and considered. The case file has been found to be complete and the requirements of AS 38.05.810 and all other applicable statutes have been satisfied. It is the finding of the Director of the Division of Mining, Land and Water that it is in the best interest of the State to convey this land to the Maniilaq Association under the authority of AS 38.05.810(a).



Dick Mylius, Chief
Resource Assessment and Development Section

3/3/00

Date

Appeal Provision

A person who meaningfully participated in comments on this decision and who is affected by the decision may appeal it, in accordance with AS 38.05.035(i)-(j), to John T. Shively, Commissioner, Department of Natural Resources, 550 W Seventh Ave Suite 1400, Anchorage, Alaska 99501-3561. Please include the appeal code number provided below. Any appeal must be received at the above address, or received by being faxed to 1-907-269-8918, by March 23, 2000. The appeal must comply with AS 38.05.035(j) and 11 AAC 02.030(a)(1)-(2) and (a)(4)-(8). If no appeal is filed by that date, this decision then goes into effect.

Appeal Code Number
MLWRADS030300ADL426375.035

**DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
RESOURCE ASSESSMENT AND DEVELOPMENT SECTION**

**ADL 416375
MANILAQ ASSOCIATION
CONVEYANCE UNDER AS 38.05.810
PRELIMINARY FINDING AND DECISION**

PROPOSED ACTION

The Maniilaq Association has applied for conveyance of approximately 4.10 acres of state land pursuant to AS 38.05.810. This decision finds it to be in the best interest of the state to transfer this parcel to the Maniilaq Association.

The public is invited to comment on this proposed decision. Comments must be received by February 14, 2000. See the public notice section at the end of the decision.

AUTHORITY

This proposed conveyance is authorized pursuant to AS 38.05.810. This decision is written pursuant to AS 38.05.035(e). Authority to execute this preliminary finding and decision has been delegated to the Section Chief, Resource Assessment and Development Section.

ADMINISTRATIVE RECORD

Department of Natural Resources case file ADL 416375 comprises the administrative record used for this decision. Adjudication procedures specified by the Division Procedures Manual were used.

DISCUSSION

Location:

Geographic: City of Kotzebue.
Borough/Municipality: Northwest Arctic Borough
Regional Native Corporation: NANA Regional Corporation
Village Native Corporation: Kikiktagruk Inupiat Corporation
Coastal District: Northwest Arctic Borough
USGS Map Coverage: Kotzebue D-2

Legal Description:

Located within Section 3, T17N, R18W, KRM, that portion of Tract 9, U.S. Survey No 2645 in the Fairbanks Recording District, Fourth Judicial District, State of Alaska, described as follows:

From Corner No. 1, U.S. Survey 2645; thence North 43°56'30" East along the West boundary of said survey, a distance of 35.00 feet; thence South 45°54' East, a distance of 610.00 feet to Corner No. 1 Pioneer Home Site and Point of Beginning; thence North 43°56'30" East a distance of 520.00 feet; thence South 45°54' East a distance of 380.00 feet; thence Southwesterly along a curve turning to the right on a radius of 2600 feet and a length of 526.77 feet, said curve to have a chord distance of 525.90 feet and bearing of South 52°41'29" West; thence North 45°54' West a distance of 300.00 feet to the point of beginning.

This parcel is also identified as Lot 5 in Block 2 of a replat of Tract 9, US Survey 2645, containing 176,830 square feet, more or less, according to the plat filed in the Kotzebue Recording District on July 23, 1975 as plat 75-1.

Title: The state received title to the land by a statutory warranty deed executed by the City of Kotzebue on October 1, 1973. The property has been noted to state records as OSL 590.

