

CLERK'S OFFICE

APPROVED

Date: 12-17-02

Submitted by: Chairman of the Assembly
at the Request of the Mayor

Prepared by: Heritage Land Bank
For Reading: November 19, 2002

ANCHORAGE, ALASKA

AR NO. 2002- 362

A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE AUTHORIZING THE HERITAGE LAND BANK (HLB) TO GRANT A 2000 SQUARE FOOT EASEMENT WITHIN HLB PARCEL NO. 1-077, ALSO KNOWN AS LOT 3, DEPARTMENT OF LANDS SUBDIVISION IN SECTION 36, T15N, R2W, SEWARD MERIDIAN, IN EAGLE RIVER, TO MATANUSKA ELECTRIC ASSOCIATION (MEA) FOR THE PURPOSE OF PROVIDING ELECTRICAL AND TELECOMMUNICATIONS SERVICE TO PROPERTY ADJOINING TO THE SOUTH OF THE SUBJECT PARCEL.

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"; and

WHEREAS, the HLB, at "the direction of the Mayor and Assembly, may convey HLB land or interests not needed for specific public facilities or purposes. Each disposal shall be in the municipal interest and based at or above fair market appraised value or for other equivalent municipal values or objectives" (AMC 25.40.010E); and

WHEREAS, the HLB Advisory Commission is required to "...hold a public hearing, with public notice as specified in this chapter, prior to making a recommendation to the mayor and assembly regarding the disposal of Heritage Land Bank land or an interest in land...(AMC 25.40.025 A.); and

WHEREAS, the proposed easement was reviewed by the Heritage Land Bank and found to slightly enhance the value of the affected municipal land, which is encumbered by a long-term lease;

WHEREAS, HLB Parcel #1-077 provides the nearest and most cost effective location for an easement servicing a multifamily development under construction on adjacent property to the south, according to MEA;

1 **WHEREAS**, the HLB Advisory Commission passed Resolution No. 2002-08 on July 17, 2002,
2 confirming that the proposed easement benefits the Municipality of Anchorage, and
3 recommending that HLB be authorized to execute the easement to Matanuska Electric
4 Association, for fees totaling \$700.

5
6 **NOW THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:**

7
8 Section 1. The Heritage Land Bank is authorized to grant a 2000 square foot electric and
9 telecommunications easement to Matanuska Electric Association on HLB Parcel
10 No. 1-077.

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12 Section 2. This resolution shall be effective immediately upon passage.

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15 PASSED AND APPROVED by the Anchorage Assembly this 17th day of December,
16 2002.

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Chairman of the Assembly

ATTEST:

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Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 949-2002

MEETING DATE: November 19, 2002

FROM: Mayor

SUBJECT: A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE AUTHORIZING THE HERITAGE LAND BANK (HLB) TO GRANT A 2000 SQUARE FOOT EASEMENT WITHIN HLB PARCEL NO. 1-077, ALSO KNOWN AS LOT 3, DEPARTMENT OF LANDS SUBDIVISION IN SECTION 36, T15N, R2W, SEWARD MERIDIAN, IN EAGLE RIVER, TO MATANUSKA ELECTRIC ASSOCIATION (MEA) FOR THE PURPOSE OF PROVIDING ELECTRICAL AND TELECOMMUNICATIONS SERVICE TO PROPERTY ADJOINING TO THE SOUTH OF THE SUBJECT PARCEL.

On July 11, 2002, The Matanuska Electric Association, a cooperative corporation, applied for a 2000 square foot easement parallel to and adjoining the Old Glenn Highway in Eagle River. HLB staff determined that the requested easement may slightly enhance the market value of the HLB parcel, which is zoned R-3SL. Fees totaling \$700.00 will be paid to HLB by the applicant. The HLB Advisory Commission approved HLBAC Resolution #2002-08 on July 17, 2002, recommending Assembly approval of the proposed easement (see Appendix D of the attached HLB Staff Report).

The proposed easement runs across HLB Parcel No. 1-077, which is subject to a long-term lease to the partnership developing the adjoining property to the south with a multi-family structure, to be served by the easement. The address of the new building is 13900 Old Glenn Highway. The firm, Emmi-List Partnership, has separately applied to purchase the subject property HLB Parcel No. 1-077, through a competitive bid sale. The proposed easement will also serve to distribute electrical service to the HLB lot when it is developed in the future. The resulting underground service may enhance the market value of the HLB parcel by diminishing future development costs.

