

CLERK'S OFFICE

APPROVED

Date: 12-14-04

ANCHORAGE, ALASKA

AR NO. 2004- 311

Submitted by: Chairman of the Assembly
At the request of the Mayor
Prepared by: Port of Anchorage
For reading: December 7, 2004

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING
A 25 YEAR LEASE OF 7.302 ACRES OF LAND FROM THE DEPARTMENT OF
THE ARMY, APPROPRIATING ONE HUNDRED NINETEEN THOUSAND TWO
HUNDRED FORTY-SIX DOLLARS (\$119,246) TO PORT OF ANCHORAGE 2004
OPERATING FUND (570), AND REVISING THE 2004 PORT OF ANCHORAGE
OPERATING BUDGET.**

WHEREAS, subject to annual appropriation of funds by the Anchorage Assembly, the Department of the Army has agreed to lease approximately 7.302 acres of land to the Port of Anchorage for the Port's expansion project development of road and rail access which will require the use of funds not included in the 2004 Approved Port of Anchorage Operating Budget; now therefore,

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The Port of Anchorage is authorized to enter into a 25 year lease for 7.302 acres of U.S. Department of the Army property, based upon the terms set out in the Assembly Memorandum accompanying this resolution.

Section 2. The sum of One Hundred Nineteen Thousand Two Hundred Forty-Six Dollars (\$119,246) is hereby appropriated to the Port of Anchorage Operating Fund (570).

Section 3. The Approved 2004 Port of Anchorage Operating Budget is hereby revised as follows:

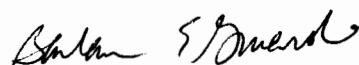
<u>Budget</u> <u>Fund</u>	<u>Utility</u>	<u>2004 Operating</u> <u>Budget Revision</u>
570	Port of Anchorage	\$8,753,391

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

PASSED AND APPROVED by the Anchorage Assembly this 14th day of December, 2004.


Chairman

ATTEST:


Municipal Clerk

Utility Appropriation:

Port of Anchorage: \$119,246 Operating

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 900 -2004

Meeting Date: December 7, 2004

From: Mayor

Subject: A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING A 25 YEAR LEASE OF 7.302 ACRES OF LAND FROM THE DEPARTMENT OF THE ARMY, APPROPRIATING ONE HUNDRED NINETEEN THOUSAND TWO HUNDRED FORTY-SIX DOLLARS (\$119,246.00) TO PORT OF ANCHORAGE 2004 OPERATING FUND (570), AND REVISING THE 2004 PORT OF ANCHORAGE OPERATING BUDGET.

The first phase of the Port of Anchorage's expansion program entails construction of road and rail access along the Port's East boundary, which is encompassed by Fort Richardson and owned by the Department of the Army.

The Port of Anchorage obtained an appraisal from Blacksmith & Richards on April 2, 2004, updated on May 7, 2004, concluding the fair market rental value of the property to be \$0.375 per square foot (for 317,988 square feet, or 7.302 acres). Based on the appraisal, the Port of Anchorage and the Department of the Army negotiated a twenty-five (25) year lease of the property, paid annually at market rate for One Hundred Nineteen Thousand Two Hundred Forty-Five and Fifty Cents (\$119,245.50). Additional lease terms are as follows:

Lessor: Secretary of the Army

Lease

Rate: \$119,245.50 annually, in advance, for the first 5 years of the lease, based upon appraised fair market rental value, and subject to annual appropriation. Subsequent annual lease rates to be based on reappraisal of property (at 5 year intervals), and shall exclude Port improvements.

Legal

Description: 7.302 acres property located within a parcel known as Defense Fuels Property, also known as Tract Q of the Whittier-Anchorage POL Pipeline, more completely described in the attached Exhibit "A" and illustrated in Exhibit "B."

Term: Twenty-five (25) years commencing May 1, 2004 through April 30, 2029.

Use: Construction of a portion of the Road and Rail phase, including removal of overburden.

THE ADMINISTRATION RECOMMENDS THE ASSEMBLY APPROVE THE LEASE OF 7.302 ACRES
FROM THE DEPARTMENT OF THE ARMY, APPROPRIATION OF ONE HUNDRED NINETEEN
THOUSAND TWO HUNDRED FORTY-SIX DOLLARS (\$119,246.00) TO PORT OF ANCHORAGE 2004
OPERATING FUND (570), AND REVISION OF THE 2004 PORT OF ANCHORAGE OPERATING
BUDGET.

