ANCHORAGE, ALASKA
AO NO. 2023-112

AN ORDINANCE AUTHORIZING THE DISPOSAL BY PERPETUAL, NON-EXCLUSIVE TELECOMMUNICATION AND ELECTRICAL EASEMENTS TO CHUGACH ELECTRIC ASSOCIATION, INC. ON PORTIONS WITHIN TEN MUNICIPAL PARCELS, LEGALLY DESCRIBED AS SEC 36 T13N R3W (PID 007-321-01, 007-331-01, 007-341-01, 007-371-01, 007-381-01); SEC 1 T12N R3W (PID 014-561-01, 014-591-01, 014-601-01, 014-631-01); SEC 12 T12N R3W (PID 014-641-01).

WHEREAS, the Municipality of Anchorage (MOA) proposes to grant to Chugach Electric Association, Inc. (CEA) perpetual, non-exclusive telecommunication and electrical (T&E) easements on municipal property, legally described as portions within Section 36 T13N R3W, Sections 1 and 12 T12N R3W; and

WHEREAS, this action is necessary to provide the recorded legal authority for the continued maintenance, operation, and reinstallation of upgraded equipment, safety, and access for the existing main transmission line licensed by the Federal Energy Regulatory Commission; and

WHEREAS, the proposed perpetual, non-exclusive T&E easements will comprise a total of approximately 34.2 acres within the dedicated Far North Bicentennial Park; and

WHEREAS, disposals of an interest in dedicated parkland require a majority vote of the people (AMC 25.30.020D). However, there are existing right-of-way licenses granted by the Bureau of Land Management to CEA, in accordance with the Federal Power Act of 1920 and subsequent related Acts and amendments. Therefore, it is not considered an additional disposal of an interest requiring a majority vote; and

WHEREAS, except where required by law, disposals of municipal property by easement have certain conditions, including a value of $50,000 or less and a finding by the Assembly to be without substantial value for the term of the agreement (AMC 25.30.020B-C). The Administration recognizes the value of the property is substantial. However, the availability of reliable electricity to the citizens of Anchorage is vital; and

WHEREAS, in acknowledgment there is no additional disposal, it is also proposed that public noticing and posting provisions regarding municipal land disposal requiring voter approval be waived (AMC 25.30.025); and
WHEREAS, following notice, the Parks & Recreation Commission held a public hearing and passed Resolution 2022-02 stating non-objection; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Notwithstanding the provisions of AMC 25.30.020B-D and 25.30.025, the Assembly finds that this disposal of an interest of dedicated parkland in conjunction with existing licensure does not require a majority vote, nor a finding of without substantial value or additional public noticing and posting.

Section 2. The MOA is hereby authorized to grant perpetual, non-exclusive T&E easements to CEA on municipal property, legally described as portions within SEC 36 T13N R3W (PID 007-321-01, 007-331-01, 007-341-01, 007-371-01, 007-381-01); SEC 1 T12N R3W (PID 014-561-01, 014-591-01, 014-601-01, 014-631-01); SEC 12 T12N R3W (PID 014-641-01).

Section 3. This Ordinance shall become effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of __________, 2023.

__________________________
Chair

ATTEST:

__________________________
Municipal Clerk
AN ORDINANCE AUTHORIZING THE DISPOSAL BY PERPETUAL, NON-EXCLUSIVE ELECTRICAL EASEMENT TO CHUGACH ELECTRIC ASSOCIATION, INC. ON PORTIONS WITHIN TEN MUNICIPAL PARCELS, LEGALLY DESCRIBED AS AS SEC 36 T13N R3W (PID 007-321-01, 007-331-01, 007-341-01, 007-371-01, 007-381-01); SEC 1 T12N R3W (PID 014-561-01, 014-591-01, 014-601-01, 014-631-01); SEC 12 T12N R3W (PID 014-641-01).

The proposed disposals of an interest in municipal lands are for the continued operation of the Chugach Electric Association, Inc. (CEA) main transmission line to provide critical electricity for the Municipality of Anchorage (MOA).

The proposed disposals of an interest in municipal lands are for the continued operation of the CEA main transmission line to provide critical electricity for MOA.
From: MAYOR

Subject: AN ORDINANCE AUTHORIZING THE DISPOSAL BY PERPETUAL, NON-EXCLUSIVE ELECTRICAL EASEMENT TO CHUGACH ELECTRIC ASSOCIATION, INC. ON PortIONS WITHIN TEN MUNICIPAL PARCELS, LEGALLY DESCRIBED AS SEC 36 T13N R3W (PID 007-321-01, 007-331-01, 007-341-01, 007-371-01, 007-381-01); SEC 1 T12N R3W (PID 014-561-01, 014-591-01, 014-601-01, 014-631-01); SEC 12 T12N R3W (PID 014-641-01).