THE ADMINISTRATION RECOMMENDS APPROVAL OF A 2000 SQUARE FOOT EASEMENT IN EAGLE RIVER TO MATANUSKA ELECTRIC ASSOCIATION TO PROVIDE ELECTRICAL SERVICE TO THE LOT ADJOINING TO THE SOUTH.

AM 949-2002
HLB-MEA Easement

Appendices:

Appendix A: Easement Request from MEA
Appendix B: Map and proposed easement format
Appendix C: HLB Staff Report
Appendix D: HLB Resolution

Concur:

Harry J. Kieling, Jr.
Municipal Manager

Respectfully submitted:

George P. Wuerch
Mayor

Concur:

George J. Cannelos
Director, Heritage Land Bank

Prepared by: Art Eash



**Matanuska Electric
Association, Inc.**

Appendix A

P.O. Box 2929
Palmer, Alaska 99645-2929
Telephone: (907) 761-9300
Fax: (907) 761-9368

689-9265



June 11, 2002

Art Eash
Municipality of Anchorage
Heritage Land Bank
P.O. Box 196650
Anchorage, AK 99519-6650

Re: Easement Request, Lot 3, Department of Lands Subdivision
MEA W/O 52472/2

Dear Mr. Eash:

Enclosed is an application for an easement to bury an underground electric line along the front of Lot 3, Department of Lands subdivision, near Lower Fire Lake. The dimensions of the easement requested are 10' wide by 200' long adjacent to the Old Glenn Highway right-of-way. The purpose of the request is to provide a route to bring power to the Emmi-List partnership construction site on Lot 4, Department of Lands Subdivision. It is our understanding that Emmi-List are in the process of acquiring the existing ADL lease on Lot 3. Thank you for your help.

