State of Alaska Department of Education and Early Development

Preliminary Decision of Land Conveyance

City & Borough of Sitka AS 14.07.030(a)(6)

Notice is hereby given that, pursuant to the provisions of AS 14.07.030(a)(6), the Alaska Department of Education and Early Development (DEED) has made a preliminary determination that it is in the best interest of the State of Alaska, DEED, and Mt. Edgecumbe High School (MEHS), to complete a negotiated sale of certain state land at or above fair market value to the City and Borough of Sitka. The basis for this determination is explained in a written best interest decision prepared by DEED.

The state land affected by the decision is on Japonski Island, Sitka, and is more particularly described as: Lot 15A of U.S. Survey 1496, according to Plat 2009-9, recorded May 6, 2009, Sitka Recording District, First Judicial District, State of Alaska, containing 2.01 acres, more or less.

Persons who believe that the written decision should be altered because it is not in the best interests of the DEED and MEHS, or because the decision is inconsistent with DEED's authority to manage its real property assets, must provide written comments on or before 4:00 PM, Monday, August 16, 2021. Comments should be submitted to DEED at P.O. Box 110500, Juneau, AK 99811, or by fax to (907) 465-4156 or e-mail at deed.commissioner@alaska.gov. Following the comment deadline, DEED's commissioner will consider timely comments that question the decision on the basis of the best interest of DEED and MEHS or inconsistency with DEED's authority to manage its real property assets, and the best interest decision may be changed in response to such written comments or other information.

Commenting parties will be provided a copy of the final best interest decision after the end of the notice period.

To be eligible to file for reconsideration of the final best interest decision, or to file a subsequent appeal to the Superior Court, a person must have submitted written comments during the notice period. Eligible persons will have fifteen (15) calendar days after published notice of the final written decision to request that the Commissioner reconsider the decision. A copy of the written decision is available upon request. If you have any questions concerning this action, please contact DEED at (907) 465-2800.

In compliance with the Americans with Disabilities Act, DEED is prepared to accommodate individuals with disabilities. Please contact (907) 465-2800 for assistance. Requests for assistance must be received at least five days prior to the comment deadline in order to ensure that any necessary accommodations can be provided.

DEED reserves the right to waive technical defects in this notice or to amend, postpone, or vacate the best interest decision.

Alaska Department of Education and Early Development PRELIMINARY BEST INTEREST DECISION

Japonski Island Lot 15A Negotiated Sale

This Preliminary Best Interest Decision is the State of Alaska's best interest finding regarding a proposed disposal of interest in state land. The public is invited to comment on this Preliminary Decision. The deadline for commenting is 4:00 PM, Monday, August 16, 2021. Please see the Public Notice section of this decision for requirements related to submitting comments for consideration.

Requested Action

The City and Borough of Sitka (CBS) requested the Alaska Department of Education and Early Development (DEED) convey a majority portion of the parcel to construct a new seaplane base on Japonski Island for the community of Sitka. The parcel is located on Lot 15A of U.S. Survey 1496, located at 1190 Seward Avenue, Sitka, Alaska. The seaplane base project will address capacity, safety, and operational and condition deficiencies at the existing Sitka Seaplane Base and provide basic amenities like aircraft parking, fuel services, a pull-out ramp, and maintenance facilities. Aerial photographs showing the location are included as Attachment A and a drawing showing the proposed project layout is included as Attachment C.

Proposed Action

DEED proposes a negotiated sale at or above fair market value of the parcel to CBS, reserving a smallest practicable tract currently utilized by the United States Coast Guard (USCG).

Scope of Decision

The scope of this decision is to determine if it is in the State's best interest for DEED to convey the property to CBS. The administrative review is limited to (1) reasonably foreseeable, significant effects of the uses to be authorized; (2) applicable statutes and regulations; (3) the facts pertaining to the land or resources; and (4) any issues that are material to the determination.

Authority

This sale is authorized under AS 14.07.030(a)(6), powers of the department:

Sec. 14.07.030. Powers of the department.

- (a) The department may . . .
- (6) acquire and transfer personal property, acquire real property, and transfer real property to federal agencies, state agencies, or to political subdivisions;

Subject Property

Geographic Location: The site is located on Japonski Island in the City and Borough of Sitka, at the end of Seward Avenue, as shown in Attachment A and B.

