

CLERK'S OFFICE

APPROVED

Date: 11-4-03

Submitted by: Chair of the Assembly
at the Request of the Mayor
Prepared by: Project Management &
Engineering Department
For Reading: November 4, 2003

ANCHORAGE, ALASKA
AR NO. 2003-339

1 A RESOLUTION AUTHORIZING THE MUNICIPALITY TO GRANT A TEN-FOOT-WIDE
2 EASEMENT TO ENSTAR NATURAL GAS COMPANY ACROSS A PORTION OF LOTS 8 AND 9
3 WITHIN SECTION 7, T12N, R2W, S.M. ALASKA LOCATED SOUTH OF THE GLENN
4 HIGHWAY, TAX #074-061-02 AND 074-071-01

5
6 WHEREAS, improvements within Tract B-2, Glenn Heights Subdivision, Tract C-1,
7 Glenn Heights Subdivision and Lot 2A, CIHA Subdivision require natural gas service be provided
8 by ENSTAR Natural Gas Company (ENSTAR) in order to meet the needs of two housing facilities;
9 and

10
11 WHEREAS, in order to provide the natural gas service to the subdivisions,
12 ENSTAR requires an easement within Municipal property maintained by Anchorage Water and
13 Wastewater Utility (AWWU) to facilitate the gas main line extension; and

14
15 WHEREAS, ENSTAR agrees to restore the affected area with natural wildflower
16 and grass hydro-seeding; and

17
18 WHEREAS, ENSTAR agrees to plant low-bush raspberry and prickly roses at
19 various locations to encourage rapid vegetative blending along the affected area; and

20
21 WHEREAS, ENSTAR's survey team has confirmed that there will not be any
22 conflicts with existing underground water mains or electrical lighting; and

23
24 WHEREAS, the subject easement has a monetary value of \$1,813 and ENSTAR
25 has agreed to pay AWWU for the easement right; now therefore,

26
27 THE ANCHORAGE ASSEMBLY RESOLVES:

28
29 Section 1. That the Administration is authorized to grant the requested easement to ENSTAR
30 in the following location:

31
32 A ten-foot-wide easement across a portion of Lots 8 and 9, Section 7, T12N,
33 R2W, S.M. Alaska, according to records on file in the office of the Anchorage District Recorder,
34 Third Judicial District, State of Alaska.

35
36 The easement is more particularly described as the east ten feet (E10') of Lots 8
37 and 9, Section 7, T12N, R2W, S.M., Alaska. Said easement contains approximately 7,370
38 square feet.

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

PASSED AND APPROVED by the Anchorage Municipal Assembly this 4th day of,
November, 2003.


Chair

ATTEST:


Municipal Clerk

Please return to:
ENSTAR Natural Gas Company
P.O. Box 190288
Anchorage, AK 99519-0288
Attn: Engineering Dept. R/W Section

Glenn Heights Project
Enstar Project #AN3095, Grid #SW1142
MOA Project #MISC-05-03
Tax #074-061-02 & 074-071-01

UTILITY EASEMENT

The GRANTOR, **Municipality of Anchorage d/b/a Anchorage Water and Wastewater Utility**, whose mailing address is P.O. Box 196650, Anchorage, AK 99519-6650, for good and valuable consideration, conveys and warrants to **ENSTAR Natural Gas Company**, whose address is P.O. Box 190288, Anchorage, Alaska 99519-0288, GRANTEE, and to its successors and assigns a non-exclusive easement in perpetuity across the following described real estate:

A ten foot (10') wide easement across a portion of Lots 8 and 9, Section 7, T12N, R2W, S.M. Alaska, according to records on file in the office of the Anchorage District Recorder, Third Judicial District, State of Alaska.

The easement is more particularly described as the East Ten feet (E 10') of Lots 8 and 9, Section 7, T12N, R2W, S.M., Alaska. Said easement contains approximately 7,370 square feet.

to construct, reconstruct, maintain, repair, operate, improve, and update upon, over and under the above-described lands for installation and maintenance of a natural gas line main extension, and such other related structures as the GRANTEE may now or shall from time to time deem necessary, together with the right:

1. Of ingress and egress to said lands as may be reasonably necessary for the purposes described above.
2. To cut, trim, remove and control the growth of trees, shrubs, and other vegetation on, above, or adjoining said lands, which in the sole good faith judgment of GRANTEE, might interfere with the proper functioning and maintenance of said line or system.
3. To clear and keep the above-described lands free from fences, buildings, pavement, or other permanent structures, which in the sole, good faith judgment of GRANTEE, might interfere with the proper functioning and maintenance of said line or system.

4. To license, permit or otherwise agree to the exercise of these rights by any other authorized person, or entity.

All improvements placed on the property at the GRANTEE's expense shall remain the property of the GRANTEE and removable at its option. The failure of the GRANTEE, its successors or assigns, to exercise any of the rights herein granted shall not be construed as a waiver or abandonment of the right thereafter at any time and from time to time to exercise any or all of such rights.