This Ordinance authorizes the Municipality of Anchorage (MOA) to grant to Chugach Electric Association, Inc. (CEA) perpetual, non-exclusive telecommunication and electrical (T&E) easements on municipal property, legally described as portions within Section 36 T13N R3W, Sections 1 and 12 T12N R3W.

MOA received Municipal Entitlement Act lands that were subject to a CEA-owned and maintained transmission line. CEA's original authority for the transmission line location was issued under a 1957 Federal Power Commission license. That license expired and a new license was issued under the Federal Energy Regulatory Commission license. During that licensing process, CEA was directed to acquire T&E easements to operate the transmission line.

CEA is seeking T&E easements crossing ten municipal parcels within the dedicated Far North Bicentennial Park with an approximate area of 34.2 acres, or 15,038 linear feet (Exhibit A).

Disposal of an interest in dedicated parkland requires a majority vote of the citizens of MOA (AMC 25.30.025). However, there are existing right-of-way licenses granted by the Bureau of Land Management that predate municipal ownership. Therefore, it is not considered an additional disposal of an interest requiring a majority vote. Considering this determination, MOA is seeking to waive those provisions for public notice and posting for the associated proposition.

Disposals by easement have certain conditions, including a value of $50,000 or less and a finding by the Assembly to be without substantial value. The Administration recognizes the value of the property is substantial. However, the availability of reliable electricity is critical for the operations of MOA and its citizens.
On April 14, 2022, following notice, the Parks and Recreation Commission held a public hearing and approved Resolution 2022-02 not objecting to the perpetual, non-exclusive T&E easements to CEA (Exhibit B).

THE ADMINISTRATION RECOMMENDS APPROVAL.

Prepared by: Real Estate Department
Approved by: Tiffany Briggs, Real Estate Director
Concur: Lance Wilber, OECD Executive Director
Concur: Marilyn Banzhaf, OMB Deputy Director
Concur: Alden Thern, Acting CFO
Concur: Anne Helzer, Municipal Attorney
Concur: Kent Kohlhase, P.E., Municipal Manager
Respectfully submitted: Dave Bronson, Mayor

Appendix A: T&E Easement maps
Appendix B: Parks and Recreation Commission Resolution 2022-02
1. The centerline of this 100' wide T&E easement was computed from survey ties made in the field to the existing facilities.
Exhibit A

LEGEND

- FOUND BLM MONUMENT
- (R) RECORD T. 13 N., R. 3 W., S.M., APPROVED SEPT. 24, 1917
- (M) MEASURED
- (P) PROPORTIONED
- (C) COMPUTED

FAR NORTH BICENTENNIAL PARK
Sec. 36

AS-BUILT SURVEY OF THE 115KV OVERHEAD POWERLINE
SITUATED WITHIN SECTION 36, T. 13 N., R. 3 W., SEWARD MERIDIAN, ALASKA
ANCHORAGE RECORDING DISTRICT
THIRD JUDICIAL DISTRICT, STATE OF ALASKA

Farpoint Land Services, LLC
SURVEYING, MAPPING, LAND PLANNING, GIS
1131 E. 76th Ave., Suite 101. Anchorage, Alaska 99518
FarpointAL.com • (907) 522-7770 • survey@farpointak.com

DATE: Aug. 1, 2022
SCALE: 1"=400'
SHEET: 5 OF 8
NO #: 13053
AECL #: 1469
Exhibit A

MEASURED (M)
FOUND BLM MONUMENT
(RE) RECORD T. 13 N., R. 3 W., S.M., APPROVED SEPT. 24, 1917
(M) MEASURED
(P) PROPORIONED
(C) COMPUTED

Exhibit A

LEGEND

AS–BUILT SURVEY OF THE 115kV OVERHEAD POWERLINE
SITUATED WITHIN SECTION 36, T. 13 N., R. 3 W., SEWARD MERIDIAN, ALASKA
ANCHORAGE RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

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DATE: Aug. 1, 2022
SCALE: 1"=400'
SHEET: 6 OF 8
#0 #: 13053
AECL #: 1469
Found BLM Monument

Measured

Approved Sept. 24, 1917

Proportioned

Computed

Record T. 13 N., R. 3 W., S.M.,

Exhibit A
AS-BUILT SURVEY OF THE 115kV OVERHEAD POWERLINE
SITUATED WITHIN SECTION 36, T. 13 N., R. 3 W., SEWARD MERIDIAN, ALASKA
ANCHORAGE RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

FAR NORTH BICENTENNIAL PARK:
Sec. 36

NOTES
1. DOT ROW from Plat No. 83-141, A.R.D. Supplemental Sheet "A".

