

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 5-22-01

Submitted by: Assemblymember CLEMENTSON
Prepared by: Assembly Office
For Reading: APRIL 24, 2001

ANCHORAGE, ALASKA
AO NO. 2001 - 93

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE AUTHORIZING THE HERITAGE LAND BANK (HLB) TO DISPOSE OF HLB PARCELS #3-040, 3-041, 3-044, 3-045 AND 3-046, LOCATED SOUTH OF TUDOR ROAD AND EAST OF CAMPBELL AIRSTRIP ROAD IN ANCHORAGE, TO THE ALASKA BOTANICAL GARDENS, AN ALASKA NON-PROFIT CORPORATION, ON A SOLE SOURCE BASIS, FOR LESS THAN FAIR MARKET VALUE, BY FIFTY-FIVE YEAR LEASE.

WHEREAS, the Heritage Land Bank was established to "...manage uncommitted municipal land and the Heritage Land Bank Fund in a manner designed to benefit the present and future citizens of Anchorage, promote orderly development, and achieve the goals of the comprehensive plan" (AMC 25.40.010); and

WHEREAS, "Heritage Land Bank land may be leased non-competitively to a non-profit agency for less than its appraised fair market value if the municipal benefits which are projected to accrue are found by the mayor and the assembly to be in the best interest of the municipality." (AMC 25.40.025.F); and

WHEREAS, the subject property is currently under an MOA Land Use Permit with Alaska Botanical Garden for the purposes of providing the Anchorage community with a public botanical garden; and

WHEREAS, the HLB Advisory Commission provided public notice of the proposed disposal by lease and held a public hearing on April 11, 2001 in accordance with AMC 25.40.030; and

WHEREAS, the Heritage Land Bank Advisory Commission (HLBAC), by way of Resolution No. 2001-03, recommended approval for a long term lease of up to 55 years at less than fair market value for the subject property to the Alaska Botanical Garden; and

WHEREAS, the lease rate will be negotiated or agreed upon and the final terms of the lease will be submitted to the Heritage Land Bank Advisory Commission for approval.

NOW, THEREFORE, the Anchorage Assembly ordains:

Section 1. The Heritage Land Bank is hereby authorized to enter into a 55-year, less than fair market value lease of HLB Parcels #3-040, 3-041, 3-044, 3-045 and 3-046 with the Alaska Botanical Garden (ABG) on a sole source basis and for a nominal rental.

Section 2. The ABG shall be responsible for the continued and regular maintenance of the gardens for the public's enjoyment throughout the term of the lease, and make regular payments at negotiated rental and pay rates.

AM 263-2001

Clerk's Note:
The Assembly amended the attached Summary of Economic Effects also.

Section 3. The use of the parcel shall be subject to and conform to all applicable federal, state and local regulations, rules and laws.

Section 4. No hazardous or contaminated materials may be placed or stored on the site without prior written authorization from the HLB.

Section 5. Subject parcels will be retained in the HLB inventory and under management authority of MOA Cultural and Recreational Services.

Section 6. The final form and content of the lease is to be presented to the HLB Advisory Commission for approval.

Section 7. Before the end of the current calendar year, Lessee shall complete a survey of the leased parcels at its sole expense, to precisely delineate the boundaries of the property affected by this lease.

Section 8. The terms and conditions of the existing Land Use Permit between MOA and ABG shall remain in effect with respect to those portions of the Alaska Botanical Garden not affected by this lease.

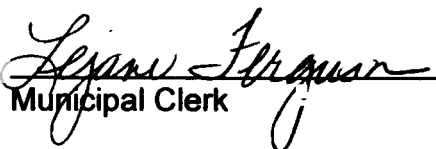
Section 9. In the event of either: 1) default on lease payment obligations; or 2) failure to maintain subject properties in a manner consistent with the originally intended purpose of ABG, subject properties will revert to MOA, including all attached improvements thereon.

Section 10. This ordinance will take effect immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 22 day of May, 2001.


Chair

ATTEST:


Municipal Clerk