



Municipality of Anchorage, Alaska
Parks & Recreation Department

632 W. 6th Avenue, Suite 630
P.O. Box 196650
Anchorage, AK 99519
Tel 907-343-4355

URL www.muni.org/departments/parks



MEMORANDUM

Date: May 4, 2016

To: Parks & Recreation Commission

Cc: Josh Durand, Parks Superintendent

From: Tom Korosei, Park Planner

Project: **PRC 2016-15** – Request for Utility Easement at Marston Park

INTRODUCTION & BACKGROUND

Chugach Electric Association, Inc. (CEA) is requesting the partial relocation of a 1962 above ground “Right-of-Way Easement” for electric and telephone lines to a 15-ft.-wide underground easement in Marston Park.

The relocated easement would follow the perimeter along the southeasterly boundary (Marston Drive frontage) and in part overlaps other existing utility permit, as shown on the attached diagram. The proposed underground line(s) would be installed by excavating a trench and burying conduit approx. 42 inches deep.

CEA indicates that the easement would facilitate providing the proposed service by shortening the underground extension needed to connect to the existing distribution system, and avoid the need to impact the roadway. CEA says the 15-foot width is needed to allow for required separation from existing AWWU water line and other utilities along the right-of-way boundary. CEA indicates that the utility has existing conduit underneath Marston Drive extending to near the southerly corner of the park.

Chugach believes acquiring easements on the south side of Marston Drive to reach Lot 1 would be difficult. Also, CEA believes it would be difficult to bring the power from the south side of Marston Drive to Lot 1 for technical reasons related to the alignment of the conduit. CEA states that as an alternative to the relocated easement in the park, CEA would use its existing conduit to the southerly corner of the park and then would run its line underneath the permanent roadway of Marston Drive while avoiding the existing fire hydrant near the easterly corner of the park.

Additional information about the project is attached.

The relocated easement alignment is generally clear of substantial vegetation; however, approximately three cottonwood trees and other groundcover would be removed. CEA proposes to replace the trees using materials and placement recommended by Parks and Recreation staff to enhance the park. Alternatively, CEA would provide equivalent funds to the Parks and Recreation Department for future park enhancements.

The Turnagain Community Council considered CEA’s proposal/request at the council meeting of Jan. 7, and expressed general support. TCC also recommended “restoration of trees removed with similar species.”

Parks and Recreation staff believes that, with conditions noted below to mitigate potential visual impact, the granting of the easement would not significantly diminish the potential use of the Marston Park, nor would use of the easement have material impact on the long-term appearance of the park. Maintenance of the underground utilities is expected to cause less disturbance of the park area in the future, compared to maintenance of above-ground utilities.

Marston Park is formally dedicated (AO No. 84-199); easements in dedicated parks may be authorized by the Assembly only if the Assembly finds the easement to be without substantial value to the Municipality, or upon voter approval (AMC 25.30.020). The park was acquired in 1952, according to department records. Relocation of the easement would not impair the interest of the Municipality or the benefit of the land to the public.

STAFF RECOMMENDATION

For the reasons noted above, the Department has no objection to the proposed resolution to support granting a relocated non-exclusive easement generally as requested to facilitate installation of underground electrical utility service.

The Department recommends that the proposal be subject to the following conditions:

1. Chugach Electric Association, Inc., shall pay to the Municipality applicable fees and associated administrative costs.
2. Chugach Electric Association, Inc., shall obtain all other required permits and approvals for the proposed project.
3. Chugach Electric Association, Inc., shall relinquish the existing easement and all new facilities shall be underground unless otherwise approved in writing by Parks and Recreation.
4. Chugach Electric Association, Inc., shall provide landscaping including restoration and revegetation of disturbed areas using appropriate materials as directed by Parks and Recreation.
5. Chugach Electric Association, Inc., shall incorporate changes recommended by Parks and Recreation in consideration of comments of the Turnagain Community Council.

Attachments

Cc: Joshua Resnick, Chugach Electric Association, Inc.
Vicki Gerken, MOA Project Management and Engineering Dept.
Tammy Oswald, MOA Real Estate Dept.



