

CLERK'S OFFICE

APPROVED

Date: 4-20-04

Submitted by: Chair of the Assembly at the Request of
the Mayor
Prepared by: Municipal Light & Power
For reading: April 20, 2004

ANCHORAGE, ALASKA

AR No. 2004-100

**A RESOLUTION AUTHORIZING THE DISPOSAL OF A MUNICIPAL INTEREST, VIA
RELINQUISHMENT, ON LOT 3, YATES SUBDIVISION**

WHEREAS, the Anchorage Municipal Charter 10.02(8) provides that any action to convey or lease or authorizing the conveyance or lease of any interest in lands of the Municipality must be by ordinance, but Charter 17.13(e) excepts and excludes from said requirement revocable permits or licenses, rights-of-way and easements which the Assembly finds to be without substantial value to the Municipality; and

WHEREAS, Municipal Light and Power recommends release and relinquishment of electrical easement identified in Section 1 below; and

WHEREAS, this disposal will remove and extinguish recorded electrical easement no longer required by ML&P and the Municipality; and

WHEREAS, the Assembly finds that the municipal interest in real property to be disposed of hereunder is without substantial value to the Municipality.


NOW THEREFORE, the Assembly of Anchorage resolves:

Section 1: The Municipality may dispose, via relinquishment, of its electrical easement identified below and as depicted on the attachment legal description.

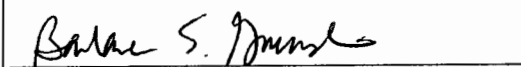
An electric and telecommunication systems easement recorded October 10, 2002 document Number 2002-073140-0 on Lot 3, Yates Subdivision, according to Plat 2002-31, records of the Anchorage Recording District, Third Judicial District, State of Alaska.

Section 2: This resolution shall take effect upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 20th day of April, 2004.


Chairman

ATTEST:


Municipal Clerk

02-24

Lot 3, Yates Subd.

RELINQUISHMENT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, the **GRANTOR, ANCHORAGE** a municipal corporation organized and existing under it's Charter and the laws of the State of Alaska, for and in consideration of One Dollar (\$1.00) and other goods and valuable considerations, conveys and quitclaims to **ANNE M. HURLEY** and **LARRY L. YATES GRANTEE**, whose address is P.O. Box 190228, Anchorage, Alaska 99519-0228, or their successors in interests may appear, all interest which the GRANTOR has, if any in an easement DATED the 10th day of October 2002, and recorded as document number 2002-073140-0, Anchorage Recording District, granting an easement to the Grantor in the following described real estate to wit:

A portion of Lot 3, YATES SUBDIVISION, according to the official plat thereof, filed under Plat 2002-31, records of the Anchorage Recording District, Third Judicial District, State of Alaska. More particularly described as follows:

Commencing at the northeast corner of said Lot 3, Yates Subdivision; thence, N 89°59'00" W a distance of 150.43 feet, to the True Point of Beginning for this description; thence, N 89°59'00" W a distance of 5.0 feet; thence, S 00°07'00" E a distance of 60.0 feet; thence, N 89°53'00" E a distance of 5.0 feet; thence, N 00°07'00" W a distance of 59.99 feet to the True Point of Beginning.

Parcel containing 300 square feet more or less.

This instrument relinquishes only the aforescribed easement and does not intend to convey or quitclaim any other interest, if any, that ANCHORAGE may have in the aforescribed premises.

Dated this _____ day of _____, 2004

MUNICIPALITY OF ANCHORAGE

Kurt Vause, Manager of Engineering, AWWU
(P&P 1-4, Dated 1-27-1998)

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of 2004, by KURT VAUSE the MANAGER OF ENGINEERING, AWWU of

