

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 12-10-02

Submitted by: Chair of the Assembly
at the Request of the Mayor
Prepared by: Project Management &
Engineering Department
For Reading: November 19, 2002

ANCHORAGE, ALASKA
AR NO. 2002-363

A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN AND ACCEPTANCE OF THE DECISIONAL DOCUMENT PART I AND PART II FOR THE CONSTRUCTION OF THE ELMORE ROAD IMPROVEMENTS PROJECT, HUFFMAN ROAD TO DEARMOUN ROAD, PROJECTS #00-22 and #00-23

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

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

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

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The property interests described in Exhibit A are to be acquired for the construction of the Elmore Road Improvement Project, a public project, the design of which has been determined to provide the greatest public good for the least private injury. The Municipality is hereby authorized to acquire necessary property rights in regard to the parcels for right-of-way for the Elmore Road Improvements Project, more specifically described in Exhibit A.

Section 2. The Municipality is authorized to institute condemnation proceedings, including the use of a Declaration of Taking, against the properties described in Exhibit A.

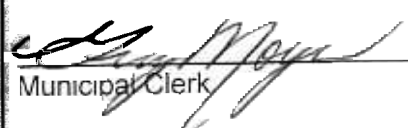
Section 3. The Decisional Document (Exhibit B) has been reviewed and accepted by the Assembly and is approved for use in filing a Declaration of Taking for the properties described in Exhibit A.

Section 4. This resolution shall take effect immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Municipal Assembly this 10th day of December, 2002.


Chair

ATTEST:


Municipal Clerk

AM 954-2002



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 954-2002

Meeting Date: November 19, 2002

1 FROM: Mayor

2
3 SUBJECT: Authorization for the Use of Eminent Domain and Acceptance of the
4 Decisional Document for the Construction of the Elmore Road
5 Improvements Project, Huffman Road to De Armoun Road, Projects #00-22
6 and #00-23
7

8 The Elmore Road Improvements Project is scheduled for construction in the summer of 2003.
9 The project design requires additional right of way to accommodate the road improvements,
10 which include two 11-foot-wide lanes with four-foot shoulders and curbs. Pedestrian
11 improvements include an eight-foot-wide paved trail on the west side and a six-foot-wide gravel
12 pathway on the east side of the roadway. Also included are drainage improvements,
13 landscaping and illumination. The Municipality is purchasing public use easements, slope
14 easements, and temporary construction permits to allow construction of the necessary
15 improvements. Municipal staff has been engaged in the negotiation process since May 2002.
16 We have reached agreement with the owners of the properties within this project area, except
17 for the property owners listed on the attached Exhibit A. The Municipality has reached an
18 impasse in negotiations with these specific property owners.
19

20 Pursuant to AMC 25.20.025, Assembly approval is hereby requested to continue the acquisition
21 process through the use of condemnation in order to allow the construction to proceed as
22 scheduled.
23

24 As part of the acquisition process, a Decisional Document (Exhibit B) summarizing the history
25 of the alignment selection process and the history of negotiations with individual property
26 owners that remain at impasse, must be reviewed and approved by the Assembly. Exhibit B is
27 being submitted under separate cover. Project Management & Engineering will provide the
28 affected property owners with certified notice of the Assembly Public hearing in accordance with
29 AMC 25.20.025(B).
30

31 THE ADMINISTRATION RECOMMENDS APPROVAL OF AR NO. 2002-363 AUTHORIZING
32 THE USE OF EMINENT DOMAIN AND ACCEPTANCE OF THE DECISIONAL DOCUMENT
33 FOR THE CONSTRUCTION OF THE ELMORE ROAD IMPROVEMENTS PROJECT,
34 HUFFMAN ROAD TO DE ARMOUN ROAD, PROJECTS #00-22 and #00-23.
35