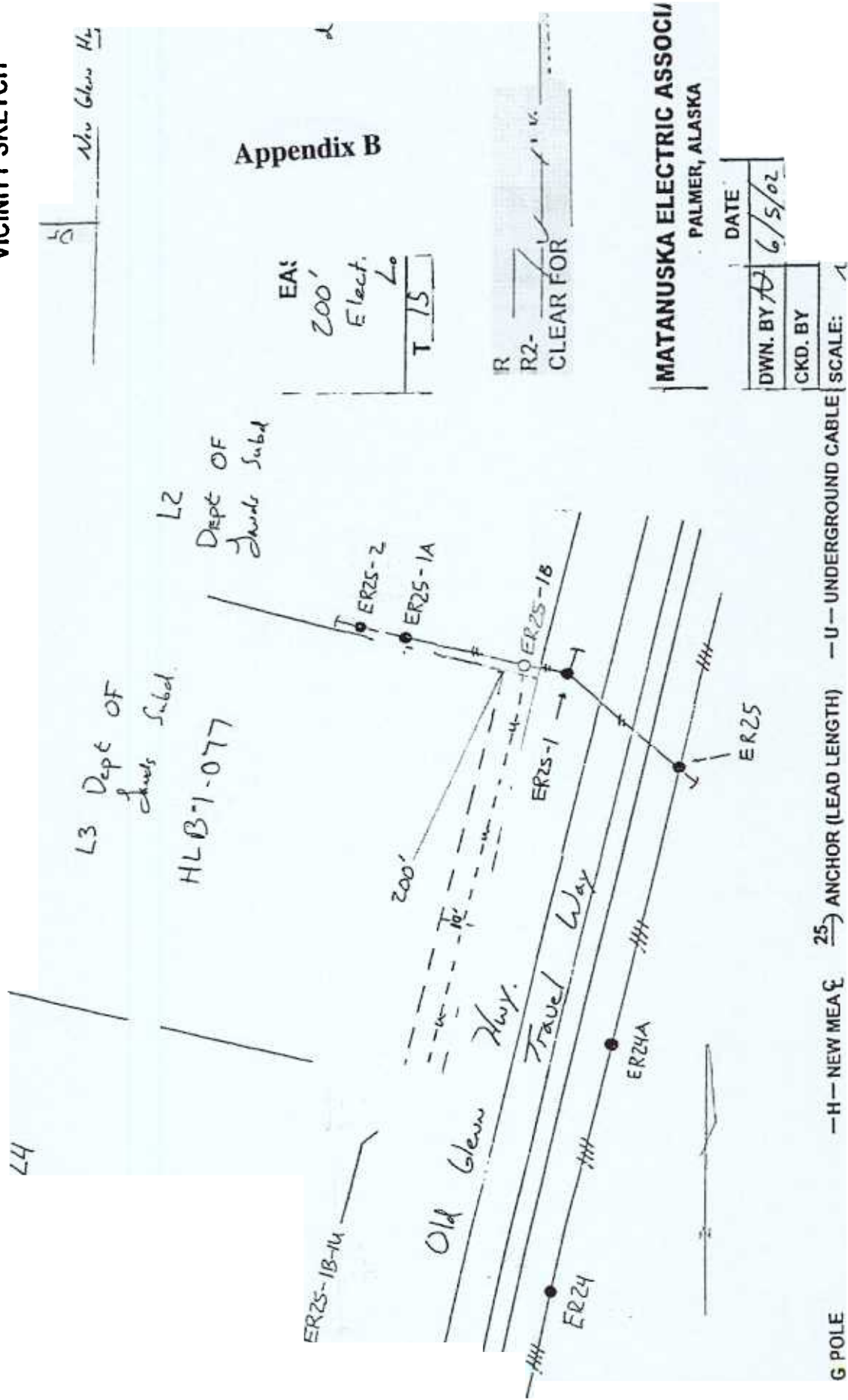
Sincerely,

Keith Quintavell, SR/WA
Right-of-Way Administrator

Permanent elect 23 to MEA

CLEARING AND/OR CONSTRUCTION SKETCH

VICINITY SKETCH



Appendix B-1

MATANUSKA ELECTRIC ASSOCIATION, INC. RIGHT OF WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that we the undersigned (whether one or more),

HERITAGE LAND BANK

whose address is P.O. Box 196650, Anchorage, AK 99519-6650

for a good valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant unto MATANUSKA ELECTRIC ASSOCIATION, INC., a cooperative corporation (hereinafter called the "Grantee") whose post office address is Box 2929 Palmer, Alaska 99645, and to its successors or assigns, the right to enter upon the lands of the undersigned, situated in the Anchorage Recording District, State of Alaska, and more particularly described as follows:

Within Lot 3, Department of Lands Subdivision, as follows: a 10' wide easement lying adjacent to and along the edge of the Old Glenn Highway right-of-way.

being in Section 36, Township 15 N, Range 2W, S.M., and to construct, reconstruct, rephase, repair, operate and maintain on, over or under the above described lands and/or in, upon or under all streets, roads or highways abutting said lands, an electric (or telecommunication) transmission and/or distribution line or system; to inspect and make such repairs, changes, alterations, improvements, removals from, substitutions and additions to its facilities as the Grantee may from time to time deem advisable, including, by way of example and not by the way of limitation: the right to increase or decrease the number of conduits, wires, cables, hand holes, manholes, connection boxes, pedestals, transformer enclosures; to cut, trim and control the growth by machinery or otherwise of trees and shrubbery located within 10 feet of the center line of said line or system, or that may interfere with or threaten to endanger the operation and maintenance of said line or system (including any control of the growth of other vegetation in the right of way which may incidentally and necessarily result from the means of control employed); to keep the easement clear of all buildings, structures or other obstructions; and to license, permit or otherwise agree to the joint use or occupancy of the easement, lines, or system by any other person, association or corporation for electric or telecommunications purposes.

The undersigned agree that all poles, wires and other facilities including any main service entrance equipment, installed in, upon or under the above described lands at the Grantee's expense shall remain the property of the Grantee, removable at the option of the Grantee.

The Grantee, its successors or assigns, is hereby expressly given and granted the right to assign said right-of-way and easement herein granted and conveyed, or any part thereof, or interest therein.

TO HAVE AND TO HOLD unto the GRANTEE, its successors or assigns, together with the right of ingress to and egress from the premises for the purpose herein granted.

The undersigned covenant that they are the owners of the above described lands, and that the said lands are free and clear of encumbrances and liens of whatsoever character except as may appear of record as of the date set forth below, and those held by the following persons: _____

IN WITNESS WHEREOF, the undersigned have set their hands and seals this ____ day of _____, 20____.