Background: The Maniilaq Association has applied for conveyance of this parcel pursuant to AS 38.05.810. The Kotzebue Senior Center, which is used as a residential/assisted living facility, is located on the parcel. This facility is leased and operated by the Maniilaq Association. When the state received title to the parcel in 1973, a management right to the land, ADL 62872, was issued by DNR to the Department of Transportation and Public Facilities (DOT&PF). Maniilaq leases the facility through an agreement with the Department of Administration (DOA). The state, through the DOA, is proposing to transfer the structure which houses this facility to the current operator of the facility. Concurrently, the operator has applied for conveyance of the land. AS 38.05.810 allows conveyance to a tax-exempt, nonprofit corporation organized and operated for the management of a public facility.

Planning and Classification: Kotzebue is within Management Unit 2, Kotzebue Sound, of the Northwest Area Plan. However, land within the city is not addressed by the area plan. The property is an isolated parcel of state land within the city and is unclassified. The plan allows for disposal of such parcels.

Alaska Coastal Management Program: An Alaska Coastal Management Program consistency determination is not necessary to convey the land. The parcel is the site of an existing public facility and there is no proposed change in land use.

Environmental Risk: No hazardous material or contamination is known to exist on the subject property. Environmental risk associated with this proposed conveyance will be minimal or nonexistent.

Access: The property is accessible from city streets.

Agency Review: Notice of the proposed action was distributed for agency review on December 10, 1999. The following agencies responded:

Department of Transportation and Public Facilities: DOT&PF Northern Region has not yet determined whether their management interest in the property can be released.

Response: No conveyance to Maniilaq Association will occur until DOT&PF relinquishes its management authority represented by ADL 62872.

Survey: The parcel was surveyed for the City of Kotzebue by a replat of Tract 9, US Survey 2645, filed in the Kotzebue Recording District on July 23, 1975 as plat 75-1.

Alternatives:

1. The no-action alternative or rejection of the proposed conveyance has been considered. This option would deny the Maniilaq Association ownership of the site it currently uses to operate the Kotzebue Senior Center.
2. Approve the selection for conveyance. Actual conveyance will not take place until DOT&PF relinquishes its interest in the parcel and DOA transfers ownership of the existing structure to the Maniilaq Association.

RECOMMENDATION

It is recommended that alternative 2 be approved and the state proceed to public notice for conveyance to the Maniilaq Association under AS 38.05.810 the following described land:

That portion of Tract 9, U.S. Survey No 2645 in the Fairbanks Recording District, Fourth Judicial District, State of Alaska, described as follows:

From Corner No. 1, U.S. Survey 2645; thence North $43^{\circ}56'30''$ East along the West boundary of said survey, a distance of 35.00 feet; thence South $45^{\circ}54'$ East, a distance of 610.00 feet to Corner No. 1 Pioneer Home Site and Point of Beginning; thence North $43^{\circ}56'30''$ East a distance of 520.00 feet; thence South $45^{\circ}54'$ East a distance of 380.00 feet; thence Southwesterly along a curve turning to the right on a radius of 2600 feet and a length of 526.77 feet, said curve to have a chord distance of 525.90 feet and bearing of South $52^{\circ}41'29''$ West; thence North $45^{\circ}54'$ West a distance of 300.00 feet to the point of beginning.

Subject to platted and valid existing easements and reservations.

RESTRICTIONS, RESERVATIONS AND EXCEPTIONS

The condition of use for public purposes applies. If the Director of the Division of Mining, Land and Water of the Department of Natural Resources determines that the Grantee or the Grantee's successors in interest have failed to observe this condition, the Director may declare a forfeiture of this conveyance and title hereby conveyed shall thereupon revert to the State of Alaska.

This grant is subject to any restrictions, reservations or exceptions in the conveyance documents by which the State of Alaska acquired title and all valid existing rights.

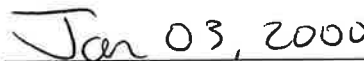
SCOPE AND FINDING

The scope of administrative review, under AS 38.05.035(e)(1-2), for this proposed land transfer is limited to the decision to transfer title from the state to the Maniilaq Association. The scope of this review does not take into account any future development, or the effects of such, that may occur after transfer occurs.