36 Prepared by: Howard C. Holtan, Director, Project Management & Engineering Department
37 Concur: Craig E. Campbell, Executive Director, Office of Planning, Development & Public Works
38 Concur: Harry Kieling, Jr., Municipal Manager
39 Respectfully submitted: George P. Wuerch, Mayor
40
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AR 2002-363

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**ELMORE ROAD IMPROVEMENT PROJECT
Huffman Road to De Armoun Road, Projects #00-22 and #00-23**

EXHIBIT A

AM 954-2002, AR 2002-363

Parcel	Legal Description	Owner	Rights*
1	Lot 16, DeArmoun Subdivision	Mattice, Clara M.	PUE
7	Lot 10, DeArmoun Subdivision	Pickles, Stanley	SE
47	Lot 1A, Blk 1, West Addition-Knik Heights Subdivision	Chugach Electric Association	PUE

- * PUE = Public Use Easement
- SE = Slope Easement
- TCP = Temporary Construction Permit

12/10/2002

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ELMORE ROAD IMPROVEMENT PROJECT
Huffman Road to De Armoun Road, Projects #00-22 and #00-23
EXHIBIT A

*See new
Exhibit A
dated
12-10-02*

Parcel	Legal Description	Owner	Rights*
1	Lot 16, DeArmoun Subdivision	Mattice, Clara M.	PUE
5	Lot 12, DeArmoun Subdivision	Anderson, Jeanine & John	SE
6	Lot 11, DeArmoun Subdivision	Kelsey, Lanny, & Gruber, Shirley	SE
7	Lot 10, DeArmoun Subdivision	Pickles, Stanley	SE
8	Lot 9, DeArmoun Subdivision	Carpenter, Larry & Roberta	SE
19	Lot 6, Blk 4, McMahon Subdivision	Jokela, Dennis Barbara, & Brandon	SE
22	Lot 9, Blk 4, McMahon Subdivision	Stephens, Eric & Judy	TCP
23	Lot 10, Blk 4, McMahon Subdivision	Stevens, Timothy & Stacie	TCP
24A	Tract D-2, Woodhaven Subdivision, Addition No. 2	Trinity United Presbyterian Church	SE, TCP, DE
27	Lot 21, Section 27, T12N, R3W, Seward Meridian	Boster, George & Mildred	TCP
29	Lot 1, Blk 2, Olson Heights Subdivision	Wilcox, James & Susan	PUE, TCP
30	Lot 1, Blk 1, Olson Heights Subdivision	Bassler, Carl & Carin	2 PUE, 2 TCP, SE
31	Lot 4, McCabe Subdivision West	Minatani, Steven	SE
32	Lot 3, McCabe Subdivision West	Richmond, Steven & Diane	SE
46	Lot 2, Blk 1, West Addition-Knik Heights Subdivision	Rasmussen, Paul & Victoria	TCP
47	Lot 1A, Blk 1, West Addition-Knik Heights Subdivision	Chugach Electric Association	PUE

* PUE = Public Use Easement
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 **User Profile**

Portal Design

Subscriptions for cabanh


Workflow In Queue for cabanh

Work Flow History Report

AR 2002-363

Content Manager

New Check In



Checked Out Content

Content Checked Out By User

Work In Progress

Active Workflows

Workflow History

Workflow Name	Action Date	Action	User	Security Group	Content ID
AllOtherARWorkflow	11/6/02 8:49 AM	Checkin	schuringmj	Public	000353
PME_SubWorkflow	11/6/02 9:53 AM	Approve	holtanhc	Public	000353
PDPW_SubWorkflow	11/7/02 9:01 AM	Approve	campbellce	Public	000353
Legal_SubWorkflow	11/14/02 8:55 AM	Approve	wheelerda	Public	000353
MuniManager_SubWorkflow	11/15/02 12:21 PM	Approve	kielinghj	Public	000353
MuniMgrCoord_SubWorkflow	11/15/02 12:26 PM	Approve	bealejl	Public	000353

ADDENDUM - INTRODUCTION

2002 NOV 5 PM 2:34