Legal Description: A tract of land within Section 35, Township 55 South, Range 63 East, Copper River Meridian, Alaska being within the Sitka Recording District, First Judicial District, State of Alaska and more particularly described as follows:

Lot 15A of United States Survey Number 1496, according to Plat 2009-9, recorded May 6, 2009, Sitka Recording District, First Judicial District, State of Alaska, containing 2.01 acres, more or less.

Title

The State of Alaska received title via a Land Patent 50-90-0267 from the United States of America recorded in the Sitka Recording District on July 9, 1990 in Book 89, Page 647. DEED received title via Quitclaim Deed No. 1372 from State of Alaska, Department of Natural Resources (DNR), recorded in the Sitka Recording District on February 25, 1999, in Book 135, Pages 733-735. DNR casefile ADL 104883.

Adjacent Landowners

The parcel is bordered to the west and southwest by the United States Coast Guard (USCG), and to the east and southeast by the Southeast Alaska Regional Health Consortium (SEARHC). To the north is waterfront to the Sitka Channel, with tide and submerged lands owned by DNR.

Third Party Interests

DNR maintains a reversion clause on the condition of unrestricted public use and access.

In 1975 the USCG was issued a Right-of-Way (ROW) by the federal Public Health Service to permit improvements to an existing roadway that provided access to the site. This ROW was never recorded nor made part of the title transfer to the state. In 2001 the USCG was issued a revocable license to operate and maintain an ancillary security fence over a portion of the property. This license was not renewed and is expired. A platting action is underway to divide the parcel. A separate negotiated sale is proposed by the USCG for the smallest possible tract to accommodate the existing and continued use.

There are no other third-party interests that would prevent the issuance of this land sale.

Hazardous Materials and Potential Contaminants

There are no known environmental contaminants within the proposed site.

Background

The parcel was surveyed as United States Survey 1496 of the Naval and Military Reserve situate on Japonski Island, in Sitka Bay, Territory of Alaska, August 27, 1926. The United States Congress authorized the conveyance of certain property to the state by Public Law 98-63,

July 30, 1983, amended by Public Law 98-396, August 22, 1984. Conveyance of title to the state was subject to an agreement by the State of Alaska to open and operate a Mt. Edgecumbe boarding school facility no later than September 30, 1985.

Since transfer from DNR to DEED, the parcel has remained mostly undeveloped. The 2011 Mt. Edgecumbe High School Revised Master Plan identifies the parcel as a future location for faculty housing.

Discussion

DEED manages land parcels on Japonski Island to benefit the Mt. Edgecumbe boarding school (Mt. Edgecumbe High School or MEHS). The State Board of Education and Early Development (SBOE) serves as the governing board of the school (4 AAC 33. 100) and has appointed an advisory board to advise and inform on topics relating to MEHS.

CBS presented a proposal to the MEHS Advisory Board at its December 12, 2018 meeting on potential use of a portion of MEHS land as a new location to replace the aging existing seaplane base. The Advisory Board was supportive of the city pursing the project if certain conditions were met: 1) sale of the land at fair market value; 2) funds from the sale to be used for projects to benefit current or future MEHS students, preferably in an endowment fund; and 3) a proposed access road is pursued as the traffic route to the site.

On March 29, 2019, the SBOE heard from the public and CBS on the city's proposal to purchase the property for the proposed new seaplane base. Siting studies performed by CBS in 2002, 2012, and 2016 identified the property as the preferred location for the seaplane base. The current seaplane base has been operating at its current location for over 65 years and the CBS assessment is that the facility is past its useful life, is deficient, and does not meet the needs of the community. The SBOE concurred with the MEHS Advisory Board's conditions and directed DEED staff to work with the Governor's Office, the Department of Law, and DNR to further investigate the request of CBS to purchase the parcel of land owned by DEED.

The MEHS Advisory Board and SBOE have indicated the desire for any proceeds from the sale go back to the high school. As authorized by the Alaska State Legislature in the FY2022 operating budget, sec. 59(c), ch. 1, SSSLA 21, proceeds from the sale will be appropriated to the Mt. Edgecumbe boarding school.