Municipality of Anchorage, Alaska
Parks & Recreation Commission

632 W. 6th Avenue, Suite 630
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Resolution No. 2016-13

**Request for Relocation of Utility Easement at Marston Park for Underground
Electrical Utility Line**

WHEREAS, the Anchorage Parks and Recreation Commission serves in an advisory capacity to both the Mayor and the Assembly; and

WHEREAS, the Anchorage Parks and Recreation Commission has the responsibility and duty to provide for the long term vision of our park system by ensuring that a balance of parks, natural resources, and recreation facilities provides for the health, welfare, and safety of all residents of the Anchorage Bowl; and

WHEREAS, Chugach Electric Association desires to partially relocate an above ground utility easement to install underground electric utility service through Marston Park to serve adjoining properties; and

WHEREAS, placing the line underground would minimize the visual intrusiveness of the utility equipment and help preserve the natural character of the park; and

WHEREAS, the requested relocated easement along the perimeter of the park both would coincide in part with areas affected by other utilities; and

WHEREAS, the installation and maintenance of the underground line is not expected to significantly impair current or potential future development and public use of the park; now, therefore,

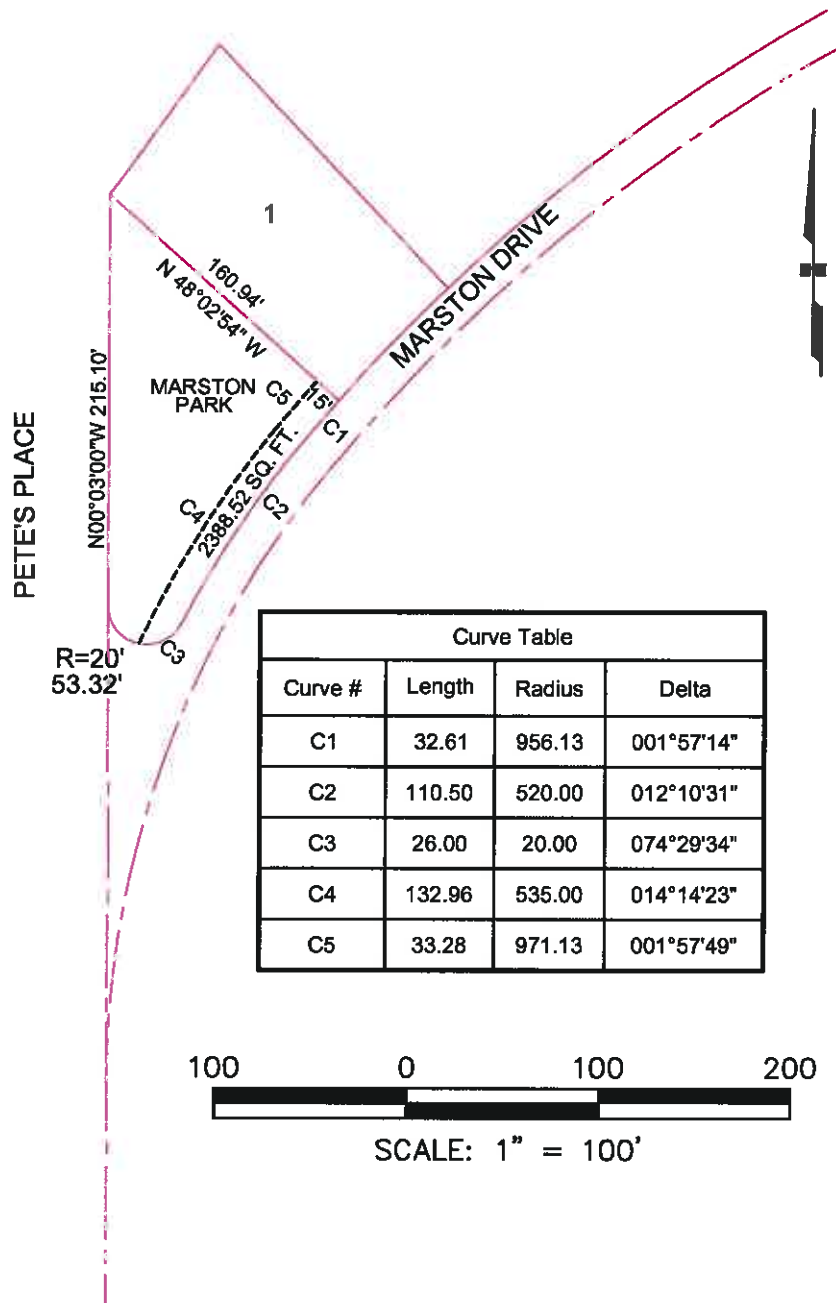
BE IT RESOLVED, that the Anchorage Parks and Recreation Commission recommends that the current above ground easement be relocated in part and that a 15-foot-wide non-exclusive easement along a portion of the boundary of Marston Park be granted to Chugach Electric Association, generally as shown on the attached diagram, for the purpose of placement of an underground electrical utility line.

