

Submitted by: Assembly Members BIRCH, Bauer, Sullivan

Prepared by: Assembly Counsel

For reading: January 10, 2006

CLERK'S OFFICE

APPROVED

Date: 1-10-06

ANCHORAGE, ALASKA

AO No. 2005-171(S-1)

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 25.20.027 REGARDING
2 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, is
12 prohibited unless the property acquired thereby is actually used by the municipality or the
13 public. Eminent domain is not to be used to further private economic development.

14
15 B. The municipality shall not use or rely upon the power of eminent domain to acquire private
16 property, in whole or in part, or any interest in private property, for the purpose of leisure
17 amenities, regardless of how such amenities are characterized or financed.

18
19 C. For purposes of this section, *leisure amenities* includes indoor and outdoor facilities intended
20 for personal enjoyment including, but not limited to, parks, natural resource use areas, trails
21 and pedestrian paths and/or trails of any kind, greenbelts, access to wilderness areas,
22 amusement rides, small boat facilities, personal use fisheries, sports activities of any kind,
23 play areas, picnic areas, spectator viewing, and associated infrastructure such as parking lots
24 and access corridors.

25
26 D. This section shall not apply to pedestrian facilities as amenities in the right-of-way for a road
27 classified as local, collector, arterial, expressway or freeway.

28
29 E. The limitations on the exercise of eminent domain in this section may be waived by
30 ordinance approved by two-thirds of the total membership of the Assembly.

31
32 AO No. 2005-86, § 1, 7-12-05)

33
34 **Section 2.** This ordinance shall be effective immediately upon its passage and approval by the Assembly.

35
36 PASSED AND APPROVED by the Anchorage Assembly this 10th day of January, 2006.

37
38 Anna J. Fairclough
39 Chair of the Assembly

40 ATTEST:

41 Balme S. Gustafson
42
43 Municipal Clerk