

Date: 8-12-03

Submitted by: Chair of the Assembly
at the Request of the Mayor
Prepared by: Project Management &
Engineering Department
For Reading: August 12, 2003

ANCHORAGE, ALASKA
AR NO. 2003-247

1 A RESOLUTION AUTHORIZING THE MUNICIPALITY TO GRANT AN EASEMENT TO THE
2 STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
3 ACROSS A PORTION OF THE NORTHWEST CORNER OF TRACT 3, Z. J. LOUSSAC
4 LIBRARY SUBDIVISION, TAX CODE #009-081-13, TO ACCOMMODATE A PORTION OF
5 THE MIDTOWN SEGMENT OF THE NORTH-SOUTH TRAIL PROJECT.
6

7
8 WHEREAS, the Midtown segment of the North-South Trail improvements
9 proposed by the State of Alaska Department of Transportation and Public Facilities
10 (ADOT&PF) require an easement within Tract 3, Z. J. Loussac Library Subdivision; and
11

12 WHEREAS, the Midtown segment of the North-South Trail Project will upgrade
13 the pedestrian facilities adjacent to A Street between 38th Avenue and Fireweed Lane;
14 and
15

16 WHEREAS, the existing sidewalk will be upgraded by ADOT&PF to a paved
17 8-foot-wide multi-use pathway and will connect Midtown Park to the North-South pathway
18 system; and
19

20 WHEREAS, the subject easement has a monetary value of Six Hundred Fifty
21 Dollars (\$650); and
22

23 WHEREAS, the Parks and Recreation Commission recommended granting the
24 easement at its June 12, 2003 meeting, subject to the following conditions and
25 understandings:
26

27 1. The requested easement shall be for use by ADOT&PF for public trail
28 purposes. ADOT&PF may not use the easement for other purposes without the express
29 written consent of the Municipality of Anchorage (MOA).
30

31 2. The MOA may use the land for any purpose not inconsistent with the right
32 granted for trail purposes, and ADOT&PF shall not unreasonably prevent other uses.

3. If use of the easement by ADOT&PF for trail purposes as described terminates, all interest in the easement shall be relinquished to the MOA.

4. ADOT&PF has offered an amount of Six Hundred Fifty Dollars (\$650) as just compensation for the easement; however, landscaping improvements in lieu of payment may be negotiated between ADOT&PF and MOA.

NOW THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. That the Administration is authorized to grant the requested easement to ADOT&PF in the following location:

A portion of Tract Three (3), Z. J. Loussac Library Subdivision, according to Plat 81-332, on file in the office of the District Recorder, Anchorage Recording District, State of Alaska, which lies within the right of way lines of Project TEA-0001(159)/52509 delineated as to said tract of land on the plat attached to the easement document and designated as Parcel E-4. Said easement contains approximately 81 square feet.

Section 2. This resolution shall take effect immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Municipal Assembly this 12th day of August, 2003.


Chair

ATTEST:


Municipal Clerk



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 645-2003

Meeting Date: August 12, 2003

FROM: Mayor

SUBJECT: Resolution Regarding Authorization of the Municipality to Grant an Easement to the State of Alaska Department of Transportation and Public Facilities to Accommodate a Portion of the Midtown Segment of the North-South Trail Project Across Northwest Corner of Tract 3, Z. J. Loussac Library Subdivision, Tax Code #009-081-13.

The State of Alaska Department of Transportation and Public Facilities (ADOT&PF) has requested an easement for proposed improvements to the pedestrian pathway along A Street between 38th Avenue and Fireweed Lane. The existing sidewalk will be upgraded to a paved 8-foot-wide multi-use pathway and will connect Midtown Park to the North-South pathway system. It is necessary to build a portion of the Midtown segment of the pathway on Municipal property. Accordingly, ADOT&PF requires an easement within the site as identified on the parcel plat attached as Exhibit A. The value estimate (Exhibit B) is also attached for your information.

THE ADMINISTRATION RECOMMENDS APPROVAL OF AR NO. _____ AUTHORIZING AN EASEMENT ACROSS THE NORTHWEST CORNER OF TRACT 3, Z. J. LOUSSAC LIBRARY SUBDIVISION, FOR A PORTION OF THE MIDTOWN SEGMENT OF THE NORTH-SOUTH TRAIL PROJECT BY ADOT&PF.

