

*Postponed Indefinitely 9-25-01*  
Submitted by: Chair of the Assembly  
at the Request of the Mayor  
Prepared by: Project Management & Engineering  
Department  
For Reading: August 28, 2001

ANCHORAGE, ALASKA  
AR NO. 2001-251

1 A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE APPROPRIATING  
2 THREE HUNDRED TEN THOUSAND DOLLARS (\$310,000.00) AS A LOAN FROM  
3 THE AREAWIDE GENERAL FUND (101) CASH POOL BALANCE TO THE  
4 MISCELLANEOUS CAPITAL/PASS-THRU CAPITAL IMPROVEMENT PROGRAM  
5 FUND (409) TO PAY FOR ALASKA SUPERIOR COURT APPROVAL OF THE RABBIT  
6 CREEK VIEW AND RABBIT CREEK HEIGHTS SUBDIVISION RE-SURVEY AND  
7 MONUMENTATION OF THE NEW PLATTED LOTS.

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9  
10 THE ANCHORAGE ASSEMBLY RESOLVES:

11  
12 Section 1. That the sum of Three Hundred Ten Thousand Dollars  
13 (\$310,000.00) is hereby appropriated as a loan from the Areawide General Fund (101)  
14 Cash Pool Balance To the Miscellaneous Capital/Pass-Thru Capital Improvement  
15 Program Fund (409) to pay for Alaska Superior Court approval of the Rabbit Creek  
16 View and Rabbit Creek Heights Subdivision re-survey and monumentation of the new  
17 platted lots.

18  
19 Section 2. The term of the loan will be for ten years and interest  
20 charged will be at the general cash pool earnings rate. Annual repayment will begin  
21 sixty days following Assembly approval of the final assessment roll of the Rabbit Creek  
22 Survey Improvement District 1V96.

23  
24 Section 3. This resolution is effective immediately upon passage and  
25 approval.

26  
27 PASSED AND APPROVED by the Anchorage Municipal Assembly this            day of  
28 \_\_\_\_\_, 2001.

29  
30  
31  
32 \_\_\_\_\_  
33 Chair

34 ATTEST:

35  
36  
37 \_\_\_\_\_  
38 Municipal Clerk



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 752-2001

Meeting Date: August 28, 2001

FROM: Mayor

SUBJECT: AR 2001-251; Appropriating \$310,000 in Areawide General Operating Funds for Alaska Superior Court Approval of the Rabbit Creek View and Rabbit Creek Heights Subdivision Re-Survey and Monumentation of the New Platted Lots

Additional funding is needed to complete the judicial determination of land boundaries, lot corner staking and filing a new plat for the Rabbit Creek Survey Improvement District 1V96 established by AR 97-35. The attached Assembly Resolution appropriates \$310,000 as a loan from the Areawide General Operating Fund (101) to the Cash Pool Balance to pay for surveyor fees and unanticipated legal fees associated with the current litigation of Rabbit Creek Heights Subdivision and Rabbit Creek View Subdivision. Of the \$310,000, \$237,000 is for Contract Amendment 3 to the Professional Services Contract with Kean and Associates, which is submitted for action concurrently with the resolution.

The Anchorage Assembly approved the appropriation of \$350,000 on March 4, 1997 to fund Phase I and II of the Rabbit Creek Survey Improvement District. On June 15, 1999 the Assembly approved Resolution 99-100(S) appropriating \$400,000 to provide funding for Phase III of the re-survey and platting project. This amount was anticipated to cover court exhibit preparation, attorney presentation of the case at trial, final plat preparation, plat filing fees, land title work and re-monumentation of the subdivisions. However, the funding has been exhausted in support of prolonged and unforeseen litigation with Chugach Electric Association (Chugach) and several property owners who objected to the certain components of the new plat. Agreements have been reached with the property owners, but the Municipality remains in disagreement with Chugach.

The Municipality objects to Chugach's election to use the Rabbit Creek Survey Improvement Assessment District court case as a vehicle to gain additional easement rights at the expense of the Assessment District. Chugach has insisted that their implied rights should be dedicated on the plat as part of the court action for plat approval without contributing any funds to the costs associated with that effort, now exceeding \$70,000. The Municipal Attorney has filed a motion and counterclaim against Chugach for costs incurred by the Improvement District to reach agreement on Chugach's easement rights, but Chugach has continued to insist the assessment district property owners bear the costs of the plat benefits Chugach desires, but which are not necessary to the conclusion of the replat.

The costs for the project are to be repaid by the Rabbit Creek Survey Improvement Assessment District to the extent determined by the Assembly following a public

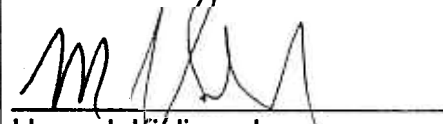
on the proposed assessment. If the entire amount is assessed against the district, the amount per lot would be \$3,200, including the costs of Chugach's demands.