In July 2019, DEED provided a letter of cooperation to work with CBS through the process of evaluating the parcel during the Federal Aviation Administration (FAA) required procedures. DEED issued CBS a right-of-entry to perform preliminary studies and an environmental assessment as part of the FAA grant processes. CBS has held multiple stakeholder meetings and public comment periods throughout 2019 and 2020 during the planning development of the seaplane base project.

Limited land is available for MEHS expansion that would be convenient to the campus. The subject parcel is removed from the main campus, although near the superintendent housing.

DEED has additional parcels contiguous with the main campus that are more suitably located for expansion of classroom or dormitory facilities. The 2011 MEHS Master Plan indicates future development of the parcel as faculty housing. MEHS teachers and staff are currently able to obtain housing within the community of Sitka. Construction of separate, state-maintained housing is not required in the foreseeable future.

Prior to any conveyance, the parcel must be subdivided to separate the two anticipated uses. This will be accomplished through a platting action approved by the CBS Planning Commission.

Performance Guaranty and Insurance

Following sale of this parcel, the State of Alaska will no longer have any ownership rights to the site. All rights and responsibilities will be transferred to CBS. As a result of this transfer, insurance and a performance guaranty to address risk to the State of Alaska are not required. No construction is authorized prior to the final conveyance.

Compensation and Appraisal

DEED will convey the property for at or above a fair market value as determined by an independent appraiser.

Public Notice

This decision will be advertised for a 30-day public comment period, starting on July 16, 2021. The notice will be posted on the State of Alaska Online Public Notice website located at: aws.state.ak.us/OnlinePublicNotices/Default.aspx.

Public notice will also be provided to DNR, Department of Transportation and Public Facilities (DOT&PF), CBS, USCG, and SEARHC.

The public is invited to comment on this Preliminary Decision. All comments received during the public comment period will be considered by the SBOE at its August 23-25, 2021 meeting.

A copy of the Final Decision, along with instructions on filing a request for reconsideration and appeal, will be sent to all persons who comment on this Preliminary Decision. If public comments result in significant changes to this Preliminary Decision, additional public notice may be given.

To be eligible to appeal, a person affected by the Final Decision must provide written comments during the public comment period.

Written comments about this decision must be received by DEED no later than 4:00 PM on Monday, August 16, 2021 to be considered.

To submit comments please choose one of the following methods:

Mail: Department of Education and Early Development

Facilities Section P.O. Box 110500

Juneau AK 99811-0500

Email: deed.commissioner@alaska.gov

Fax: (907) 465-4156

Persons with disabilities who need accommodations to participate should contact Linda Mattson at 907-465-2802 or e-mail linda.mattson@alaska.gov at least five days before the accommodation is needed. For more information, call 907-465-2802.

Questions about the land sale can be directed to DEED at (907) 465-2800.

Recommendation

Recommendation to convey the identified parcel herein to the City and Borough of Sitka, subject to the following conditions:

- 1. The conveyance shall not occur until the platting action required to subdivide the parcel has been recorded.
- 2. A portion of the parcel will be retained by DEED for future conveyance to the USCG, as determined by the platting action.
- 3. The conveyance shall be subject to valid existing rights.

The Final Best Interest Decision will incorporate changes justified by comments during the public review process.

/ signature on file /	7/16/2021
Lori Weed, School Finance Specialist II, DEED	Date

The Preliminary Best Interest Decision presented above has been review and considered. I find that the recommended action may be in the State's best interest and is hereby approved to proceed to public notice.

/ signature on file /
Heidi Teshner, Division of Finance & Support Services Director, DEED Date