LEGEND
- FOUND BLM MONUMENT
- FOUND MONUMENT
(R) RECORD T. 13 N., R. 3 W., S.M., APPROVED SEPT. 24, 1917
(R1) RECORD PLAT 90-67
(P) PROPORTIONED
(C) COMPUTED

FARPOINT LAND SERVICES, LLC
SURVEYS, MAPPING, LAND PLANNING, GIS
1131 E. 76th Ave., Suite 101, Anchorage, Alaska 99518
FarpointAK.com • (907) 522-7770 • survey@farpointak.com

DATE: Aug. 1, 2022
SCALE: 1"=400'
SHEET: 8 OF 8
NO #: 13053
AEC #: 1469
NOTE

1. The centerline of this 100' wide T&E easement was computed from survey ties made in the field to the existing facilities.

EXHIBIT A

1. The centerline of this 100' wide T&E easement was computed from survey ties made in the field to the existing facilities.

EXHIBIT B

AS-BUILT SURVEY OF THE 115kV OVERHEAD POWERLINE
SITUCATED WITHIN SECTION 1, T. 12 N., R. 3 W., SEWARD MERIDIAN, ALASKA
ANCHORAGE RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

DATE: Aug. 1, 2022
SCALE: 1"=2000'
SHEET: 3 of 7
NO. #: 13053
ACEL #: 1469

Farpoint Land Services, LLC
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1131 E. 76th Ave., Suite 101, Anchorage, Alaska 99518
FarpointAK.com • (907) 522-7770 • survey@farpointak.com
FOUND BLM MONUMENT
APPROVED AUG. 7, 1917
PROPORTIONED
COMPUTED
COMPUTED, NOTHING SET

Exhibit A

FAR NORTH BICENTENNIAL PARK:
Sec. 1

AS-BUILT SURVEY OF
THE 115kV OVERHEAD POWERLINE
SITUATED WITHIN SECTION 1,
T. 12 N., R. 3 W.,
SEWARD MERIDIAN, ALASKA
ANCHORAGE RECORDING DISTRICT
THIRD JUDICIAL DISTRICT, STATE OF ALASKA

Farpoint Land Services, LLC
SURVEYING, MAPPING, LAND PLANNING, GIS
1131 E. 76th Ave., Suite 101, Anchorage, Alaska 99518
FarpointAL.com (907) 522-7770 survey@farpointal.com

DATE: Aug. 1, 2022
SCALE: 1"=400'
SHEET: 1 of 7
WEO #: 13053
EDEL #: 1469
Exhibit A

LEGEND

FOUND BLM MONUMENT
(R) RECORD T. 12 N., R. 3 W., S.M.
(M) MEASURED
(P) PROPORTIONED
(C) COMPUTED
X COMPUTED, NOTHING SET

Far North Bicentennial Park:
Sec. 1

AS-BUILT SURVEY OF
THE 115KV OVERHEAD POWERLINE
SITUATED WITHIN SECTION 1,
T. 12 N., R. 3 W.,
SEWARD MERIDIAN, ALASKA

ANCHORAGE RECORDING DISTRICT
THIRD JUDICIAL DISTRICT, STATE OF ALASKA

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1131 E. 76th Ave., Suite 101, Anchorage, Alaska 99518
FarpointAL.com (907) 522-7770 survey@farpointak.com

DATE: Aug. 1, 2022
SCALE: 1" = 400'
SHEET: 5 of 7
EOL #: 3053
AEC #: 1499
FOUND BLM MONUMENT
APPROVED AUG. 7, 1917
PROPORTIONED (P)
COMPUTED (C)
RECORD T. 12 N., R. 3 W., S.M.
MEASURED (M) COMPUTED, NOTHING SET

Exhibit A
1. The centerline of this 100' wide T&E easement was computed from survey ties made in the field to the existing facilities.