FUNDING SUMMARY

Original Appropriation	\$ 350,000
Additional Appropriation (AR 99-100-S)	\$ 400,000
Proposed Current Appropriation	<u>\$ 310,000</u>
Revised Project Funding Total	\$1,060,000

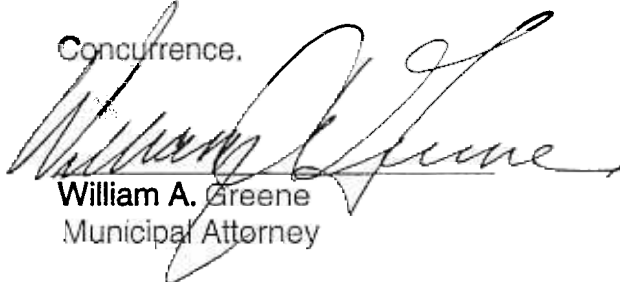
THE ADMINISTRATION RECOMMENDS APPROVAL OF THE RESOLUTION.

Concurrence:



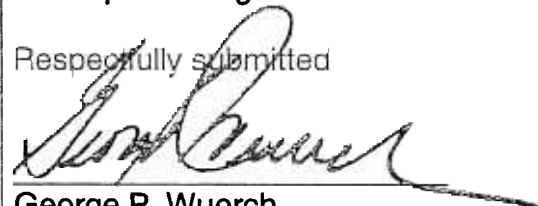
Harry J. Kielling, Jr.  
Municipal Manager

Concurrence:



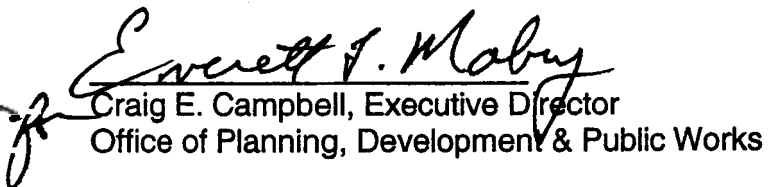
William A. Greene  
Municipal Attorney

Respectfully submitted



George P. Wuerch  
Mayor

Concurrence:



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

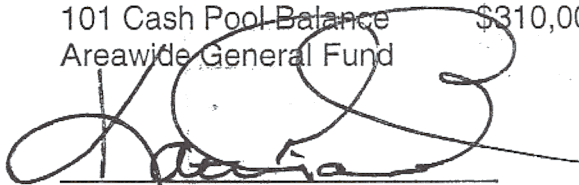
Recommended by:



Howard C. Holtan, Director  
Project Management & Engineering Department

Fund Certification:

101 Cash Pool Balance \$310,000  
Areawide General Fund



Kate Gard  
Chief Fiscal Officer

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

*Ar 2001-251*

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT AR and AM Appropriating \$310,000 in Areawide General Operating Funds for Alaska Superior Court Approval of the Rabbit Creek View and Rabbit Creek Heights Subdivision Re-Survey and Monumentation of the New Platted Lots	DATE PREPARED July 20, 2001  Indicate Documents Attached <input type="checkbox"/> AO <input checked="" type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM
2	DEPARTMENT NAME Project Management & Engineering	DIRECTOR'S NAME Howard C. Holtan
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Tom Knox, Municipal Surveyor	HIS/HER PHONE NUMBER 343-8116
4	COORDINATED AND REVIEWED BY	INITIALS                      DATE
X	Mayor	
	Heritage Land Bank	
	Merrill Field Airport	
	Municipal Light & Power	
	Port of Anchorage	
	Solid Waste Services	
	Water & Wastewater Utility	
X	Municipal Manager <i>B</i>	<i>M</i> <i>(23)</i>
	Cultural & Recreational Services	
	Employee Relations	
X	Finance, Chief Fiscal Officer <i>/</i>	<i>8/9/01</i>
	Fire	
	Health & Human Services	
X	Office of Management & Budget	<i>CF</i> <i>8/3/01</i>
	Management Information Services	
	Police	
X	Planning, Development, & Public Works	<i>EJW</i> <i>7-25</i>
	Development Services	
	Facility Management	
	Planning	
X	Project Management & Engineering	<i>H. Horn</i>
	Street Maintenance	
	Traffic	
	Public Transportation Department	
	Purchasing	
X	Municipal Attorney	<i>WDS</i> <i>8/20/01</i>
	Municipal Clerk	
	Other	
5	SPECIAL INSTRUCTIONS/COMMENTS <i>9.F.8. Introduction</i> <i>ref. AM 762-2001</i>	
6	ASSEMBLY HEARING DATE REQUESTED <i>8-28-01</i>	7 PUBLIC HEARING DATE REQUESTED <i>9/11/01</i>



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 MUNICIPAL ATTORNEY  
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