I find that the proposed action, recommended above, may be in the state's best interest and it is hereby approved to proceed to public notice.



Dick Mylius, Chief
Resource Assessment and Development Section



Date

Public Notice, Decision and Appeal Procedures

The public is invited to comment on the preliminary finding and decision to transfer ownership of the subject land to the Maniilaq Association. Any comments must be received in writing by the Division of Mining, Land and Water, Resource Assessment and Development Section, 550 W 7th Ave, Suite 1050, Anchorage, Alaska 99501-3579 on or before **February 14, 2000** to ensure consideration. Direct any questions concerning this decision to Rachel Reaves at 269-8529.

A public notice, announcing the preliminary finding and decision and soliciting comments, will be published in the Anchorage Daily News and the Arctic Sounder. The notice will also appear in the Alaska Administrative Journal and the State of Alaska's Online Public Notice website. The postmaster in Kotzebue will be asked to post the notice.

Following the comment deadline, all written responses will be considered and this decision may be modified. If public comment in response to this decision indicates the need for significant changes, additional public notice will be given on or about February 28, 2000. If no significant change is required a final decision will be issued on or about February 22, 2000 without further notice.

The final finding and decision will set out the process for appeal under AS 38.05.035(i)-(m). To be eligible to appeal, a person must comment during the comment period. A copy of the final finding and decision will be sent to any person who commented during the public comment period.

Individuals with audio impairments who wish to comment on this decision by telephone may call the department's Public Information Center in Anchorage between the hours of 11:00 am and 5:00 pm, Monday - Friday, at TDD #269-8411.

CERTIFICATE OF REGISTERED LAND SURVEY

This is to certify that the within and subject map was prepared by a duly qualified and licensed land surveyor in accordance with the provisions of the Alaska Statutes, Chapter 25, and the rules and regulations of the Board of Land Surveyors, and that the same is a true and correct representation of the facts as shown.