Grantee shall record this easement at its sole expense and expeditiously install the intended facilities. Grantee shall return the surface estate of Section Lots 8 and 9 and the easement to as near its original condition as practical, including reseeding and replanting any vegetation as directed by the Municipality. Grantee warrants the restoration for two years.

To the fullest extent permitted by law, Grantee shall indemnify, hold harmless and defend Grantor from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the installation, construction or maintenance of the intended facilities or the easement, or any accident, injury or damages whatsoever, provided that any such claim, damages, loss or expense (a) is attributable to bodily injury, or to injury to or destruction of tangible property, including loss of use resulting therefrom, and (b) is caused in whole or in part by any act or omission of Grantee or anyone directly or indirectly employed or contracted by it or anyone for whose acts it may be liable, regardless of whether it is caused in part by the negligent act or omission of Grantor.

Grantor shall be entitled to the full and complete non-exclusive use of the easement area in a manner consistent with the grant of easement to Grantee.

Grantee's failure to perform any of the terms of this agreement shall automatically cause reversion of the easement to the Municipality. This agreement is binding upon and insures to the benefit of the parties hereto, their successors, transferees and assigns.

MOA/PME/ROW
Glenn Heights Project
Enstar Project #AN3095, Grid #SW1142
MOA Project #MISC-05-03
Tax #074-061-02 & 074-071-01

This document is integrated and embodies the full agreement of the parties. Venue is in the Superior Court, State of Alaska, at Anchorage.

GRANTOR: Municipality of Anchorage, d/b/a Anchorage Water & Wastewater Utility

BY:
ITS:

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2003 by _____, the _____ for the Municipality of Anchorage, d/b/a Anchorage Water & Wastewater Utility, on behalf of the corporation.

