

See AO 2005-171 (S-1)

Submitted by: Assembly Member Birch, Bauer
Prepared by: Dept. of Law
For reading: November 8, 2005

ANCHORAGE, ALASKA
AO No. 2005-171

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 25.20.027
2 REGARDING EMINENT DOMAIN LIMITATIONS.

3
4
5 THE ANCHORAGE ASSEMBLY ORDAINS:

6
7 **Section 1.** Anchorage Municipal Code section 25.20.027 is hereby amended to read as follows:

8
9 **25.20.027 Exercise of the power of eminent domain; limitation.**

- 10
- 11 **A.** Exercise of the power of eminent domain by the municipality, its agencies and authorities,
12 is prohibited unless the property acquired thereby is actually used by the municipality or
13 the public. Eminent domain is not to be used to further private economic development.
- 14
- 15 **B.** The municipality shall not use the power of eminent domain to acquire private property, in
16 whole or in part, or any interest in private property, for the purpose of leisure amenities.
- 17
- 18 **C.** For purposes of this section, *leisure amenities* includes indoor and outdoor facilities
19 intended for personal enjoyment including, but not limited to, parks, natural resource use
20 areas, trails and pedestrian paths and/or trails of any kind, greenbelts, access to wilderness
21 areas, amusement rides, small boat facilities, personal use fisheries, sports activities of any
22 kind, play areas, picnic areas, spectator viewing, and associated infrastructure such as
23 parking lots and access corridors.
- 24
- 25 **D.** This section shall not apply to pedestrian walkways as amenities in the right-of-way for a
26 road classified as an arterial, expressway or freeway.
- 27

28 AO No. 2005-86 as amended (7-12-05)

29
30 **Section 2.** This ordinance shall be effective immediately upon its passage and approval by the
31 Assembly.

32
33 PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 200 .

34
35
36
37 _____
Chair of the Assembly

38 ATTEST:

39
40
41 _____
Municipal Clerk

42 G:\mat\open matters\Assembly-Chris Birch - Eminent Domain\Rev AO - amend section 25.20.027.DOC



MUNICIPALITY OF ANCHORAGE
ASSEMBLY INFORMATION MEMORANDUM
NO. AIM 100-2005

Meeting Date: December 20, 2005

From: Assemblymember Birch
Subject: Summary of Economic Effects for AO 2005-171

Attached to this memo is the Summary of Economic Effects for AO 2005-171, regarding an ordinance amending Anchorage municipality code section 25.20.027 regarding eminent domain limitations.

Prepared By: Steven B. King, Utility Analyst
Reviewed By: Barbara E. Gruenstein and Guadalupe Marroquin
Submitted By: Assemblymember Birch

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

An ordinance amending Anchorage municipality code section 25.20.027 regarding eminent domain limitations.

AO Number: 2005-171 Title:

Sponsor: Assemblymember Birch
 Preparing Agency: Assembly
 Others Impacted: Clerk's Office

CHANGES IN EXPENDITURES AND REVENUES:	(In Thousands of Dollars)				
	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</u>
Operating Expenditures					
1000 Personal Services	\$ -	\$ -	\$ -	\$ -	\$ -
2000 Non-Labor	-	-	-	-	-
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

There are no substantive public sector costs associated with amending an Anchorage municipality code.

PRIVATE SECTOR ECONOMIC EFFECTS:

There are no substantive private sector costs associated with amending an Anchorage municipality code.

Prepared by: Steven B. King, Utility Budget Analyst
 Reviewed by: Barbara Gruenstein and Guadalupe Marroquin

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 Telephone: 343-4311 and 343-4376

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AO 2005-171

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED	
	AMENDING AMC 25.20.027 REGARDING EMINENT DOMAIN LIMITATIONS	11/2/05	
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM	
2	DEPARTMENT NAME	DIRECTOR'S NAME	
	Assembly	Anna Fairclough, Chair	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER	
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
	Mayor		
	Municipal Clerk		
	Municipal Attorney		
	Employee Relations		
	Municipal Manager		
	Cultural & Recreational Services		
	Fire		
	Health & Human Services		
	Merrill Field Airport		
	Municipal Light & Power		
	Office of Management and Budget		
	Police		
	Port of Anchorage		
	Public Works		
	Solid Waste Services		
	Transit		
	Water & Wastewater Utility		
	Executive Manager		
	Community Planning & Development		
	Finance, Chief Fiscal Officer		
	Heritage Land Bank		
	Management Information Services		
	Property & Facility Management		
	Purchasing		
	Other		
5	Special Instructions/Comments		
	CONSENT AGEDNA - INTRODUCTION		
6	ASSEMBLY HEARING DATE REQUESTED	7	PUBLIC HEARING DATE REQUESTED
	11/8/05		12/20/05

2005 NOV - 2 AM 9:35
 M.C.M.
 CLERK'S OFFICE

FLOOR AMENDMENTS TO AO NO. 2005-171
MR. BIRCH

REGULAR MEETING DECEMBER 20, 2005

AO NO. 2005-171 is amended as follows:

1. Ordinance Section 1, AMC 25.20.027B, lines 15-16:

The municipality shall not use or rely upon the power of eminent domain to acquire private property, in whole or in part, or any interest in private property, for the purpose of leisure amenities, regardless of how such amenities are characterized or financed.

2. Ordinance Section 1, AMC 25.20.027D, lines 25-26:

This section shall not apply to pedestrian facilities [WALKWAYS] as amenities in the right-of-way for a road classified as [AN] local, collector, arterial, expressway or freeway.