Prepared by: Howard C. Holtan, Director, Project Management & Engineering Department
Concur: Executive Director, Office of Planning, Development & Public Works
Concur: John Rodda, Director, CRS
Concur: Denis C. LeBlanc, Municipal Manager
Respectfully submitted, Mark Begich, Mayor



State of Alaska

Department of Transportation and Public Facilities

EASEMENT

THE GRANTOR(s), ANCHORAGE, an Alaska Municipal Corporation, an estate in fee simple, whose address is P.O. Box 196650, Anchorage, Alaska, 99519-6650, for and in consideration of TEN AND NO/100 —(\$10.00.) DOLLARS, in hand paid, grants unto the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, P.O. Box 196900, Anchorage, Alaska 99519-6900, its successors or assignees, a perpetual easement for public trail purposes along, over, under, and across, the following described tract of land located in the State of Alaska to wit:

All that part of the following described tract of land:

A portion of Tract Three (3), Z.J. Loussac Library Subdivision, according to Plat 81-332, Records of the Anchorage Recording District, Third Judicial District, State of Alaska,

which lies within the right of way lines of Project No. TEA-0001(159)/52509 delineated as to said tract of land on the plat attached hereto and made a part of hereof as page 3 of this instrument and designated as:

Parcel No. E-4

said parcel containing approximately 7.5 square meters (81 square feet), more or less, is hereby granted to the State of Alaska.

Department of Transportation & Public Facilities (DOT&PF) shall indemnify and hold harmless the Municipality of Anchorage (MOA) from and against all losses and all claims, demands, payments, suits, actions, recoveries, paragraph are subject to appropriations for the purposes stated herein, legal expenses and judgements of every nature and description made, brought or recovered against MOA by reason of any act or omission of DOT&PF, its bidders, contractors, subcontractors, agents or employees, in the execution of work or in guarding the same. DOT&PF shall assume complete liability for any and all claims resulting from the construction, reconstruction, operation, use and existence of the facility located on, under, or over this easement. The provisions, contained in this paragraph shall not be given effect if the negligence of MOA its bidders, contractors, subcontractors, agents or employees are the sole proximate cause of any injury or damage done to the party asserting the claim. All the foregoing obligations set forth in this and are enforceable only to the extent permitted by law.

Without limiting DOT&PF's indemnification, DOT&PF acknowledges that it is a self insured entity and that such insurance shall apply as primary insurance and that any insurance or self-insurance carried by MOA will be excess only and will not contribute with the DOT&PF's insurance.

REGION: Central

PROJECT NO.: TEA-0001(159)/52509
PROJECT: Midtown Segment of the North South TrailPARCEL: E-4
Page 1 of 4

And the Grantor hereby covenants with the State of Alaska that the Grantor has good title to the afore-described tract of land and covenants that the State of Alaska shall have quiet and peaceable possession thereof; and shall have a free and unrestricted right to maintain said facilities.

Dated this _____ day of _____, 20 _____.

ANCHORAGE, an Alaska Municipal Corporation

BY:
TITLE:

CORPORATE ACKNOWLEDGMENT

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

ON THIS _____ day of _____ 2003, before me the undersigned, a Notary Public in and for the said State, personally appeared the Grantor, _____ the _____ of ANCHORAGE, An Alaska Municipal Corporation, known to me to be the identical person who executed the foregoing instrument and acknowledged to me that he signed the same as his free and voluntary act and deed, with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.

Notary Public in and for the State of Alaska
My Commission Expires: _____

REGION: Central

PROJECT NO.: TEA-0001(159)/52509
PROJECT: Midtown Segment of the North South Trail

PARCEL: E-4
Page 2 of 4

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, Grantee herein, acting by and through its Commissioner, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof:

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20__.