Attachments

Attachment A – Location Map

Attachment B - Plat 2009-9

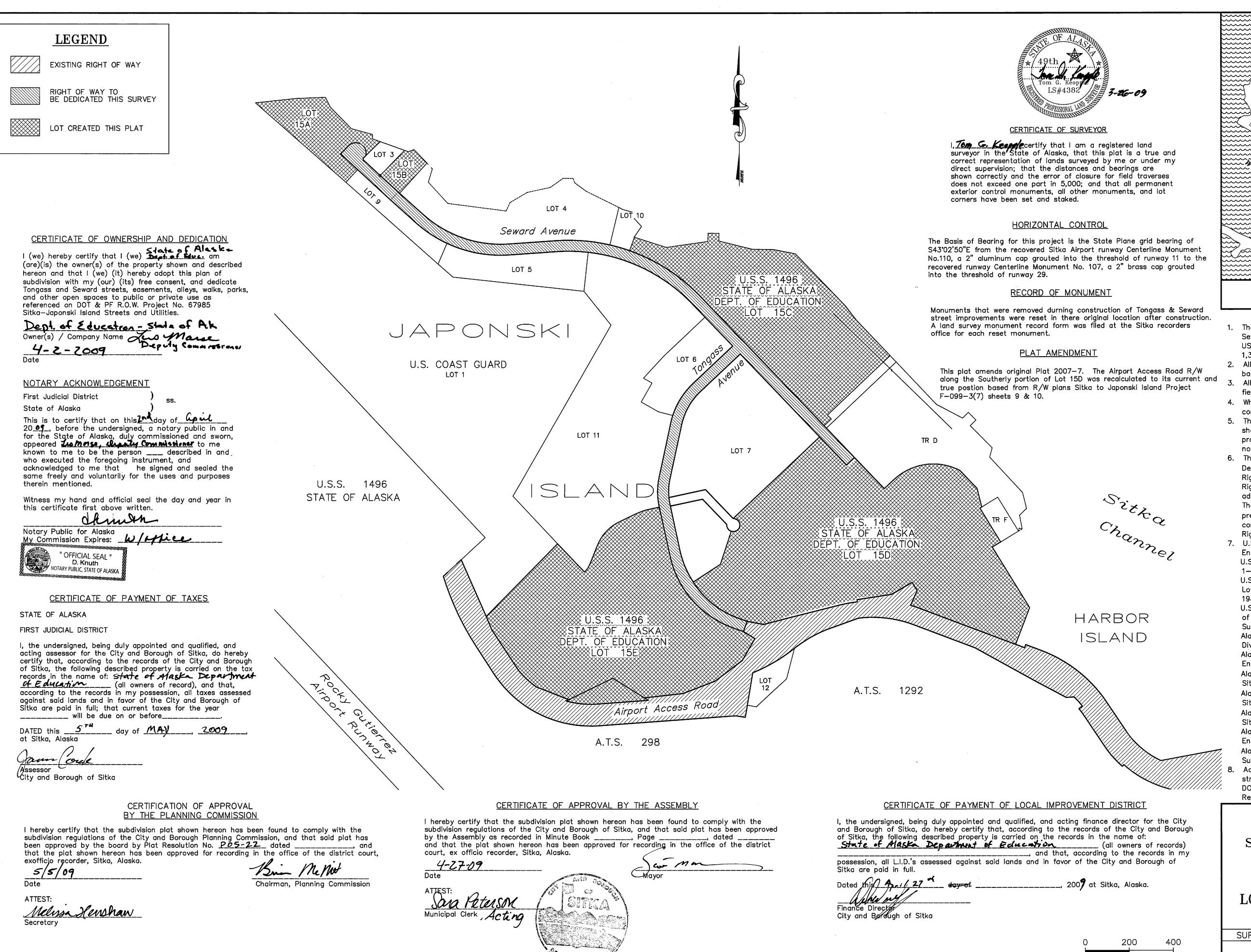
Attachment C – City and Borough of Sitka Seaplane Base Layout Plan

Preliminary Decision: Japonski Island Lot 15A Negotiated Sale

Attachment A







JAPONSKI ISLAND VICINITY MAP (NOT TO SCALE)

GENERAL NOTES

The purpose of this plat is to dedicate Right of Way for Tongass & Seward streets, drainage and utility easements and subdivide Lot 15 USS 1496 into Lots 15A, 15B, 15C, 15D & 15E. Lots 1,3,4,5,6,7,9,10,11,12,13 & 14 of USS 1496 did not change.

- 2. All bearings shown on this plat are true bearings as oriented to the basis of bearing.
- 3. All distances shown on this plat have been reduced to horizontal field distances.
- 4. Where record survey courses differ from field measured and/or
- computed courses, the record course is shown in parenthesis.

