

Proposed Amendment #1 to AO 2023-112

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE MUNICIPALITY OF ANCHORAGE A BALLOT PROPOSITION APPROVING PERPETUAL, NON-EXCLUSIVE TELECOMMUNICATION AND ELECTRICAL EASEMENTS TO CHUGACH ELECTRIC ASSOCIATION, INC. ON PORTIONS WITHIN TEN MUNICIPAL PARCELS,

Submitted by: Assembly Member Bronga

PROPOSED AMENDMENT

Purpose/Summary of amendments:

The requested easements are within the dedicated Far North Bicentennial Park. A strong case must be made for why this should not go to a popular vote as required in Charter Section 10.02(8) and Section 25.30.020 of the Anchorage Municipal Code. The intent of the amendments are to make the case in a way that focusses clearly on the facts that support not sending this land entitlement to the voters.

Points made in the AO Whereas statements bring in facts irrelevant to the decision. The Charter’s requirement that conveying an interest in a dedicated park must go to a popular vote does not make exceptions for the importance of a use, nor for the value of a use, nor the existence of licenses from other government entities.

In this case, the Rights-of-Way for the Chugach Electric transmission and distribution lines existed prior to Municipal ownership of Far North Bicentennial Park. The ROW were clearly transferred along with the land when it was given to the State and from the State to the Municipality. A ROW is a form of easement.

Therefore, in granting easements, the MOA is not conveying a municipal interest in land, Chugach Electric Association already holds that interest in the form of the ROW.

TEXT OF AMENDMENT

AO Section x, Page x, beginning at line x; add as follows:

AMENDMENT #1 Replace the last five WHEREAS statements with the following:

WHEREAS, the requested easements are for a 115 kV transmission line that was installed in the 1960’s to provide electric power interconnection between the Kenai Peninsula and Anchorage. The transmission line crosses through eastern and northern areas of Far North Bicentennial Park; and

WHEREAS, the transfer of Far North Bicentennial Park to the State of Alaska and then from the State to the Municipality of Anchorage (MOA) requires that for perpetuity the land be for recreational use by the citizens in areas where such use

1 would be consistent with the primary objective of nature conservation.’ (GAAB
2 FNBP Master Development Plan 1974.); and

3
4 **WHEREAS**, Far North Bicentennial Park was dedicated as Municipal parkland on
5 September 25, 1984; and

6
7 **WHEREAS**, pursuant to Charter Section 10.02(8) and Section 25.30.020 of the
8 Anchorage Municipal Code, the conveyance of municipal interest in land on dedicated
9 municipal parkland requires approval at a regular or special election by a majority of
10 those voting on the question; and

11
12 **WHEREAS**, The Federal Government transferred to the State of Alaska land that
13 became Far North Bicentennial Park through Patent Number 50-80-073 on March 26,
14 1980. ‘... subject however, to the following reservations, conditions and limitations:
15 ...’ That list includes items 9 through 16 all or which refer to Rights-of-Way for
16 distribution and transmission lines for Chugach Electric Association in Township 13
17 North, range 3 West, Seward Meridian Sections 1, 12, 34, 35 and 36; and

18
19 **WHEREAS**, The State of Alaska subsequently transferred the land to the Municipality
20 of Anchorage through Patent No. 12-29-1981 ‘Subject to all reservations and
21 conditions of record contained in Federal Patent 50-80-0073 effective March 26, 1980
22 as recorded in the Anchorage Recording District on August 8, 1980, in book 515,
23 pages 236-243’; and

24
25 **WHEREAS**, A later transfer from the State to the MOA for land in FNBP was
26 through Patent 6792 on 12/1/1982 ‘... Containing 217.50 acres, more or less’ and
27 ‘Subject to all reservations and conditions of record contained in Federal Patent
28 50-80-0073 effective March 26, 1980; and

29
30 **WHEREAS**, A final transfer from the State to the MOA of about 34 acres of land in
31 FNBA was through Patent No 15816 on April 10, 1997 for Tract A of AK State
32 Land Survey No 86-63 of 12/30/1996 as Plat 96-145 also ‘Subject to Platted
33 easements and reservations ...’ ; and

34
35 **WHEREAS**, a Right-of-Way is a form of easement.

36
37 **AMENDMENT #2 Replace Section 1 with the following**

38
39 Section 1. The Assembly finds the grant to Chugach Electric Association, Inc (CEA) of
40 perpetual, non-exclusive telecommunications and electrical easements on municipal
41 property legally described as portions within Section 36 T13N R3W, Sections 1 and 12
42 T12N R3W is not a conveyance of municipal interest in land as the rights of the
43 easement already belong to CEA through existing Rights-of-Way. Granting the
44 easements will document the MOA’s recognition that CEA already has the property
45 interest by virtue of existing Rights-of-Way.

46
47
48 **Will there be any public or private economic effect to the proposed**
49 **amendment?** YES NO (check one) **If yes**