PASSED AND APPROVED by the Anchorage Parks and Recreation Commission this 12th day of May, 2016.

Chair
Parks and Recreation Commission

ATTEST:

John H. Rodda, Director
Parks & Recreation Department

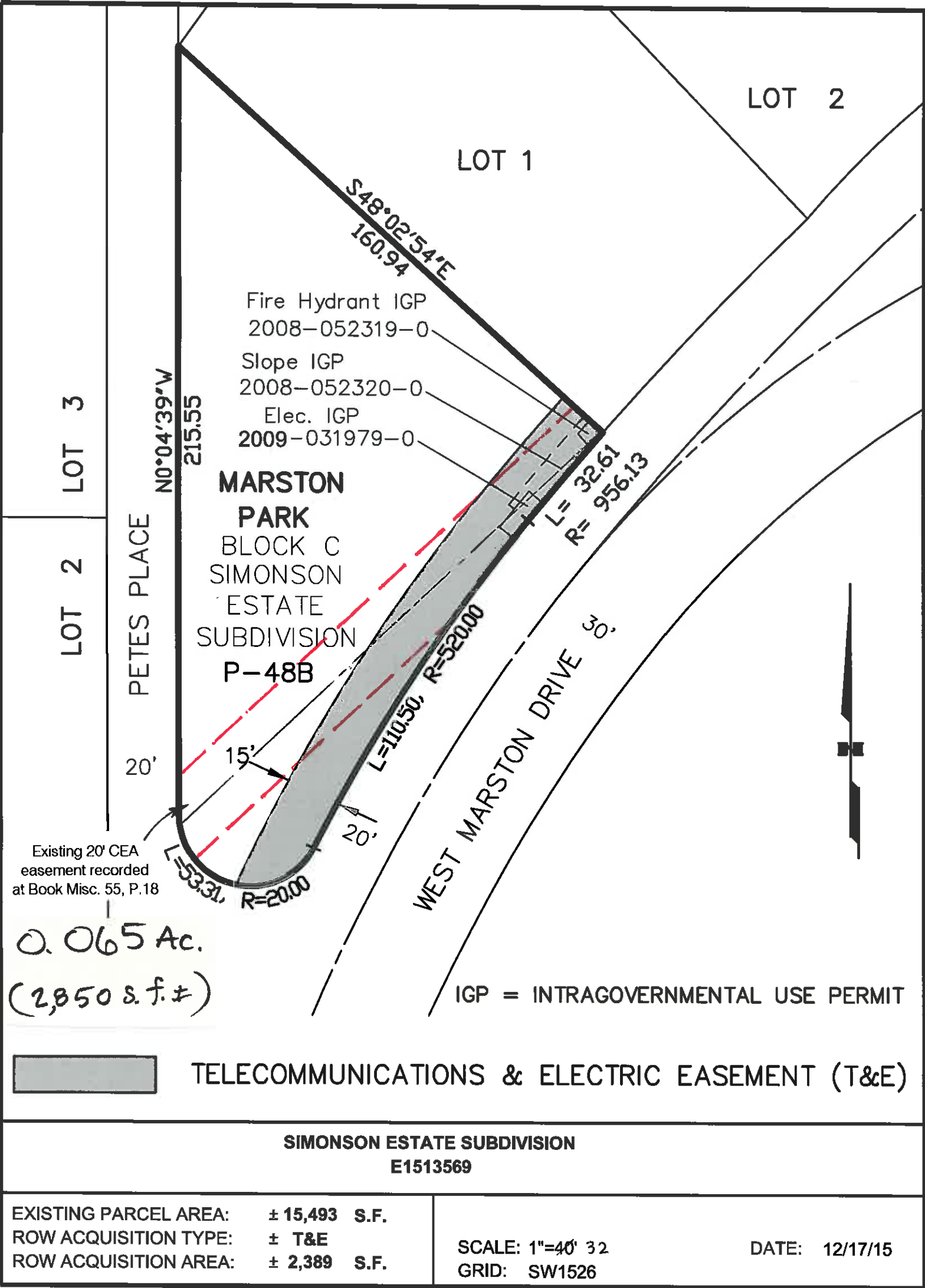


CHUGACH
POWERING ALASKA'S FUTURE
Chugach Electric Association, Inc.

SIMONSON ESTATE
1Ø U.G. LINE EXT
GRID:1526 MAP:1304-23C
FEEDER: TNSS142

J: \Design\E15\13569\MUN\exhibit.dwg

E1513569



216271



62-15906

CHUGACH ELECTRIC ASSOCIATION, INC.

Anchorage, Alaska

INDEX
RIGHT-OF-WAY EASEMENT
3 & P

BOOK 55 PAGE 18
Anchorage Recording District

KNOW ALL MEN BY THESE PRESENTS, that the City of Anchorage, a municipal corporation
of the State of Alaska.

party, or parties, of the first part, which expression shall include his, her, its, or their heirs, executors, administrators, agents, successors, or assigns when the context so requires or admits, hereinafter called, without consideration of gender or number, "Grantor," for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, convey, set-over, and deliver unto CHUGACH ELECTRIC ASSOCIATION, INC., an Alaska non-profit electric cooperative corporation of Anchorage, Alaska, party of the second part, hereinafter called "Grantee," and to its successors, assigns, licensees, and permittees, a **NON-**exclusive easement for the purpose of constructing, operating, and maintaining electric transmission and distribution lines, and related facilities, and telephone lines and related facilities, through, over, in, and across the lands of the Grantor, situate in the ANCHORAGE Recording District, State of Alaska, and more particularly described as follows, to wit:

An easement Twenty Feet (20') wide with the centerline described as follows:
Commencing at a point common to the Southeast corner of the City of Anchorage Park located at the intersection of Susitna View Parkway and Illiam Ave., situate in the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty Three (23), Township Thirteen North (T13N), Range Four West (R4W), Seward Meridian, Alaska; thence South 46°34'30" West a distance of One Hundred Twenty Five Feet (125') more or less to the East side of the Right-of-Way of Susitna View Parkway. This easement applies only to that portion of the above described Right-of-Way which falls within the City of Anchorage Park Lands at this location.

AND specifically, there is hereby granted to the Grantee, and to its successors, assigns, licensees, and permittees, the ~~exclusive right~~ right to construct, install, operate, and maintain such electric transmission and distribution lines and related facilities, and telephone lines and related facilities, through, over, in, and across the aforesaid premises as may from time to time be necessary or desirable for the exclusive use and enjoyment of such right-of-way, including the right of ingress and egress to said premises, and the right to cut and keep clear of all trees, shrubbery, undergrowth, and other obstructions on said premises as may be reasonably required for the construction, installation, operation, and maintenance of such facilities.

TO HAVE AND TO HOLD the same to the Grantee, its successors, assigns, licensees, and permittees, **FOREVER.**

The Grantor agrees that all poles, wire, conductor, and other facilities, including any main service entrance equipment, which may be installed on the above-described premises at the Grantee's expense shall remain the property of the Grantee and removable at its option.