 5. The flow of water in any creek, stream, or intermittent drainage shall not be blocked. The flow may be relocated or culverted by the property owner as long as adjacent properties or right of ways are not adversely impacted by the modification.
- 6. The Right of Way plan preparation was directly supervised by the Department of Transportation and Public Facilities (DOT/PF) Senior Right of Way Engineer, Southeast Region. The location of the existing Right of Way corridor was computed from record information and adjusted to recovered survey monuments as shown and described. The ownership as shown is accurate as of the date of plat preparation. The land title information was supplied to DOT/PF by a contract title insurance company and was reviewed and approved by Right of Way personnel.
- 7. U.S. Survey 1496 was surveyed by Fred Dahlquist U.S. Cadastral Engineer in 1923.
 U.S. Survey 1496 was dependently resurveyed and subdivided into Lots

1-7, by Michael D. Wilson, Cadastral Surveyor in 1984.
U.S. Survey 1496 Lots 1,2,4 & 5 were retraced & a subdivision of Lot 2 into Lots 8-11 by Michael D. Wilson, Cadastral Surveyor in 1985.

U.S. Survey 1496 supplemental plat dated March 28, 1990, Subdivision of original Lot 8 into Lots 12—15 is based upon the plat of U.S. Survey 1496 accepted November 15, 1985.

Alaska Tidelands Survey 298 was surveyed in 1971 by the Alaska

Alaska Tidelands Survey 298 was surveyed in 1971 by the Alaska Division of Aviation as shown on the plat approved March 2, 1971. Alaska Tidelands Survey 1292 was surveyed in 1986 by Stragier Engineering as shown on the plat approved October 10, 1986. Alaska Department of Highways Right of Way Project F-099-3(7) Sitka to Japonski Island was approved November 7, 1969. Alaska Department of Highways Right of Way Project F-099-3(10) Sitka Airport Access Road was approved Febuary 20, 1973. Alaska Department of Highways Right of Way Project F-M-0935(8) Sitka Airport Access Road was approved July 1993. Alaska State Land Survey 88-62 surveyed in 1986-1991 by R&M Engineering as shown on plat approved August 13, 1992. Alaska State Land Survey 97-63 surveyed in 1998 by O'Neill

Surveying & Engineering as shown on the plat approved July 8, 1998.

8. Additional information for the Right Of Way of Tongass and Seward streets, as well as drainage & utility easements, can be found on DOT & PF project Japonski Island Streets Utilities, Project No. 67985 Recorded Plat 2007—9 Sitka Recording District.