2002-073140-0

Recording Dist: 301 - Anchorage
10/14/2002 11 24 AM Pages: 1 of 2

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**ELECTRIC AND TELECOMMUNICATIONS SYSTEMS
EASEMENT—UNDERGROUND AND SURFACE FACILITIES**

cc

THIS AGREEMENT made this 10 day of October 2002, by and between, BRUIN BUILDER INC, Hereinafter called the GRANTOR, whose address is P.O. Box 240788, Anchorage Alaska 99524, for good and valuable consideration conveys and warrants to ANCHORAGE, D/B/A MUNICIPAL LIGHT & POWER whose address is P.O. Box 196650, Anchorage, Alaska, 99519-6650, a municipal corporation of the State of Alaska, hereinafter called the GRANTEE, and to its successors and assigns an easement in perpetuity to the following described real property, to wit:

A portion of LOT 3, YATES SUBDIVISION, according to the official plat thereof, filed under Plat 2002-31, records of the Anchorage Recording District, Third Judicial District, State of Alaska, more particularly described as follows:

Commencing at the northeast corner of Lot 3, Yates Subdivision; thence, N 89°59'00" W for a distance of 150.43 feet, to the True Point of Beginning for this description, thence, N 89°59'00" W for a distance of 5.0 feet; thence, S 00°07'00" E for a distance of 60.0 feet; thence, N 89°53'00" E for a distance of 5.0 feet; thence, N 00°07'00" W for a distance of 59.99 Feet, to the True Point of Beginning.

Parcel containing 300 square feet more or less.

to construct, reconstruct, maintain, repair, operate, improve, and update beneath and on the surface of the above described lands and/or all streets, roads, or highways abutting said lands, an electric transmission or distribution line(s) or systems, including but not limited to, cables, transformers, pads, pedestals and associated apparatus, and such other 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 the Grantee, might interfere with the proper functioning and maintenance of said line or system. Grantor, upon written request to Grantee, shall be entitled to a written, revocable permit to locate specific improvements on these lands, which do not so interfere with the 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.

IN WITNESS WHEREOF, the Grantor(s) has hereunto set their hand(s) and seal(s) this
10 day of October 2002.

Grantor
Burin Builders Inc.

By: George Moore
George Moore, President
Burin Builders Inc.

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 10th day of October 2002,
By George Moore, known to be the President of Bruin Builders Inc., and owner of Lot 3,
Yates Subd.

Notary Public Kim Irwin
My Commission Expires: July 18, 2005



After Recording Return to:
Kim Irwin
Municipal Light & Power
1200 East 1st Ave.
Anchorage, Alaska 99501



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2002-073140-0



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 348-2004

Meeting Date: April 20, 2004

FROM: MAYOR

SUBJECT: Relinquishment of Easements Within Lot 3, Yates Subdivision

Municipal Light and Power recommends the relinquishment of an easement that was granted by document and affects Lot 3, Yates Subdivision. Facilities were not installed within this easement and therefore no longer are needed.

THE ADMINISTRATION RECOMMENDS APPROVAL OF AR 2004- 100.

Concur:

Submitted by:

Denis LeBlanc
Municipal Manager

James M. Posey
General Manager, ML&P

Respectively submitted,

Mark Begich
Mayor

Content Information**Content ID :** 001678**Type:** AR_AllOther - All Other Resolutions**Title:** Yates Subdivision, Lot 3**Author:** cartercl**Initiating Dept:** MLP**Review Depts:** MuniManager**Description:** Relinquishment of an easement on Lot 3, Yates Subdivision.**Keywords:** Yates**Date Prepared:** 3/26/04 10:47 AM**Director Name:** James M. Posey**Assembly Meeting Date** ²⁰
MM/DD/YY: 04/23/04**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	3/26/04 10:59 AM	Checkin	cartercl	Public	001678
MLP_SubWorkflow	3/26/04 11:54 AM	Approve	poseyjm	Public	001678
MuniManager_SubWorkflow	4/2/04 7:51 AM	Approve	leblancdc	Public	001678
MuniMgrCoord_SubWorkflow	4/2/04 2:06 PM	Approve	katkusja	Public	001678

CONSENT AGENDA – RESOLUTIONS FOR ACTION-OTHER

20
2004 APR 12 PM 2:06
CLERK'S OFFICE
HQA