Fund Certification: Jeffrey E. Sinz, Chief Financial Officer
570-8970-3701-897000 BP2004 \$119,246 Operating Funds

Recommended by: William J. Sheffield, Port Director
Concurrence: Mary Jane Michael, Executive Director, Economic & Community Development
Concurrence : Denis C. LeBlanc, Municipal Manager
Respectfully submitted: Mark Begich, Mayor

**LEGAL DESCRIPTION FOR
PORT OF ANCHORAGE
RAILROAD SIDING AND ACCESS EASEMENT
DEFENSE FUELS PROPERTY**

The description hereon was prepared by DOWL Engineers on November 14, 2002 at the request of the Municipality of Anchorage, Port of Anchorage for the purpose of describing a RAILROAD SIDING AND ACCESS EASEMENT. The authorized user of this description is the Municipality of Anchorage, Port of Anchorage. Unauthorized use of this description is prohibited.

DOWL Engineers will not be responsible for errors committed by others if this description is not reproduced exactly as written below.

The author of this description is Stanley E. Ponsness.

Railroad Siding and Access Easement

A tract of land located within an unrecorded parcel known as Defense Fuels Property, also known as Tract Q of the Whittier-Anchorage POL Pipeline, also being within U. S. Government Lots 10 and 15 and the NE1/4 of the SW1/4 of the NE 1/4 and the SW1/4 of the SE1/4 of the NE1/4 of Section 7, Township 13 North, Range 3 West of the Seward Meridian, Alaska, and is more particularly described by metes and bounds as follows:

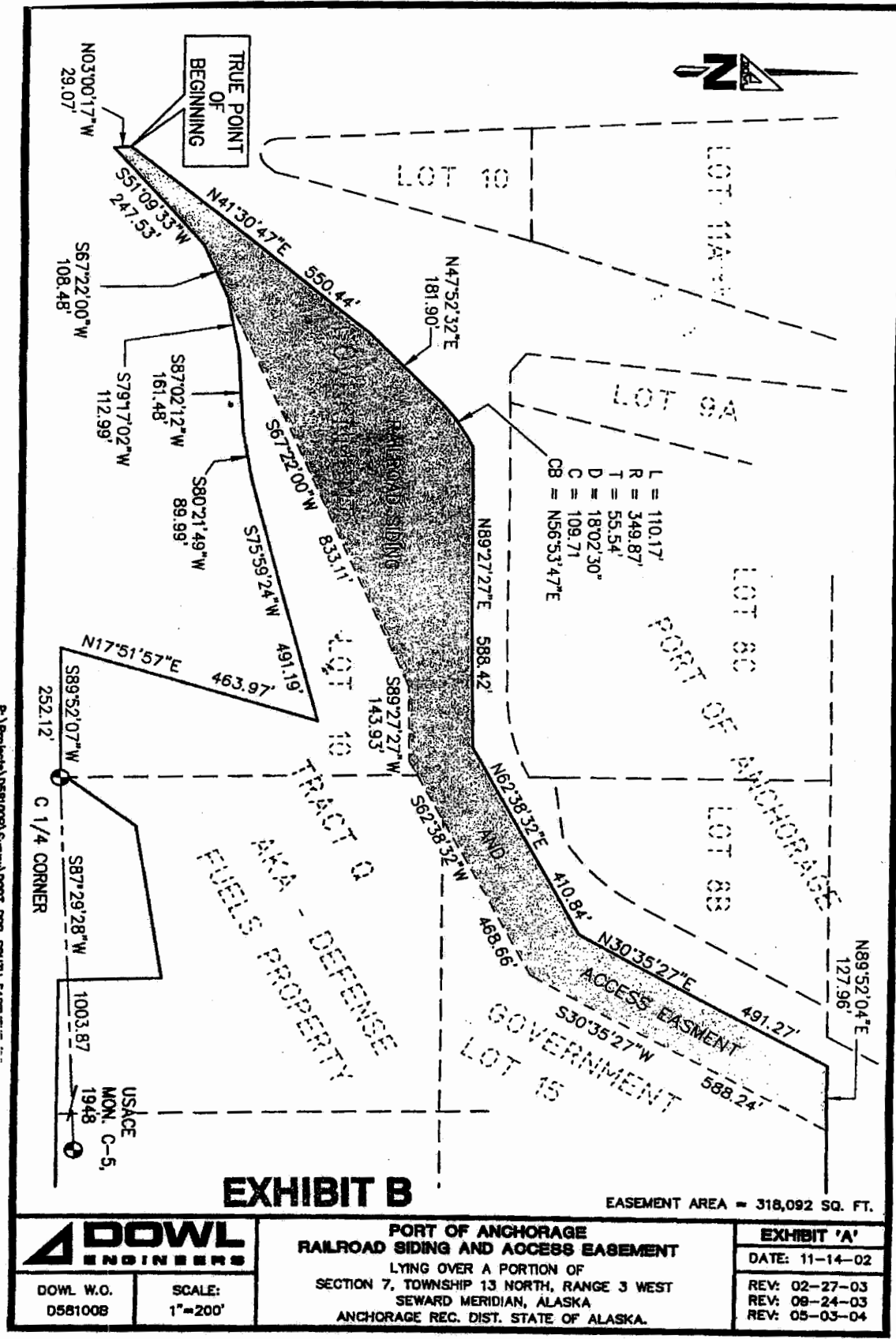
Commencing at U.S. Army Corps of Engineers Monument "C-5 1948"; thence S87°29'28"W, the Basis of Bearings for this description, 1003.87 feet to a recovered 1935 GLO brass cap monument at the Center 1/4 corner of said Section 7; thence on the southerly boundary of said Defense Fuels Property the following nine courses: S89°52'07"W 252.12 feet, N17°51'57"E 463.97 feet, S75°59'24"W 491.19 feet, S80°21'49"W 89.99 feet, S87°02'12"W 161.48 feet, S79°17'02"W 112.99 feet, S67°22'00"W 108.48 feet, S51°09'33"W 247.53 feet, and N03°00'17"W 29.07 feet to the True Point of Beginning for this description; thence continuing on the boundary of said Defense Fuels Property the following two courses N41°30'47"E 550.44 feet and N47°52'32"E 181.90 feet to the point of curvature of a curve concave to the southeast having a radius of 349.87 feet; thence northeasterly on said curve through a central angle of 18°02'30" 110.17 feet; thence continuing on the boundary of said Defense Fuels Property the following four courses N89°27'27"E 588.42 feet, N62°38'32"E 410.84 feet, N30°35'27"E 491.27 feet to the northwest corner of said Defense Fuels Property, and N89°52'04"E 127.96 feet; thence departing said Defense Fuels Property S30°35'27"W 588.24 feet; thence S62°38'32"W 468.66 feet; thence S89°27'27"W 143.93 feet; thence S67°22'00"W 833.11 feet to the southerly boundary of said Defense Fuels Property; thence on said southerly boundary the following two courses S67°22'00"W 108.48 feet, and S51°09'33"W 247.53 feet to the southwesterly corner of said Defense Fuels Property; thence N03°00'17"W 29.07 feet on the westerly boundary of said Defense Fuels Property to the True Point of Beginning, embracing an area of 318,092 square feet, being 7.302 acres, more or less.