AMENDED
JAPONSKI ISLAND SUBDIVISION
SEWARD & TONGASS IMPROVEMENTS

STP-0003(072) 67985
SUBDIVISION OF
U.S.S. 1496, LOT 15 INTO
LOTS 15A, 15B, 15C, 15D & 15E

City & Borough of Sitka, Alaska Sitka Recording District

SURVEYOR: State of Alaska D.O.T./P.F. Southeast Region

O 200 400

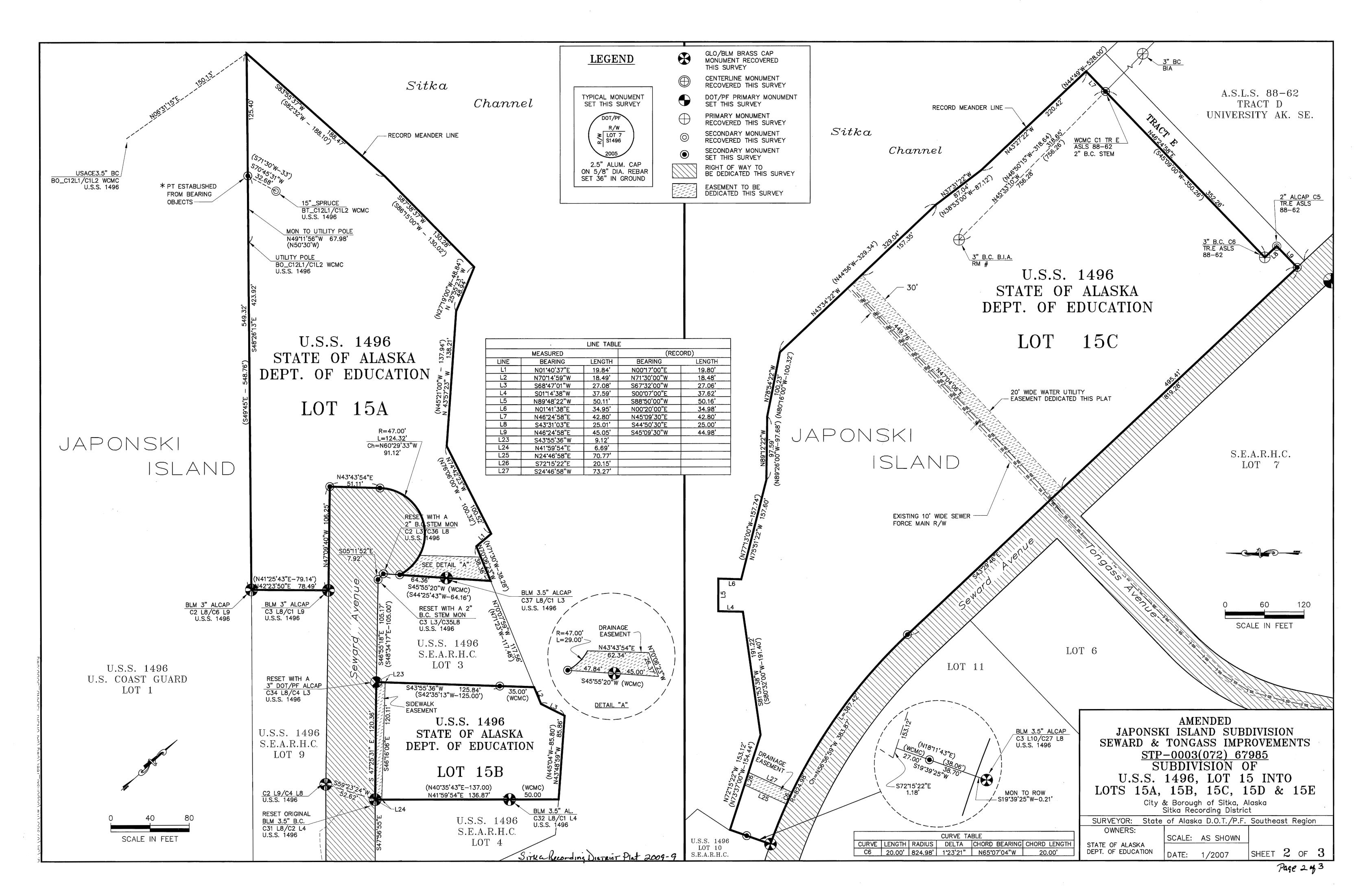
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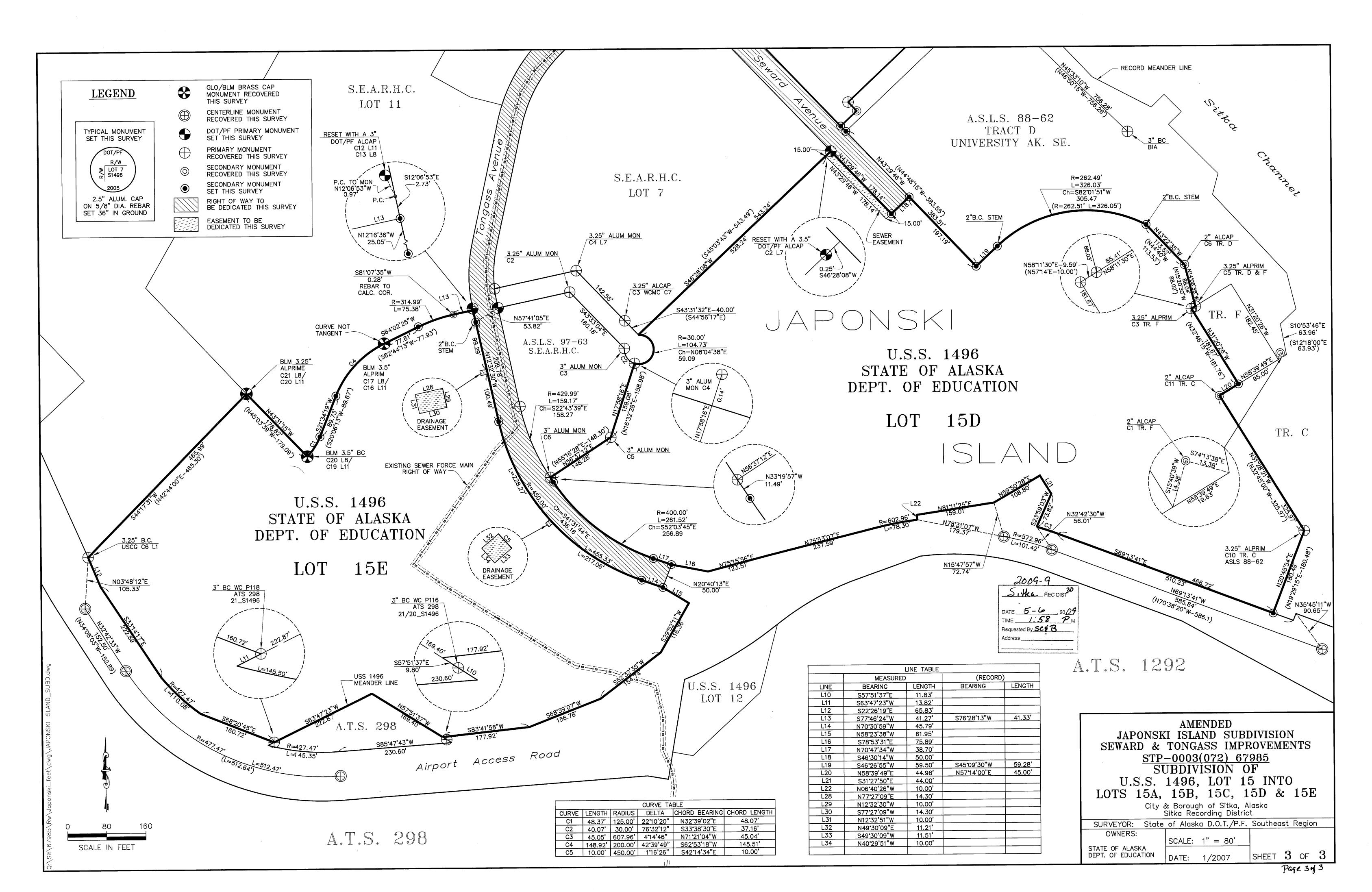
SCALE IN FEET

