

CLERK'S OFFICE

APPROVED

Date: 4-17-01

Submitted by: Chair of the Assembly  
at the Request of the Mayor  
Prepared by: Office of Planning,  
Development, & Public Works  
For Reading: MARCH 27, 2001

ANCHORAGE, ALASKA  
AR NO. 2001-90

1 A RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS AND  
2 ACCEPTANCE OF THE DECISIONAL DOCUMENT FOR THE CONSTRUCTION OF  
3 THE BOSTON STREET AND EAST 12<sup>TH</sup> COURT UPGRADE, PROJECT #98-07  
4

5  
6 WHEREAS, the Municipality has engaged in negotiations regarding the  
7 acquisition of property rights for the parcels listed in Exhibit A; and  
8

9 WHEREAS, the Municipality has made every reasonable effort to acquire  
10 the properties described in Exhibit A by negotiated agreement in accordance with  
11 applicable law; and  
12

13 WHEREAS, further delay as a result of continued nonproductive  
14 negotiations would have a detrimental effect upon the cost and scheduling of the  
15 project; now therefore,  
16

17 THE ANCHORAGE ASSEMBLY RESOLVES:  
18

19 SECTION 1. The property interests described in Exhibit A are to be  
20 acquired for the construction of the Boston Street Upgrade Project, as part of the  
21 Official Streets and Highways Plan (OS&HP), the design of which has been determined  
22 to provide the greatest public good for the least private injury. The Municipality is  
23 hereby authorized to acquire necessary property rights in regard to the following  
24 parcels for right-of-way for the Boston Street and East 12<sup>th</sup> Court Upgrade Project, more  
25 specifically described in Exhibit A.  
26

27 SECTION 2. The Municipality is authorized to institute eminent domain  
28 proceedings, including the use of a Declaration of Taking, against the properties  
29 described in Exhibit A.  
30

31 SECTION 3. The Decisional Document attached as Exhibit B, has been  
32 reviewed and accepted by the Assembly and is approved for use in filing a Declaration  
33 of Taking for the properties described in Exhibit A.

1                    SECTION 4. This resolution shall take effect immediately upon passage  
2 and approval by the Anchorage Assembly.  
3

4 PASSED AND APPROVED by the Anchorage Municipal Assembly this 17<sup>th</sup> day of  
5 April, 2001.  
6

7  
8  
9  
10 Fay VanDennin  
11 Chair  
12

13 ATTEST:  
14

15  
16 Lepore Ferguson  
17 Municipal Clerk  
18

**BOSTON STREET/EAST 12<sup>TH</sup> COURT****EMINENT DOMAIN EXHIBIT A**

<b><u>PARCEL</u></b>	<b><u>LEGAL DESCRIPTION</u></b>	<b><u>OWNER</u></b>	<b><u>RIGHTS</u></b>
3 3A	Lot 7, Block 2, Sunny Acres Subdivision	Sun	PUE TCP
4 4A	Lot 12, Block 3, Sunny Acres Subdivision	Sun	SLOPE TCP
5 5A	Lot 11, Block 3, Sunny Acres Subdivision	Sun	SLOPE TCP
6 6A	Lot 10, Block 3, Sunny Acres Subdivision	Sun	SLOPE TCP
7 7A	Lot 9, Block 3, Sunny Acres Subdivision	Sun	SLOPE TCP
8 8A	Lot 8, Block 3, Sunny Acres Subdivision	Sun	SLOPE TCP
9 9A 9B	Lot 7, Block 3, Sunny Acres Subdivision	Sun	PUE SLOPE TCP
10 10A	Lot 6, Block 3, Sunny Acres Subdivision	Sun	SLOPE TCP
23	Lot 46, Block 2, Muldoon Subdivision	Shafer	PUE Fire Hyd. TCP

**EXHIBIT A**

7B  
2/ HK

**BOSTON STREET/EAST 12<sup>TH</sup> COURT**  
**EMINENT DOMAIN EXHIBIT A (REVISED)**

<u>PARCEL</u>	<u>LEGAL DESCRIPTION</u>	<u>OWNER</u>	<u>RIGHTS</u>
3 3A	Lot 7, Block 2, Sunny Acres Subdivision	Sun	PUE TCP
4 4A	Lot 12, Block 3, Sunny Acres Subdivision	Sun	SLOPE TCP
5 5A	Lot 11, Block 3, Sunny Acres Subdivision	Sun	SLOPE TCP
6 6A	Lot 10, Block 3, Sunny Acres Subdivision	Sun	SLOPE TCP
7 7A	Lot 9, Block 3, Sunny Acres Subdivision	Sun	SLOPE TCP
8 8A	Lot 8, Block 3, Sunny Acres Subdivision	Sun	SLOPE TCP
9 9A 9B	Lot 7, Block 3, Sunny Acres Subdivision	Sun	PUE SLOPE TCP
10 10A	Lot 6, Block 3, Sunny Acres Subdivision	Sun	SLOPE TCP

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M.O.A.