(See Exhibit A, Attached)



Created on 11-14-02
Revised on 02-27-03
Revised on 09-24-03
Revised on 05-03-04

EXHIBIT A



Content Information**Content ID :** 002402**Type:** AR_FundsApprop - Funds Approp Resolution**Title:** Port/Army Lease**Author:** scroggsjd**Initiating Dept:** Port**Select Routing:** Standard**Review Depts:** Legal**Description:** Army Lease at Port of Anchorage 7.3 acres**Keywords:** Army Lease**Date Prepared:** 11/22/04 10:24 AM**Director Name:** William Sheffield**Assembly Meeting Date MM/DD/YY:** 12/7/04**Public Hearing Date MM/DD/YY:** 12/14/04

2004 DEC -6 PM 0:55
 CLEANED UP 11/22

Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
FundsAppropWorkflow	11/22/04 10:33 AM	Checkin	scroggsjd	Public	002402
Port_SubWorkflow	11/22/04 11:11 AM	Approve	sheffieldwj	Public	002402
ECD_SubWorkflow	11/22/04 11:36 AM	Approve	thomasm	Public	002402
Legal_SubWorkflow	11/22/04 11:43 AM	Approve	fehlenrl	Public	002402
OMB_SubWorkflow	11/22/04 1:47 PM	Approve	pearcydl	Public	002402
Finance_SubWorkflow	11/22/04 5:21 PM	Approve	sinzje	Public	002402
MuniManager_SubWorkflow	12/3/04 3:07 PM	Approve	leblancdc	Public	002402
MuniMgrCoord_SubWorkflow	12/3/04 3:13 PM	Approve	katkusja	Public	002402