Grantor _____ Title

STATE OF ALASKA)SS-

THIS IS TO CERTIFY that on this ____ day of _____, 20____ before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared

Known to me and to me known to be the individual(s) named in and who executed the foregoing instrument and acknowledged to me that he/she/they signed and sealed the same as a voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written

SEAL

Notary Public in and of Alaska My commission expires

W/O _____	Subd _____	Plat _____
P/S _____	Misc _____	Map _____ Quad _____
Pole _____	Easement _____	

Return to: MEA, PO Box 2929, Palmer, AK 99645

Appendix C

HERITAGE LAND BANK ADVISORY COMMISSION RESOLUTION 2002-08

A RESOLUTION OF THE HERITAGE LAND BANK ADVISORY COMMISSION (HLBAC) APPROVING THE DISPOSAL OF 2000 SQUARE FEET OF HLB PARCEL NO. 1-077 IN EAGLE RIVER, TO MATANUSKA ELECTRIC ASSOCIATION, FOR PURPOSES OF AN UNDERGROUND ELECTRICAL EASEMENT.

WHEREAS, the Heritage Land Bank (HLB) 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. The Heritage Land Bank shall acquire, inventory, manage, withdraw, transfer and dispose of municipal land which has not been dedicated or transferred to a specific municipal agency for one or more municipal uses" (AMC 25.40.010); and,

WHEREAS, in June, 2002, Matanuska Electric Association applied for an easement over the HLB Parcel No. 1-077, to include 2000 square feet adjoining the Old Glenn Highway in Eagle River; and

WHEREAS, HLB Parcel No. 1-077 is zoned R-3SL (Multiple-Family Residential District), and the proposed land use is consistent with the Chugiak-Eagle River Comprehensive Plan; and

WHEREAS, the proposed electrical easement will benefit the adjoining property to the south, owned by the lessees on the HLB parcel over which the easement is to run; and

WHEREAS, \$450.00 plus application fee of \$250.00 will be paid to Heritage Land Bank as compensation for use of the subject property by the applicant; and

WHEREAS, the proposed disposal will serve to slightly enhance the value of the subject HLB parcel and therefore benefit the residents of Anchorage at such time as the land is sold; and,

WHEREAS, the HLB posted the property and provided public notice of the proposed disposal held a public hearing on July 17, 2002, in accord with AMC 25.40.030.

NOW, THEREFORE, THE HERITAGE LAND BANK ADVISORY COMMISSION RESOLVES TO APPROVE THE TRANSFER OF LAND MANAGEMENT AUTHORITY OF HLB PARCELS 3-030 AND 3-031, SUBJECT TO:

Section 1. HLB Staff Report 2002- N/A is hereby adopted and incorporated by reference.

Section 2. The Agency Review process will be satisfactorily completed prior to execution of the proposed easement.

PASSED AND APPROVED the 17th day of July 2002.

Attest:

Attest:


George J. Cannelos, Executive Director
Heritage Land Bank


James Cantor, Chair
Heritage Land Bank Advisory Commission

MUNICIPALITY OF ANCHORAGE
HERITAGE LAND BANK ADVISORY COMMISSION

Appendix C-1

STAFF REPORT

July 17, 2002
HLBAC Resolution 2002-08

I. ISSUE

Whether to recommend disposal to Matanuska Electric Association of a portion of HLB Parcel No. 1-077 measuring 10 feet by 200 feet along the Old Glenn Highway in Eagle River, for purposes of an underground electric power distribution line.

AUTHORITY

AMC 25.40.010: "It is the mission of the Heritage Land Bank 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. The Heritage Land Bank shall acquire, inventory, manage, withdraw, transfer and dispose of municipal land which has not been dedicated or transferred to a specific municipal agency for one or more municipal uses."

AMC 25.40.025: "The HOB Advisory Commission shall hold a public hearing, with public notice as specified in this chapter, prior to making a recommendation to the mayor and assembly regarding the disposal of HLB land or an interest in land. Land disposals under this chapter include land sales, land exchanges, leases, and easements."