**EXHIBIT A**

ref. AR 2001 90

# **BOSTON STREET and EAST 12<sup>TH</sup> COURT IMPROVEMENTS**

**Project Management & Engineering Project No. 98-07**

## **DECISIONAL DOCUMENT**

Prepared by:

Municipality of Anchorage  
Office of Planning, Development, and Public Works  
Project Management and engineering Department  
P.O. Box 196650  
Anchorage, Alaska 99519-6650

March 2001

M.O.A  
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## **List of Acronyms**

<b>AASHTO</b>	<b>American Association of State Highways and Transportation Officials</b>
<b>ADAAG</b>	<b>Americans with Disabilities Advisory Act Guidelines</b>
<b>AMATS</b>	<b>Anchorage Metropolitan Area Transportation Study</b>
<b>AWTP</b>	<b>1997 MOA Areawide Trails Plan</b> <b>1988 MOA Design Criteria Manual</b>
<b>DCPD</b>	<b>MOA Department of Community Planning and Development</b>
<b>DOT&amp;PF</b>	<b>The State of Alaska Department of Transportation and Public Facilities</b>
<b>PM &amp; E</b>	<b>MOA Project Management and Engineering Department</b> <b>Design Study Report</b> <b>Electrical Easement</b>
<b>Ft.</b>	<b>Feet or Foot</b> <b>1994 AASHTO A Policy On Geometric Design of Highways and Streets (Green Book)</b>
<b>GDBF</b>	<b>1999 AASHTO Guide for the Development of Bicycle Facilities</b>
<b>MOA</b>	<b>Municipality of Anchorage</b>
<b>OSHP</b>	<b>1996 MOA Official Streets and Highways Plan</b>
<b>PUE</b>	<b>Public Use Easement</b>
<b>ROWTBC</b>	<b>Right-of-WayTop Back of Curb</b> <b>Temporary Construction Permit</b>
<b>SE</b>	<b>Slope Easement</b>

### **1.0 Project Identification**

The purpose of this Decisional Document is to show that the proposed improvements, as well as the decision where to locate the improvements, is in the public's best interest while causing the least private harm. The improvements are designed based upon current engineering principles and standards. This document will also discuss how the property acquisition reasonably considered and balanced the needs of the general public and the private property owner.

The project involves upgrading Boston Street from Debarr Road to East 11<sup>th</sup> Court and East 12<sup>th</sup> Court from Muldoon Road to Boston Street.

The location of the project is in the Muldoon area within the Municipality of Anchorage. The Location Map and Vicinity Map may be seen in Figures 1 and 2, respectively, in Appendix A.

## **1.1 Facility Description**

Boston Street and East 12<sup>th</sup> Court are classified in the Official Streets and Highways Plan (OSHP) as Class 1C Neighborhood Collectors. Collector streets serve to collect traffic from local residential streets and conduct the traffic to arterials or to local traffic generators such as schools, parks and shopping centers. Boston Street and East 12<sup>th</sup> Court function in this defined capacity.

Boston Street and East 12<sup>th</sup> Court do not meet minimum collector street standards. These streets currently have a typical section that consists of a 20-ft. wide strip paved road with minimal drainage ditches. The streets do not have curb and gutter, storm drain system, sidewalks or adequate street lighting. The lack of sidewalks forces pedestrians, bus patrons and bicyclists to use the street and/or street shoulders, thereby creating a safety hazard. Currently these streets do not comply with ADAAG requirements.

## **1.2 History**

The Boston Street and East 12<sup>th</sup> Court Improvements project has been scheduled in the MOA approved capital improvement budgets since 1998. Construction funding of \$1,600,000 is approved in the 2001 capital improvement budget. The funding source is Anchorage Roads and Drainage Service Area G.O. bonds.

## **2.0 Project Goal**

The project goal is to upgrade Boston Street and East 12<sup>th</sup> Court to meet Class 1C Neighborhood Collector standards. By accomplishing this goal, Boston Street and East 12<sup>th</sup> Court will more efficiently and safely handle current and projected future neighborhood traffic loads. The addition of street lights, sidewalks and a transit stop on East 12<sup>th</sup> Court will serve to enhance pedestrian safety and ensure compliance with ADAAG requirements.

## **3.0 Property Rights to be Acquired**

The existing street right-of-way (ROW) width is 50 feet along the project corridor. When completed, the project width will vary from 50 feet to 65 feet. The proposed improvements extend beyond the limits of the existing ROW for nearly the entire length of the project on the west side of Boston Street, and in selected locations on the east side of Boston Street. Improvements on East 12<sup>th</sup> Court extend beyond the limits of the existing ROW on the north and south sides of the existing ROW. This project will require the acquisition of PUE's, SE's and TCP's.