The Grantor covenants that he is the owner of the above-described premises and that the said premises are free and clear of encumbrances and liens of whatsoever character, except those held by the following persons:

IN WITNESS WHEREOF, the Grantor has set his hand and seal, or has caused these presents to be executed by his duly authorized representative or agent, all as of the 17th day of September, 1962
APPROVED AS TO FORM:

Shirley M. Davis (Seal)
Assistant City Attorney

City of Anchorage, Grantor (Seal)

Robert H. Oldland (Seal)
City Clerk
UNITED STATES OF AMERICA
STATE OF ALASKA

(CORPORATE ACKNOWLEDGEMENT)
Robert H. Oldland
City Manager

Robert H. Oldland (Seal)
City of Anchorage, Grantor

THIS IS TO CERTIFY, that on this 17th day of September, 1962,
before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared Robert H. Oldland,
(NAME OR NAMES OF OFFICERS OR REPRESENTATIVES)

City Manager, respectively, of the City of Anchorage
(TITLE OR TITLES)
a(n) Alaska Municipal corporation, known to me to be the City Manager
(STATE IN WHICH INCORPORATED) (TITLE OR TITLES)

of the said corporation, that he acknowledged to me that he executed the within instrument; that the same was executed as the voluntary act and deed of the said corporation; and that he was duly authorized to do so for the uses and purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

(Seal)

Wider
Notary Public in and for Alaska
My commission expires:
Oct. 4, 1965

RECORDED - FILED 3 00
CSA Form 21
Anchorage, Alaska
DATE 9-25, 1962
LIVE 1:20 P M
Notarized by cca
Address _____

1304-23C 75

23-24

15-24-36

R3L6

FUG

R3L5

STIVER DRIVE

BENCH

SUED.

PETE'S

ELECTRIC HEAT

E41R5
R3L4

SUSITNA VIEW PARKWAY

RAKE AGAINST SEC. 4 KEY

ILLIAMNA AVE.

RAKE AGAINST SEC. 6 KEY

PETE'S SUBD.
SUSITNA VIEW

ILLIAMNA AVE

DALL BLVD

CLAY PROD. RD

NO. LIGHTS BLVD

CHUGACH ELECTRIC
ASSOCIATION, INC
ALASKA & CHUGACH

PETE'S SUBD.

T13N R4W SECT. 23C

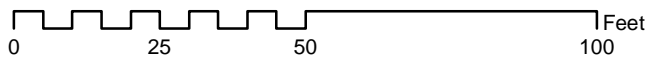
SCALE: 1"=100'

Job # 2098-F

DATE: 8-16-62

DRAWN BY: CH

SHEET: 2 OF 2



Pete's/Marston Parks area



Discussion

- *A member commented that everyone appreciates connectivity on their cell phones, and there are better technologies than just the bare minimum infrastructure that are equally effective, may cost more, but which have fewer neighborhoods impact. He urges passage of the resolution.*
- *Gloria commented that she supports the resolution, and was disappointed with the experience of working with Verizon several years ago, particularly the non-responsiveness of the Muni.*
- *Another member asked what the relative cost of the infrastructure is, as proposed? Howard and Lynette did not get a specific estimate, and companies present in the meetings did not provide an estimate either.*
- *Jonathan Tarrant gave control of meeting to Cathy Gleason, and commented that he attempted to invite a representative from the Municipality, and no one was available. He appreciates the work done, and suggested an amendment that makes clear that the resolution supports the draft as it was presented on 1/7, and not any additional content of the draft.*

Amendment by Jonathan Tarrant: In paragraph 4, change the language to “only the following points” to make clear that the support given by TCC in the resolution is for the current draft as presented on 1/7/16. Dan Gleason second.

- *Howard was not in favor of the amendment, as he strongly feels that having the same resolution with the attached draft will send a strong message.*
- **Vote on amendment: 8 yes, 13 no. Amendment fails.**

Vote on motion: 22 yes, 1 no. TCC Resolution 2016-01 passes.