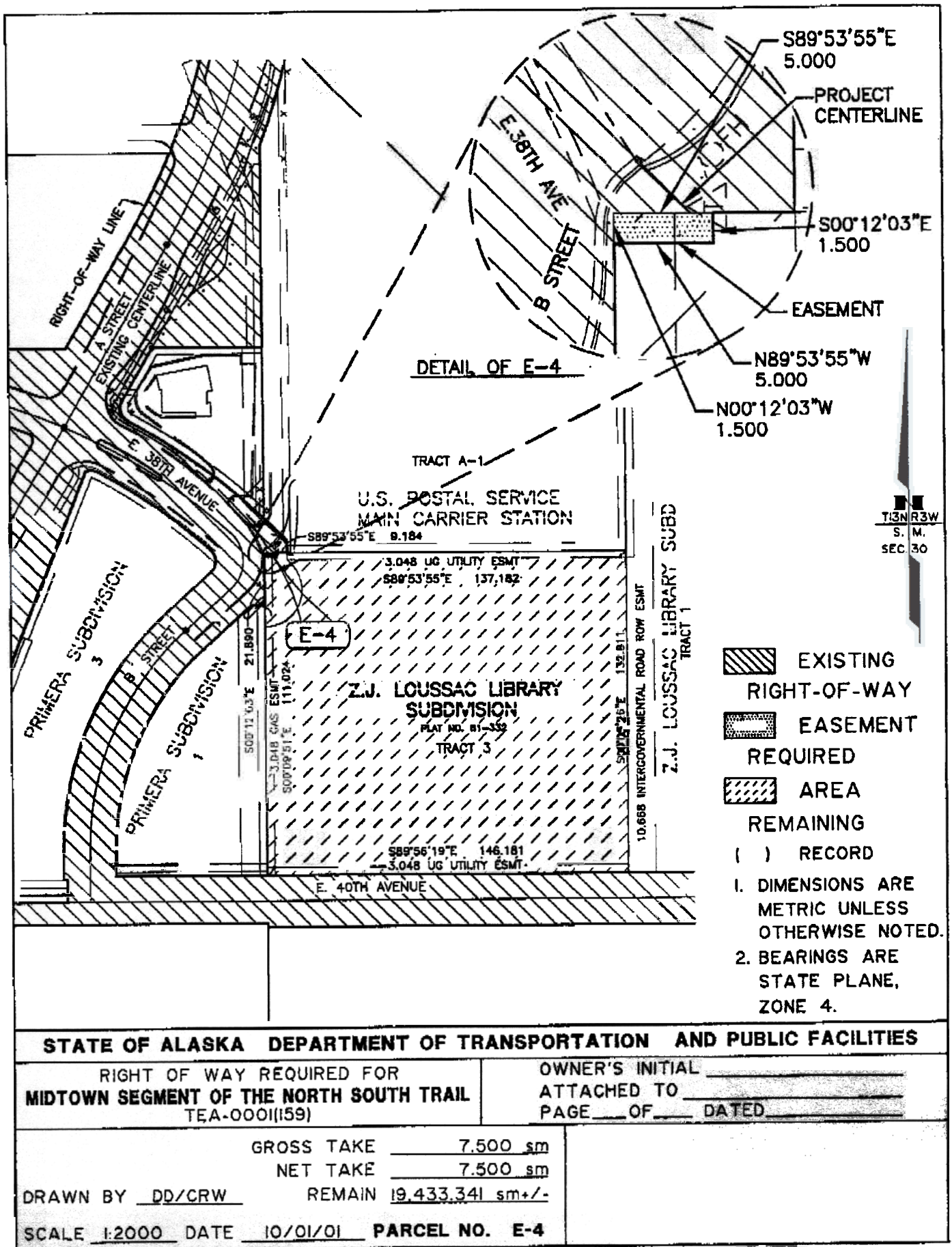
DEPARTMENT OF TRANSPORTATION and PUBLIC FACILITIES

By: _____
For the Commissioner

REGION: Central

PROJECT NO.: TEA-0001(159)/52509
PROJECT: Midtown Segment of the North South Trail

PARCEL: E-4
Page 3 of 4





State of Alaska

Department of Transportation and Public Facilities

VALUE ESTIMATE

For Acquisitions of \$10,000 or Less

PROPERTY OWNERS	The Municipality of Anchorage	FEDERAL/STATE NO.:	TEA-0001(159)/52509
LOCATION OF PROPERTY:	Cuddy Family Midtown Park 38 th Avenue, Anchorage, AK	TERMINI:	Midtown Segment of the North South Trail
ZONING:	PLJSL	PARCEL NO.	E-4, TCE-4
PRESENT USE:	City Park	HIGHEST & BEST USE:	Commercial
RIGHTS VALUED:	Right of Way (R/W) Easement Temporary Construction Easement (TCE)	ACQUISITION:	[X] PARTIAL [] TOTAL [X] TCE
PROPERTY SIZE (BEFORE):	19,433.341 sm (209,178 sf)	AREA TO BE ACQUIRED:	E-4: 7.5 sm (81 sf) TCE-4: 49.5 sm (533 sf)
SHAPE OF AREA TO BE ACQUIRED:	Rectangular	AREA OF REMAINDER:	19,433.341 sm (209,178 sf)

* English Unit Area is based upon Assessment Records and is for use in relating to the Metric measurement. † English Unit for Area to be Acquired converted from the Metric Unit Areas using a factor of: (m² → sf) 10.763867360.

The purpose of this Value Estimate is to estimate the fair market value of the property owner's rights acquired (as stated in Alaska DOT&PF Right-of-Way Manual Appraisal Procedures and Guidelines Chapter, Section 4.01.02). The acquisition will facilitate the construction of the Midtown Segment of the North South Trail project for public transportation, utility and maintenance purposes.

DESCRIPTION OF ACQUISITION: (use, topo, imps, etc.)

The larger parcel is a 209,178 square foot rectangular shaped tract of land located at the convergence of 38th Avenue and B Street. It is more particularly described as Tract Three (3), Z.J. Loussac Library Subdivision, according to Plat 81-332, filed in the Anchorage Recording District, Third Judicial District, State of Alaska. The site is known as the Cuddy Family Midtown Park and is improved with lawn, park benches, and nature paths.

