

# **Merger Land Use Program Policies and Procedures**

## **INTRODUCTION**

The Merger Land Use Program (MLUP) allows for property leases of up to five (5) acres to eligible merged village shareholders. The overview of these policies and procedures are presented to outline the rules for the Merger Land Use Program to govern by and the steps to be taken in issuing such a property lease. This program is intended to allow merged village shareholders to apply up to five acres of land to live on free of charge for this use.

The Merger Land Use Program is a result from the Ahtna, Inc. Merger Agreement dated September 30, 1980 when seven of the eight Ahtna Village Corporations chose to merge with Ahtna, Inc. the Regional Corporation. The Village Corporations identified and elected representatives mentioned in the Merger Agreement as the Successor Village Organizations (SVO). The SVOs have been known as the Village Shareholder Committee and Ahtna, Inc. has been meeting with this group to conduct the business and address issues with each Village SVO since the Merger.

## **I. AVAILABLE LANDS**

The Merger Land Use Program applies only on lands that were owned by the former Village Corporation. Merged Village Shareholders may only select lands from within the boundaries of the former Village Corporation that they are enrolled in and only were so designated by the Successor Village Organization.

The following areas are restricted from selection by eligible merged village shareholders.

1. Gravel pits and material sites, existing or identified for future use. These are subsurface rights owned by the Regional Corporation.
2. Subsistence sites, existing or identified for future use. These are designated for the benefit of all shareholders for subsistence gathering activities and usage.
3. Commercial development sites, existing or identified for future use. This is land identified for commercial value or use.
4. Historical or cultural sites. Lands identified for its historical or cultural value.
5. Ahtna, Incorporated Regional Lands.

6. Lands subject to an existing or proposed lease agreement.
7. Lands within a highway right of way or existing easement.
8. Any lands subject to unresolved ANCSA 14(c) claim.

No shareholder is allowed to lease land within a Right of Way or easement; parcels must be 100 feet from all Rights of Way's and Easements for telephone and power lines. Access to permitted parcel must be gained through an existing easements or rights of way prior to the construction of new easements or rights of way being granted by Ahtna, Inc. Construction of new access will only be allowed if no other access exists prior to permit request. *Ahtna Shareholder Easements are allowed under a separate Policy.*

Ahtna, Inc. Land Department will GPS corners of property for purpose of public record to prevent dispute on neighboring parcel and corners will be marked with wooden lathe, metal stakes or other permanent type markers. A registered survey will be the responsibility of the shareholder.

When two shareholders apply for lands that are located next to each other there cannot be property overlap and there can be no available land located between the two leased parcels.

The parcel leased by the shareholder cannot be subdivided smaller than one (1) acre requiring a minimum of 20 original former village corporation shares. The original lease must be for one (1) parcel and if larger than one (1) acre all acreage must be contiguous.

The Ahtna Land Department shall ensure that all land lease requests do not have any of the above restrictions prior to submitting the request to the Ahtna Land Committee or designated SVO.

The intent of the merger agreement was to allow original shareholders to receive up to five (5) acres per 100 original village corporation stock from that specific former village corporation. Any shareholder that has original village shares over 100 original shares will be added at twenty (20) shares per one (1) acre as long as those shares have not been used towards the program. Shareholders are eligible for the program if they have at least 20 shares. *(Reference JSVO meeting May 1, 1999)*

Shareholders must use the original village corporation shares within the boundaries of that Village Corporation.

## **II. ELIGIBILITY FOR PROGRAM**

The Merger Land Use Program is only available to those Ahtna, Inc. Shareholders that have shares of a merged former village corporation. The following are guidelines for the Successor Village Organization to use in determining eligibility for participation in the Merger Land Use Program:

1. Shareholder has at least twenty (20) original former village corporation shares
2. Shareholder is at least 18 years of age
3. Shareholder has filed a Last Will or a Testamentary Disposition with the Ahtna Shareholders Records Department

## **III. PROGRAM GUIDELINES FOR PARTICIPATION (RULES)**

The Merger Land Use Program is intended to allow shareholders to utilize former village corporation land. It is not the intent of Ahtna, Inc. or the Successor Village Organizations to burdensome restrictions on utilization of the merger land. Some limitations will be enforced due to the actions the Shareholder may take that affect the value of land surrounding his/her parcel.

The Ahtna, Inc. Board of Directors shall have the authority to enforce and rule on all concerns and violations of these established guidelines. The corrective actions shall be determined by the Ahtna, Inc. Board of Directors and must be approved by a majority, before any actions are taken.

The Shareholder in violation of the guidelines shall be able to address the Ahtna, Inc. Board of Directors prior to any vote taking place to defend his/her actions at the meeting when voting and discussion of the violation is placed on the agenda.

The Lessee cannot use the lease as collateral for obtaining loans. The title is held by Ahtna, Inc. and the land is leased to the shareholder.

The Lessee cannot transfer the lease to anyone other than a descendant of Ahtna, Inc. shareholders. This transfer must be done in compliance with the Ahtna, Inc. bylaws and policies for legal transfer of stock and eligibility for the program and must be approved through the Ahtna, Inc. Land and Resource Department and Shareholder Records Department. If any transfer occurs that makes the Lessee ineligible for the program the lease must be reviewed by the appropriate Successor Village Organization and Ahtna Land Committee at their next regularly scheduled meeting to determine the next course of action for the lease.

The property must be kept clean and all trash removal is at the expense of the Shareholder.

The Guidelines are standards set to assist the Successor Village Organization, Ahtna, Inc. Board of Directors and Land Committee to make sound decisions during discussions of difficult issues and debate.

Lessee's may use the site for subsistence purposes.

Lessee's are encouraged to carry premises liability insurance with Ahtna, Inc. listed as a named insured.

Lessee's are able to sell structures (e.g. house, cache, etc.) on their leased parcel. Once sold the structure must be removed within sixty (60) days, or transferred to a qualified Ahtna, Inc. shareholder. Land is not subject to sale.

Lessee's shall abide by all local, state, tribal and federal laws and regulations.

#### **IV. BUSINESSES**

The Lessee is allowed to have a business on the leased parcel. Ahtna, Inc. and the Successor Village Organizations are not responsible for any financial portion of the Lessee's business that is started or operated on the leased land.

The Lessee must gain the approval of the Successor Village Organization for the operation of any business that will create an increased flow of traffic or customers using the Lessee's business.

The Lessee will provide copies of all licenses and insurance documents that any business may need to provide which will be placed in the file of the Lessee.

All taxes shall be the sole responsibility of the Lessee for all business operations that occur on the leased parcel.

#### **V. DOCUMENTS**

The Ahtna, Inc. Land and Resource Department will maintain all records for the administration of the Merger Land Use Program for the former village corporations.

The Successor Village Organization, Ahtna Land Committee and Ahtna, Inc. Board of Directors is the approving authority for all applications resulting in a lease agreement.

It is the responsibility of the Ahtna, Inc. President and his or her designee to sign all permits on behalf of the Successor Village Organization. The Lessee shall be the person who signs the lease.

The application to participate in the Merger Land Use Program will include a map with legal description and markings of land lease location and any correspondence and copies of minutes that reference the lease will be the minimum documents maintained in the Lessee's file.