Exhibit A

NOTE

1131 E. 76th Ave., Suite 101  Anchorage, Alaska 99518
FarpointAK.com   (907) 522-7770   survey@farpointak.com

Michael J. Horne
No. LS-5318

LEGEND

FOUND BLM MONUMENT
COMPUTED - NOTHING SET

EXHIBIT B

TOTAL EASEMENT AREA = 1.000 Acres

AS–BUILT SURVEY OF THE 115kV OVERHEAD POWERLINE
SITUATED WITHIN SECTION 12, T. 12 N., R. 3 W., SEWARD MERIDIAN, ALASKA
ANCHORAGE RECORDING DISTRICT
THIRD JUDICIAL DISTRICT, STATE OF ALASKA

Farpoint Land Services, LLC
SURVEYING, MAPPING, LAND PLANNING, GIS
1131 E. 76th Ave., Suite 101, Anchorage, Alaska 99518
FarpointAL.com • (907) 522-7770 • survey@farpointak.com

DATE:  Aug. 1, 2022  SCALE:  1"=2000'
SHEET:  3 OF 4  NO #:  13053  AEC #:  1469
FAR NORTH BICENTENNIAL PARK:
Sec. 12

AS-BUILT SURVEY OF THE 115KV OVERHEAD POWERLINE
SITUATED WITHIN SECTION 12,
T. 12 N., R. 3 W.,
SEWARD MERIDIAN, ALASKA
ANCHORAGE RECORDING DISTRICT
THIRD JUDICIAL DISTRICT, STATE OF ALASKA

Exhibit A
RESOLUTION NO. 2022-02

REQUEST FOR UTILITY EASEMENT AT FAR NORTH BICENTENNIAL PARK FOR ELECTRICAL TRANSMISSION LINE FACILITIES

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 continue to maintain electric utility transmission through Far North Bicentennial Park to serve portions of the Anchorage region; and

WHEREAS, the overhead lines and related facilities have been in place to transmit hydroelectric power since the late 1950s and remain by renewable federal license; and

WHEREAS, Chugach Electric Association desires to obtain an easement of similar extent to supersede the corresponding license area for long-term maintenance of the facilities; and

WHEREAS, the area of the proposed easement was conveyed to the Municipality of Anchorage in 1981 and dedicated for public park purposes in 1984; and

WHEREAS, the subject transmission lines appear to be a recognized utility in the 1985 Far North Bicentennial Park Master Plan; and

WHEREAS, the public has used the area for park and recreation purposes since at least the time of Municipal ownership and the Municipality desires that the area be open to the public for park and recreation use consistent with reasonable safety standards and applicable plans and policies; and

WHEREAS, the public has established trails in the area which trails along with other potential park and recreation improvements the Municipality desires to further maintain and improve for the long-term benefit of the public; now, therefore,

BE IT RESOLVED, that the Anchorage Parks and Recreation Commission would not object to the granting of a non-exclusive easement to Chugach Electric Association, generally as shown on the attached diagrams, for maintenance and operation of existing electrical utility facilities, subject to the following conditions:

1. Any legal issues shall be resolved, and any conveyance shall be subject to other terms necessary in the interest of the MOA.

2. CEA shall pay MOA fair market value compensation for the interest conveyed, with the funds to be for use by MOA Parks and Recreation Dept.
3. Except in emergencies, CEA or its agents shall not unreasonably impair public access to and use of the area for park and recreation purposes. Temporary closures for CEA’s necessary maintenance shall be considered reasonable.

4. CEA shall assure that operation and maintenance of its equipment do not create hazards for the public in the easement, and shall exercise reasonable care to avoid unnecessary damage to Parks & Recreation facilities.

5. The MOA may construct, maintain, and improve trails and other reasonable facilities including landscaping, for public access, recreation, and visual enhancement. MOA shall make reasonable efforts to coordinate future improvements with CEA so as to minimize potential conflict with CEA operations and maintenance. The MOA shall not build permanent structures or install substantial landscaping in the area without written approval from CEA.

6. Parks & Recreation agrees to be responsible for regular repairs and maintenance of park and public trail improvements within the easement. CEA may assist with re-seeding or re-grading within the easement adjacent to such improvements following routine CEA maintenance activities.

7. Should towers or other above-ground equipment be added, or need replacement or substantial repair or alteration, in providing such addition, replacement, or substantial repair or alteration CEA shall incorporate alternative designs or significant design features to mitigate adverse visual impact and enhance the aesthetic quality of the park, and shall not increase the “footprint” of facilities on the affected park area. Such equipment shall be designed by qualified design professionals to meet the visual/aesthetic objectives as well as structural and other technical requirements for such facilities. Equipment design shall be made in consultation with MOA Parks and Recreation Department and may include public review.

PASSED AND APPROVED by the Anchorage Parks and Recreation Commission this 14th day of April, 2022.

Chair
Parks and Recreation Commission

ATTEST:

Josh Durand, Director
Parks & Recreation Department