AMC 25.40.030: "All public notices of proposed HLB advisory commission actions, including public hearings regarding such actions, shall precede a hearing before the advisory commission on the proposed action by at least 21 days.:

III. BACKGROUND

In June, 2002, HLB received an application from Matanuska Electric Association for an easement across a 2000 square foot portion of HLB Parcel 1-077 (see attached maps), together with a \$250 processing fee. The 1.8-acre parcel was acquired from the state in 1980, subject to a 55-year lease that expires in 2023. The current lessees, Emmi-List Partnership, pay an annual rent of \$1,307.00. The lessees own the adjoining parcel to the west, on which they are constructing an apartment building requiring electric power by way of the proposed easement.

II. An agency review was initiated to solicit comments on and objections to the proposed land transfer. HLB has received no objections to date:

<i>Department</i>	<i>Date</i>	<i>Comments</i>
Airport/Merrill Field	7/16/02	No objection
Anchorage School Board		
Clerk		
Community Planning, Development and Public Works		
Cultural Recreational Services	7/24/02	
Federation of Community Councils	7/12/02	
Fire	7/15/02	
Health & Human Services	7/15/02	
Municipal Light & Power	7/12/02	
Parking Authority		
Police	7/22/02	
Port		
Solid Waste Services	7/22/02	
Telephone Utility		
Transit	7/17/02	
Water and Wastewater (AWWU)	7/24/02	

IV. COMMUNITY COUNCIL COMMENTS

A request for comments on this disposal was sent to the Eagle River and Chugiak Community Councils. As of July 17, 2002, no comments have been received by HLB.

V. ANALYSIS

Staff considers the proposed disposal of 2000 square feet of HLB Parcel 1-077 is considered appropriate. The proposed use is compatible with both the Comprehensive Plan designation of residential land use and the zoning of R-3SL for this area. The Planning Department has verified that the proposed land use is in compliance with the Chugiak-Eagle River Comprehensive Plan.

Addition of electrical service by way of the proposed distribution line is viewed as a slight enhancement of market value. HLB policy historically has been to charge 10% of market value to grant a utility easement, exclusive of the application fee. Value of land in this area is estimated by staff at \$2.83 per square foot. 2000 square feet at \$2.83 psf = \$5,660.00, 10% of which is \$566.00.

In this case, the easement is perpetual, which may be nominally viewed for purposes of calculation as 100 years; the remaining 21 years of the lease of HLB's Parcel 1-077 discounts the value of the easement by at least 21%. The resulting value of \$447.00 (\$566 discounted by 21%) is far exceeded by the estimated fee (\$1000-1500) of a formal appraisal. Staff proposes assessing a fee of \$450.00, in addition to the application fee already paid by the applicant, as compensation to HLB for the loss of land as proposed.

VI. FINDINGS

The following findings of fact are the basis for the recommendations in Section VII.

- 1 HLB Parcel 1-077 is zoned R-3SL.
2. HLB Parcel 1-077 is designated "Residential with a density of greater than 10 units per acre" in the 1993 Chugiak-Eagle River Comprehensive Plan.
3. The applicant, Matanuska Electric Association, considers this site to be the most advantageous for such an underground electrical easement.

VII. RECOMMENDATION

To recommend the approval of the proposed disposal of 2000 square feet of HLB Parcel 1-077, along the parcel's Old Glenn Highway frontage, to Matanuska Electric Association for an electrical easement as identified in Appendix C, subject to:

- 1 Completion of the pending Agency Review noted at "II" above.
2. HLB Staff Report No. 2002-08 is hereby adopted and incorporated by reference.

VIII. APPENDICES

Appendix A: Request letter and application
Appendix B: Location map
Appendix C: MEA Right of Way Easement
Appendix D: HLBAC Resolution 2002-08

- Home
- Library
- Search



User Profile

- Portal Design
- Subscriptions for cabanh
- Workflow In Queue for cabanh

Content Manager
New Check In

AR_AllOther

- Checked Out Content
- Content Checked Out By User
- Work In Progress
- Active Workflows



Information Technology Department

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Work Flow History Report

AR 2002-362

Workflow History

Workflow Name	Action Date	Action	User	Security Group	Content ID	
AllOtherARWorkflow	10/29/02 3:02 PM	Checkin	eashas	Public	000338	(
HLB_SubWorkflow	10/29/02 4:15 PM	Approve	cannelosgj	Public	000338	(
MuniManager_SubWorkflow	11/12/02 5:27 PM	Approve	kielinghj	Public	000338	(
MuniMgrCoord_SubWorkflow	11/12/02 6:24 PM	Approve	bealejl	Public	000338	(

INTRODUCTION



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