**FYI: YOU CAN OBTAIN A COMPLETE COPY OF THE DECISIONAL DOCUMENT  
BY  
WRITING TO THE FOLLOWING ADDRESS BELOW**

**Thanks: Municipal Clerk Staff**

**FLY**

**THIS DECISIONAL DOCUMENT: BOSTON STREET AND EAST 12<sup>TH</sup> COURT  
IMPROVEMENTS CAN OBTAINED FROM THE OFFICE OF PLANNING,  
DEVELOPMENT, AND PUBLIC WORKS—PROJECT MANAGEMENT AND  
ENGINEERING DEPARTMENT: P.O.B 196650, ANCHORAGE, ALASKA**

**99519-6650**

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# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 310-2001

Meeting Date: MARCH 27, 2001

FROM: Mayor

SUBJECT: Assembly Resolution No. AR 2001-90, Regarding Authorization of Eminent Domain Proceedings and Acceptance of the Decisional Document for the Construction of the Boston Street and East 12<sup>th</sup> Court Upgrade, Project #98-07


The Boston Street and East 12<sup>th</sup> Court Upgrade Project is scheduled for construction in the summer of 2001. The project design requires additional right of way to accommodate the road improvements. Boston Street and East 12<sup>th</sup> Court were reclassified as Class IC Neighborhood Collectors (AO 97-85), requiring a 36-foot wide street section, plus a five-foot sidewalk on each side of the streets. The Municipality is purchasing public use easements, slope easements, fire hydrant easements, and temporary construction permits to construct the necessary improvements. Municipal staff has been engaged in the right-of-way acquisition process for this project since September 2000. We have reached agreement with the owners of property within this project area, except for the property owners listed on the attached Exhibit A. We have reached impasse in our negotiations with these specific property owners.

Pursuant to AMC 25.20.025, Assembly approval is hereby requested to continue the acquisition process through the use of condemnation in order to allow construction to proceed as scheduled.


As part of the acquisition process, a Decisional Document summarizing the alternative selection process and the history of negotiations with the individual property owners who remain at impasse, must be reviewed and approved by the Assembly and is attached as Exhibit B. Project Management and Engineering will provide the affected property owners with a certified notice of the Assembly hearing in accordance with AMC 25.20.25(B).

THE ADMINISTRATION RECOMMENDS APPROVAL OF AR NO. 2001-90 AUTHORIZING EMINENT DOMAIN PROCEEDINGS AND ACCEPTANCE OF THE DECISIONAL DOCUMENT FOR THE CONSTRUCTION OF THE BOSTON STREET AND EAST 12<sup>TH</sup> COURT UPGRADE PROJECT.

Concurrence

  
Harry J. Kieling, Jr.  
Municipal Manager

Respectfully submitted

  
George P. Wuerch  
Mayor

Recommended by:

  
Craig E. Campbell, Executive Director  
Office of Planning, Development, & Public Works

Prepared by:

  
Howard C. Holtan, Director  
Project Management & Engineering Department

AR 2001-90

Municipality of Anchorage  
MUNICIPAL CLERK'S OFFICE  
Agenda Document Control Sheet

AR 2001-90

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

<b>1</b>	SUBJECT OF AGENDA DOCUMENT <b>A Resolution Authorizing the Eminent Domain Proceedings and Acceptance of the Decisional Document for the Construction of the Boston Street and East 12<sup>th</sup> Court Upgrade, Project #98-07</b>	DATE PREPARED <b>March 12, 2001</b>
		INDICATE DOCUMENTS ATTACHED <input type="checkbox"/> AO <input checked="" type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM
<b>2</b>	DEPARTMENT NAME <b>Office of Planning, Development, and Public Works</b>	DIRECTOR'S NAME <b>Craig E. Campbell</b>
<b>3</b>	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY <b>Christine Neal</b>	HIS/HER PHONE NUMBER <b>343-8366</b>
<b>4</b>	<b>COORDINATED AND REVIEWED BY</b>	<b>INITIALS</b>
<b>X</b>	<b>Mayor</b>	
	Heritage Land Bank	
	Merrill Field Airport	
	Municipal Light & Power	
	Port of Anchorage	
	Solid Waste Services	
	Water & Wastewater Utility	
<b>X</b>	<b>Municipal Manager</b>	<b>3/20</b>
	Cultural & Recreational Services	
	Employee Relations	
	Finance, Chief Fiscal Officer	
	Fire	
	Health & Human Services	
	Office of Management & Budget	
	Management Information Services	
	Police	
<b>X</b>	<b>Planning, Development, &amp; Public Works</b>	<b>3/12</b>
	Development Services	
	Facility Management	
	Planning	
<b>X</b>	<b>Project Management &amp; Engineering</b>	<b>3/12</b>
	Street Maintenance	
	Traffic	
	Public Transportation Department	
	Purchasing	
<b>X</b>	<b>Municipal Attorney</b>	<b>3/14/01</b>
	<b>Municipal Clerk</b>	
	<b>Other</b>	
<b>5</b>	SPECIAL INSTRUCTIONS/COMMENTS <b>*** 15 copies of the attachment, Exhibit B, Decisional Document, will be delivered to the Clerk's office under separate cover by Thursday prior to the scheduled meeting.</b>	
<b>6</b>	ASSEMBLY HEARING DATE REQUESTED <b>March 27, 2001</b>	<b>7</b> PUBLIC HEARING DATE REQUESTED <b>April 24, 2001</b>

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