

Presented by: Lands Committee
Introduced: 11/05/90

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1474

A RESOLUTION URGING THE GOVERNOR AND THE ALASKA LEGISLATURE TO RESOLVE THE MENTAL HEALTH TRUST LANDS DISPUTE.

WHEREAS, in 1985, the Alaska Supreme Court held that the State of Alaska had breached its legal obligations as trustee of the mental health trust established by Congress in 1956, and

WHEREAS, the Alaska Supreme Court ordered that the trust be restored to its position just prior to the 1978 state legislation redesignating mental health lands as general state lands, and

WHEREAS, it appears that the trust could, under the Alaska Supreme Court mandate, be reconstituted by some combination of lands which have not been conveyed by the State of Alaska, plus alternative replacement lands, plus money, and

WHEREAS, the State of Alaska and the plaintiffs have not yet settled the litigation and the litigation presently continues in the Superior Court in Fairbanks, and

WHEREAS, the rights and interests of municipalities as conveyancees of mental health trust lands from the State of Alaska have not yet been represented in the litigation, and

WHEREAS, the rights of all affected third parties with property interests in the land have yet to be litigated or resolved by settlement of the litigation, and

WHEREAS, the ongoing litigation casts a cloud upon the title of all lands that were originally mental health trust lands, causing hardships and uncertainty to all conveyancees, and

WHEREAS, municipalities which have received or selected state lands which include mental health lands are at risk of serious injury because of the mental health trust lands dispute, and

WHEREAS, timely and appropriate action by the State of Alaska is essential to achieving settlement of the litigation (supported by appropriate legislation and funding) that will resolve the mental health trust lands dispute in a way which protects the interests of municipal conveyancees, and

WHEREAS, in October 1986, the Assembly adopted Resolution No. 1192 urging the State of Alaska to work towards a speedy resolution of the mental health trust lands issue and find a means of compensating the mental health trust without jeopardizing land selections made by municipalities;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

1. That the Assembly of the City and Borough of Juneau urges the Governor and the Alaska Legislature to settle the mental health trust lands dispute during 1991 in a manner which obtains for municipalities (and persons claiming property rights through subsequent municipal conveyances) clear title to all mental health lands which have been patented to, approved for patent to, or selected by municipalities.

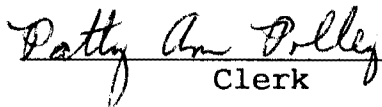
2. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 5th day of November, 1990.



Mayor

Attest:



Clerk