

Adopted: 03/21/23

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 23-025**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING THE LAND AND RESOURCE MANAGEMENT DIVISION POLICY AND PROCEDURES MANUAL.

WHEREAS, the Assembly previously adopted amendments to the Land and Resource Management Policy and Procedures Manual related to agricultural land disposals; and

WHEREAS, the recently enacted amendments to the policy and procedures manual inadvertently contained a provision providing for an appeal to the Alaska Superior Court from a decision denying the grant of an agriculture rights disposal; and

WHEREAS, a Borough decision denying the transfer of an interest in real property should not be appealable to the Alaska Superior Court as such a decision is legislative not quasi-judicial; and

WHEREAS, if the MSB Assembly denies the grant or transfer of an interest in real property the proper remedy is legislative, in other words, the individual is free to further lobby the Assembly concerning the matter, but should not be legally permitted to file an administrative appeal on the matter.

NOW, THEREFORE, BE IT RESOLVED, that the Assembly amends the MSB Land and Resource Manual.

ADOPTED by the Matanuska-Susitna Borough Assembly this 21 day
of March, 2023.


EDNA DeVRIES, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)

PASSED UNANIMOUSLY: Hale, Nowers, McKee, Yundt, Tew, Fonov, and
Bernier