Notary Public in and for Alaska
My Commission Expires: _____

GRANTEE: ENSTAR Natural Gas Company

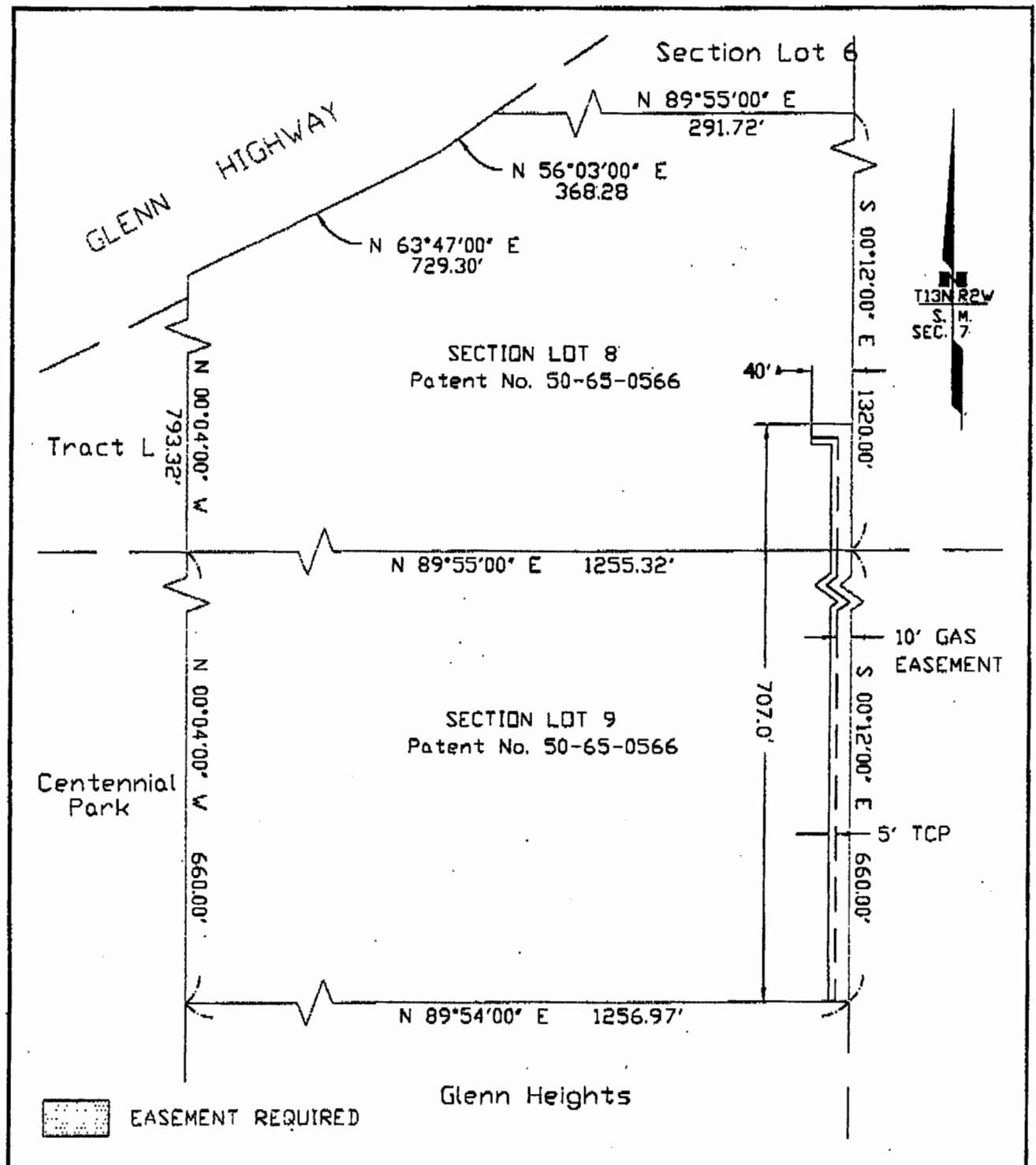
BY: _____
ITS: _____

Date: _____

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2003 by _____, the _____ for ENSTAR Natural Gas Company.

Notary Public in and for Alaska
My Commission Expires: _____



PROJECT MANAGEMENT AND ENGINEERING DEPARTMENT OFFICE OF THE MUNICIPAL ENGINEER		RIGHT OF WAY REQUIRED FOR GLENN HEIGHTS SUBDIVISION, TRACT 3-2 ROW FILE #MISC-05-03	
OWNER'S INITIAL _____	ROW ACQUISITION TYPE	GAS	TCP
ATTACHED TO _____	ROW ACQUISITION AREA	7370 S.F.	3610 S.F.
PAGE ____ OF ____ DATED _____	AREA REMAINING	2,214,155 S.F.	
SCALE 1"=100'		DATE 10/17/2003 PARCEL NO.	



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 847-2003

Meeting Date: November 4, 2003

FROM: Mayor

SUBJECT: A Resolution Authorizing the Municipality to Grant an Easement to Enstar Natural Gas Company Across the Easterly Portion of Lots 8 and 9 within Section 7, T12N, R2W, S.M., Alaska, Located South of the Glenn Highway, Tax #074-061-02 and 074-071-01

Two developers, Cook Inlet Housing Authority and Kenaitze Pointe LLC, have requested that ENSTAR Natural Gas Company (ENSTAR) provide natural gas service to two housing facilities. The proposed gas main line extension will be installed within the proposed ten-foot-wide easement along the Municipality's east boundary to provide natural gas service to Tract B-2, Glenn Heights Subdivision, Tract C-1, Glenn Heights Subdivision and Lot 2A, CIHA Subdivision. Accordingly, ENSTAR requires the subject easement (Exhibit A) within the Municipal property as identified on the attached parcel plat and project drawing (Exhibit B).

THE ADMINISTRATION RECOMMENDS APPROVAL OF AR NO. 2003-339 AUTHORIZING THE MUNICIPALITY TO GRANT A TEN-FOOT-WIDE EASEMENT TO ENSTAR, WITHIN LOTS 8 AND 9, SECTION 7, T12N, R2W, S.M., ALASKA.

Prepared by: Howard C. Holtan, Director, Project Management & Engineering Department

Concur: Mark Premo, General Manager, AWWU

Concur: Denis C. LeBlanc, Municipal Manager

Respectfully Submitted: Mark Begich, Mayor

Content Information**Content ID :** 001174

Title: A Resolution authorizing the Municipality to grant a 10-foot-wide easement to ENSTAR across a portion of Lots 8 and 9 within Section 7, T12N, R2W, S.M. Alaska located south of the Glenn Hwy, Tax# 074-061-02 and 074-071-01

Author: rerkosp**Initiating Dept:** PME**Review Depts:** AWWU

Description: A Resolution authorizing the Municipality to grant a 10-foot-wide easement to ENSTAR across a portion of Section Lots 8 and 9 within Section 7, T12N, R2W, S.M. Alaska located south of the Glenn Hwy, Tax# 074-061-02 and 074-071-01

Keywords: Enstar, easement, Glenn Heights**Date Prepared:** 10/8/03 2:00 PM

H.O.A.
2003 OCT 28 AM 11:23
CLEANING OFFICE

Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOtherARWorkflow	10/8/03 2:11 PM	Checkin	rerkosp	Public	001174
PME_SubWorkflow	10/8/03 2:12 PM	Approve	holtanhc	Public	001174
AllOtherARWorkflow	10/9/03 9:43 AM	Reject	katkusja	Public	001174
AllOtherARWorkflow	10/9/03 10:53 AM	Checkin	rerkosp	Public	001174
PME_SubWorkflow	10/10/03 8:22 AM	Approve	holtanhc	Public	001174
AllOtherARWorkflow	10/13/03 10:01 AM	Reject	premomc	Public	001174
AllOtherARWorkflow	10/23/03 1:37 PM	Checkin	rerkosp	Public	001174
PME_SubWorkflow	10/24/03 8:29 AM	Approve	holtanhc	Public	001174
AWWU_SubWorkflow	10/24/03 10:09 AM	Approve	premomc	Public	001174
MuniManager_SubWorkflow	10/26/03 7:47 PM	Approve	leblancdc	Public	001174
MuniMgrCoord_SubWorkflow	10/27/03 12:27 PM	Approve	katkusja	Public	001174