Parcel No. E-4: This easement parcel to be acquired from the larger parcel is a rectangular-shaped tract of land approximately 1.5 meters by 5 meters, containing 7.5 square meters (81 square feet), as shown on the attached plat. This additional right of way is required for the construction of an upgraded curb ramp.

TCE-4: This temporary construction easement to be leased from the larger parcel is an irregular-shaped tract of land that contains 49.5 square meters (533 square feet), as shown on the attached plat. The TCE area is needed to provide a work area for activities associated with the construction of the upgraded curb and curb ramp.

This acquisition and TCE area will be used in conjunction with the Midtown Segment of the North South Trail project and will not adversely affect the unity or value of the subject property.

VALUE ANALYSIS: (source of data, cost to cure)

The proposed acquisition does not affect or damage the existing property improvements and will not change the value contribution of the property improvements. Therefore, this property valuation pertains only to the subject land.

The land is valued as if vacant and available for development to its highest and best use. This property is a city park and is zoned as PLI (public land); however, public land is not actively valued or sold in this market. In order to determine a market-derived value for the subject property, the highest and best use of the property must be determined.

EXHIBIT B - PAGE 1 OF 4

Municipality of Anchorage

as if the property is zoned in a manner consistent with surrounding property. Based on a B-3 zoning (general business district), which is consistent with neighboring properties, the highest and best use of the subject property is commercial development.

For valuing the proposed acquisition and temporary lease of the subject property, reference is made to project comparable sales data.

Comparable sales 6, 9, and 10 are most similar to the subject. Comparable 6 has a time-adjusted value of \$13.50 per square foot and is most similar to the subject in regards to size, shape, and topography. Comparable 6 is located at the intersection of Spenard Road and Benson Boulevard, making it substantially superior to the subject in regards to location and corner influence. Comparable 6 is also superior to the subject in regards to access.

Market studies of the Midtown area have shown that well located intersection sites sell for 33% to 50% more than equivalent minor intersection or non-intersection sites. Once adjusted for a 33% intersection influence, the indicated value of the subject is \$9.05 per square foot. This value must be adjusted further downward for inferior access. Based on the market data, the indicated fee value of the subject is \$8.00 per square foot.

A typical right of way easement will range in value anywhere from 50% to 95% of the fee value of the property, depending on the degree of impact to the property. Parcel No. E-4 will not be available for any use other than the proposed new facility. Compensation for Parcel No. E-4 is 95% of the fee value.

As previously stated, the market effect of the TCE is equivalent to a two-year lease of the subject land. The lease rate is measured as a percentage of the underlying fee value of the land. Short-term commercial land leases in the area offer an 8-10% rate of return. Compensation for this TCE will be based on a 10% rate of return.

CALCULATIONS:

Parcel No. E-4:	81 sf x \$8.00/sf	= \$ 648.00
TCE-4:	533 sf x \$8.00/sf x 10% x 2 years	= \$ 852.80
		\$1,500.80

ESTIMATED VALUE OF ACQUISITION AREA: (\$100.00 Minimum) \$ 1,525.00 (RND)

DATE OF ESTIMATE: 4/24/03

BY:

C. Michelle Young, Right-of-Way Agent

DATE OF INSPECTION: 4/16/03

DATE APPROVED:

April 24, 2003

BY:

K. Kim Rice, P.E.

Chief Right-of-Way Agent

EXHIBIT B - PAGE 2 OF 4



Content Information

Content ID : 001013

Revision: 0

Type: AR_AllOther - All Other Resolutions

Resolution Authorizing the MOA to Grant an Easement to the State of

Title: Alaska Dept. of Transportation and Public Facilities, Across a Portion of the
NW Corner of Tract 3, ZJ Loussac Library S.D., for Midtown Segment of
the North-South Trail Project

Author: schuringmj

**Initiating
Dept:** PME

**Review
Depts:** CRS

Description: Resolution authorizing an easement to ADOT&PF to accommodate a
portion of the Midtown segment of the N-S Trail Project across the NW
portion of the ZJ Loussac Library subdivision, Tract 3 (tax code # 009-081-
13).

Keywords: Loussac, Tract 3, easement, North-South Trail, Alaska Department of
Transportation

**Date
Prepared:** 7/29/03 10:55 AM

Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>	<u>Revision</u>
AllOtherARWorkflow	7/29/03 11:03 AM	Checkin	schuringmj	Public	001013	0
PDPW_SubWorkflow	7/29/03 11:27 AM	Approve	holtanhc	Public	001013	0
PME_SubWorkflow	7/29/03 11:27 AM	Approve	holtanhc	Public	001013	0
CRS_SubWorkflow	7/30/03 9:46 AM	Approve	roddajh	Public	001013	0
MuniManager_SubWorkflow	8/4/03 8:03 AM	Approve	leblancdc	Public	001013	0
MuniMgrCoord_SubWorkflow	8/4/03 10:30 AM	Approve	katkusja	Public	001013	0