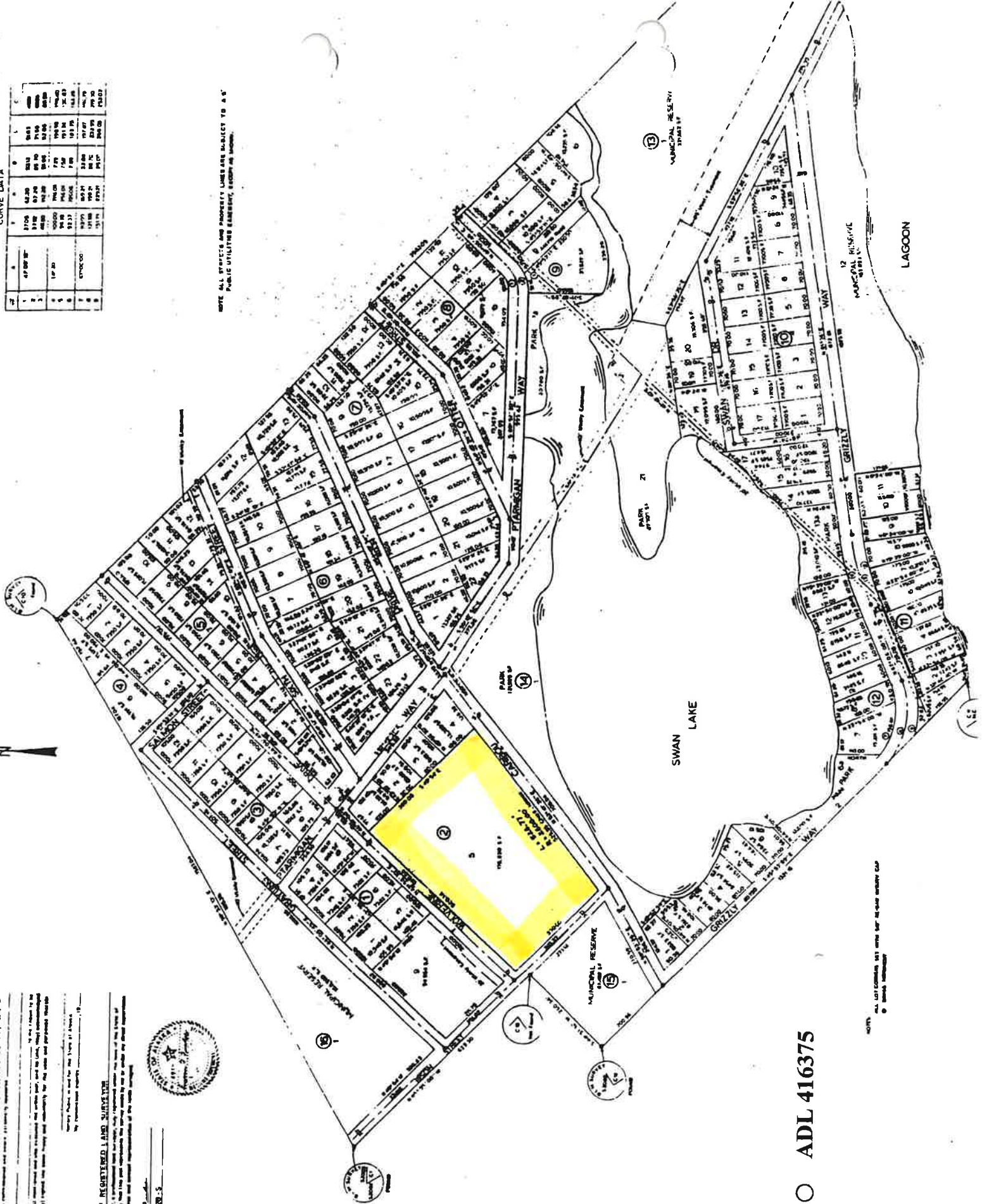
Surveyed by _____
 Registered Professional Surveyor No. _____
 Date of Survey _____



CURVE DATA

Station	Angle (°)	Radius (ft)	Chord (ft)	Area (sq ft)
1	45.00	100.00	67.08	3183.10
2	45.00	100.00	67.08	3183.10
3	45.00	100.00	67.08	3183.10
4	45.00	100.00	67.08	3183.10
5	45.00	100.00	67.08	3183.10
6	45.00	100.00	67.08	3183.10
7	45.00	100.00	67.08	3183.10
8	45.00	100.00	67.08	3183.10
9	45.00	100.00	67.08	3183.10
10	45.00	100.00	67.08	3183.10
11	45.00	100.00	67.08	3183.10
12	45.00	100.00	67.08	3183.10
13	45.00	100.00	67.08	3183.10
14	45.00	100.00	67.08	3183.10
15	45.00	100.00	67.08	3183.10
16	45.00	100.00	67.08	3183.10
17	45.00	100.00	67.08	3183.10
18	45.00	100.00	67.08	3183.10
19	45.00	100.00	67.08	3183.10
20	45.00	100.00	67.08	3183.10
21	45.00	100.00	67.08	3183.10
22	45.00	100.00	67.08	3183.10
23	45.00	100.00	67.08	3183.10
24	45.00	100.00	67.08	3183.10
25	45.00	100.00	67.08	3183.10
26	45.00	100.00	67.08	3183.10
27	45.00	100.00	67.08	3183.10
28	45.00	100.00	67.08	3183.10
29	45.00	100.00	67.08	3183.10
30	45.00	100.00	67.08	3183.10

NOTE: ALL SPACES AND PROPERTY LINES ARE SUBJECT TO A 5' PUBLIC UTILITIES EASEMENT, EXCEPT AS SHOWN.



○ ADL 416375

NOTE: ALL LOT CORNERS SET WITH 1/4" ALUMINUM SURVEY CAP
 © 2000 SURVEYOR