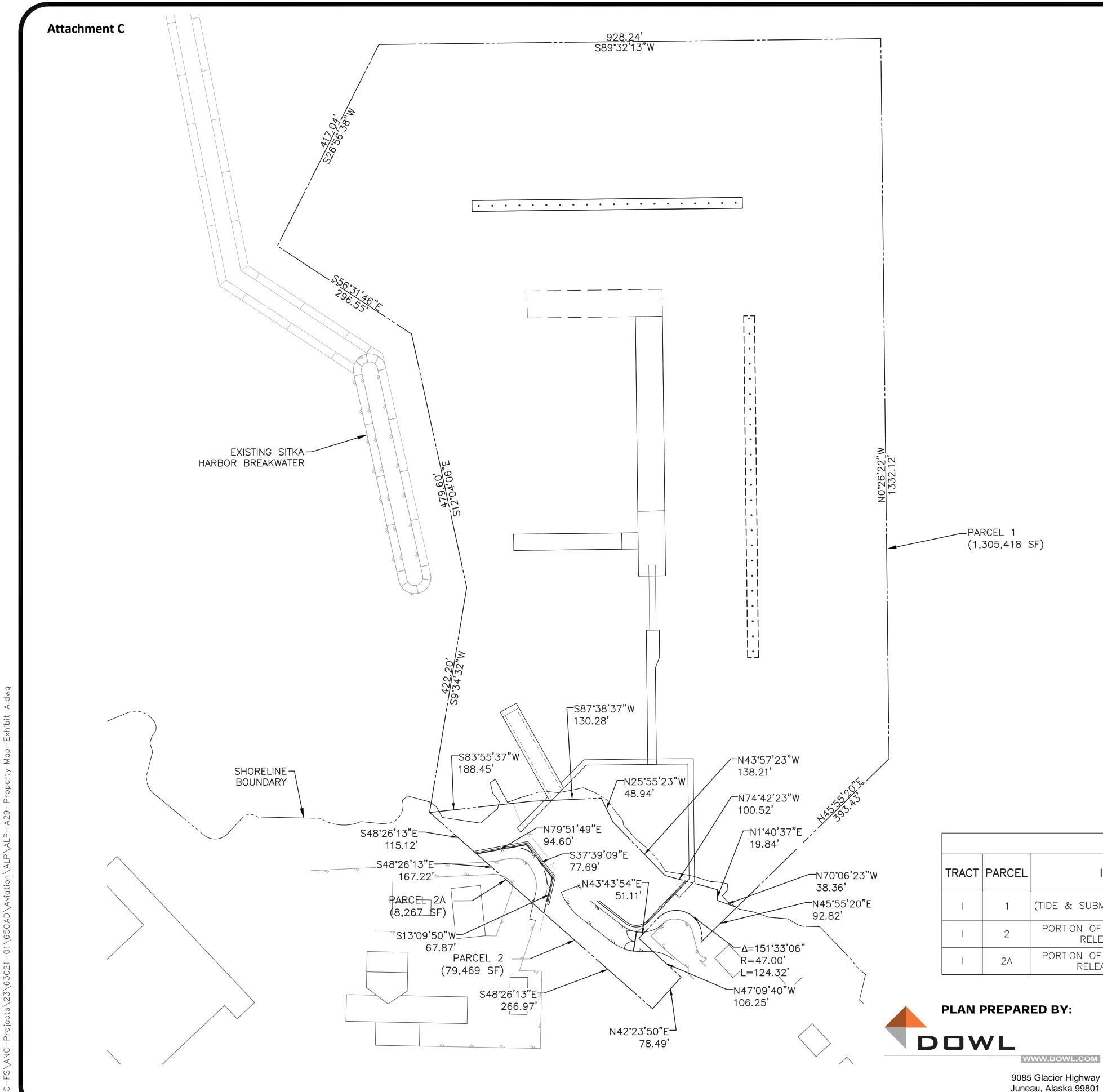
STATE OF ALASKA
DEPT. OF EDUCATION

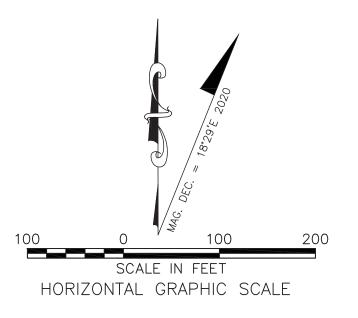
DATE: 1/2007 SHEET 1 OF 3

Page 1 of 3









LEGEND

PROPOSED PROPERTY LINE

SHORELINE

PROPERTY BOUNDARY LINE (EXISTING)

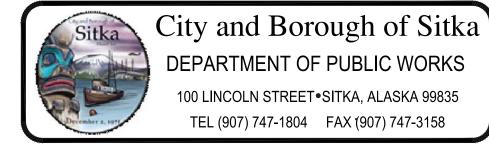
EXISTING EDGE OF PAVEMENT EXISTING BUILDING

PROPOSED GATE

PROPOSED FENCE LINE

PROPERTY STATUS									
TRACT	PARCEL	INTEREST	GRANTOR	GRANTEE	PARCEL SIZE (ACRES)	DATE ACQUIRED	RECORDED DOC.	ACQUIRED ADA/A.L.P. NO.	
1	1	(TIDE & SUBMERGED LANDS) I.L.M.A.	DNR	CBS	29.97				
1	2	PORTION OF A.D.L. 20877 TO BE RELEASED TO CBS	ADEED	CBS	1.82				
1	2A	PORTION OF A.D.L. 20877 TO BE RELEASED TO USCG	ADEED	USCG	0.19				

9085 Glacier Highway Juneau, Alaska 99801 907-780-3533



SEAPLANE BASE LAYOUT PLAN SITKA, ALASKA

DRAWN: SCALE: AS NOTED

CHECKED: KN DATE: 6/24/2021

DRAWING EXHIBIT A- PROPERTY MAP

SHEET NO. 6 6

DATE: 6/24/21