

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

AMENDED FINAL FINDING AND DECISION
ADL 52185

Non-Competitive Sale to Preference Right Applicant
AS 38.05.102 Lessee Preference

This Amended Final Finding and Decision (AFFD) is based on a Final Finding and Decision (FFD) granting a non-competitive sale to preference right applicants John and Darlene Mascarella, ADL 52185 issued on December 21, 2007. Public notice is not required for this Amended Final Finding and Decision as the modifications to the original Final Finding and Decision are considered by the Department to be minor.

Summary of the Decision:

The December 21, 2007 FFD for ADL 52185 approved the sale of a parcel of state land described as Lot 15 of Block 1, Lucy Lake Alaska Subdivision, State of Alaska, Department of Natural Resources, Division of Lands File No. 22-50, according to the plat filed in the Palmer Recording District on December 2, 1963, as Plat No. 63-37, containing 1.007 acres, more or less. This lot is located within Section 36, Township 17 North, Range 2 West, Seward Meridian, representing the subject parcel. This parcel is located off Lucy Lake Drive and is approximately six miles southwest of Wasilla, Alaska.

Modifications to the Decision:

A preference right application was not received by the deadline established in the FFD. The preference right application, dated May 20, 2020, lists John and Darlene Mascarella as the applicants for purchase of the subject parcel under *AS 38.05.102 Lessee Preference*. The assignment of lease form, dated March 11, 1977, assigned the lease to John Mascarella and an assignment of lease form, dated November 16, 1982, added Darlene Mascarella as a co-owner of the lease. Mr. and Mrs. Mascarella are still the lessees of record and are currently in good standing for ADL 52185. Title Report #21945, issued July 29, 2021 confirms John and Darlene Mascarella as the sole lessees for this parcel. The parcel is surveyed appropriate for conveyance. This AFFD affirms the right of the current lessee to purchase the subject parcel.

The original Final Finding and Decision was issued December 21, 2007. Due to the length of time that has passed since the original decision was issued, an amended decision is necessary to confirm the conditions of the sale and revise the date of valuation for the appraisal. The new valuation date is the date of issuance of the Amended Final Finding and Decision.

Stipulations:

The following stipulations must be met by the applicant prior to the completion of the purchase:

1. Prior to the completion of the purchase, the lessee must be in good standing on any lease stipulations, lease payments, late fees, and municipal or borough taxes.
2. Following the notice to proceed to appraisal, the applicant must hire an appraiser, the appraiser must apply for appraisal instructions issued by the Division of Mining, Land and


- Water (DMLW), and then must submit to DMLW a completed fair market value appraisal in accordance with appraisal instructions issued by DMLW.
3. Upon approval of the appraisal, a notice to proceed to purchase will be issued to the applicant. Within 60 days of the issuance of the notification to proceed to purchase letter, the lessee must submit to DMLW the following:
 - A notarized Lease Relinquishment Agreement form;
 - A completed Veteran's Land Discount form (if eligible);
 - A completed Declaration of Intent Form; and
 - Payoff amount and \$265 in fees (\$240 for a patent application fee and \$25 for a patent recording fee) **or** 5% of the purchase price as down payment needed to issue a land sale contract for the remainder owed and \$405 in fees (\$360 for a contract application fee and \$45 for a contract recording fee). Fees are subject to change.
 4. Prior to the completion of the purchase and issuance of a state conveyance document, the applicant must remain in good standing with respect to all terms of the Contract for the Sale of Real Property throughout its term, if such a contract is issued. The applicant must also remain in compliance with all applicable state and local ordinances and regulations, including all applicable laws. Failure to do so may result in termination of the Contract for the Sale of Real Property.

Special Note: The applicant must complete steps 1-3 above by May 17, 2025 to ensure the applicant has a signed land sales contract before the lease expires August 17, 2025. Failure to do this will result in the loss of the right to purchase this parcel of land. Additionally, the applicant may need to apply for additional authorizations and incur associated costs to ensure continued use of the parcel.

If the lessee fails to complete any of the above-mentioned stipulations within the time limit specified, a second Amended Final Finding and Decision may be required prior to the completion of the purchase unless the delay and extenuating circumstances are pre-approved by the Department. The lessee is responsible for submitting an updated appraisal and for any additional appraisal cost.

If the lease is assigned to a new lessee within the time limit specified above, this Amended Final Finding and Decision still holds. The new lessee must still meet the stipulations and time limits specified above. If the new lessee does not meet the stipulations and time limits specified above, then another Amended Final Finding and Decision may be required prior to the completion of the purchase.

All other terms and conditions of the Final Finding and Decision issued December 21, 2007, remain the same.

Approval: 

Rachel Longacre
Section Chief
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

8.4. 2021
Date

Appeal Provision:

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 within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the 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@alaska.gov. Under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 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) and (b). If no appeal is filed by the appeal deadline, this decision goes into effect as a final administrative order and decision of the Department on the 31st day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court (11 AAC 02.020(a) and (b)). A copy of 11 AAC 02 may be obtained from any regional office of the Department of Natural Resources.