MARSTON PARK EASEMENT WORK | JARRETT BOLING, CHUGACH ELECTRIC

- In order to deliver power to new properties being built near Marston Park, which is a small wooded area with a small bike trail and some landscaping.
- Part of the proposal would be to retire an existing 20' easement that bisects the park, in exchange for a 15' easement along the road. In order to access the line, there would be some trees removed; Chugach Electric would be completing the work, and there is a surveyor who marks the extent of the clearance ahead of time.
- The infrastructure installed would serve the subdivided lots, as well as a conduit installed for possible future electricity access in the park (it does not currently have it). The infrastructure will be below ground in the park. The conduit would be a plastic material rather than metal, to prevent future corrosion and rusting.
- This would be approximately 1 week of work, starting in spring 2016 at the earliest.
- The proposal would be brought next to the Parks and Recreation Commission, then the Assembly; because it is included on park land, it must be discussed
- **Questions and Comments**
 - *A member asked whether it is possible to have Chugach Electric staff present during the tree clearing, to ensure additional trees have not been removed unnecessarily? Jarrett will bring this and other comments back to the operations manager as suggestions.*
 - *Elaine Hulse suggested that a community council member be present as well, as there have been multiple experiences by the council that items have been removed beyond the original scope of work.*
 - *Cathy Gleason added that replanting trees is important because it is parkland, and ideally of the same species as the one removed. Jarrett will bring the suggestion back to Chugach Electric staff and look into having a staff member present.*
- **Motion by Cathy Gleason, second by Pat Redmond for a resolution requesting Chugach Electric provide restoration of removed trees in the project area with similar species to those removed, when the work is complete; and that a Chugach Electric employee be present on site when tree clearing occurs, to avoid additional foliage being removed.**

Discussion

- Jonathan Tarrant suggested a friendly amendment to note that TCC supports the relocation of the easement in general. Amendment accepted.

Vote on motion: Yes 18, 1 no, 1 abstain. TCC Resolution 2016-02 passes.

KIWANIS FISH CREEK AND BARBARA STREET PARK IMPROVEMENTS | SCHAWNA THOMA, TAYLOR KEEGAN

- Schawna shared that she and others have been working to discuss improvements to two parks: Kiwanis Fish Creek Park and Barbara Street Park. The greenbelt along Fish Creek is the border between Turnagain and Spenard. She has been a volunteer participating in park improvement projects, including a Park Foundation Challenge Grant to raise funds for park improvements.
- Keegan Taylor gave an overview of the current conditions of the park, strengths and weaknesses.
 - For Kiwanis Fish Creek Park on the Turnagain side: people generally like the playground, specifically the purple dinosaur, and like the connectivity along the trail running through the park. However, they felt that there is not sufficient connectivity between the playground and the gazebo, and there are visibility and equipment issues.
Suggestions for design elements: equipment will need to be suitable for 2 to 12 year old kids. There are currently underutilized areas of the park that could be better used. In addition, the thematic elements of water (such as blue turf ribbons running through green turf areas). Cathy and Dan Gleason are donating 35 trees in celebration of their 35th wedding anniversary, some of which may be included in this park.
 - At the Barbara Street Park (the “tiny house park”) there are positive elements such as the open hill and the ability for kids to run up and down. Mothers who bring kids to the park would like to see a wider variety of uses for kids of different ages. The group would also like to keep two of the three “tiny houses” (the most enclosed one, which has questionable activity) and replace the third with another playground element like a climbing structure.
- **Questions and Comments**
 - A member asked about what specifically the turf being proposed is made of? Katie and Schawna noted that there is artificial turf currently at Balto Seppala Park and Cuddy Midtown Park playgrounds; this would use the same type of turf.
- **Motion by Cathy Gleason, second by Jerry Trainor for a resolution presented to the Council in hardcopy to support the park projects, particularly Kiwanis Fish Creek Park, and requesting that the project team return in February to share more details of the final design.**
 - Taylor Keegan proposed an amendment that the resolution support the park project and not require an additional presentation, as details will be reviewed by the Advisory Committee.
 - Cathy Gleason spoke against the amendment, noting that the design has not been finalized and she has not had a chance to review the existing materials.
 - **Vote on amendment: 12 yes, 2 no. Amendment passes.**

Vote on motion: Yes 13, 1 no, 0 abstain. TCC Resolution 2016-03 passes.

ANNOUNCEMENTS & PUBLIC COMMENTS

See Attachments flyer available as a handout in the meeting and on the TCC website.

CLOSING

- The meeting was adjourned at 9:20 p.m.
- The next meeting will be Thursday, February 4, 2016 at Turnagain Elementary.

Minutes prepared and submitted by Secretary/Treasurer Anna Brawley on 1/25/2016

Minutes approved by Turnagain Community Council at the regular meeting on 3/3/2016