

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Dept. of Law
For reading: April 18, 2006

CITY CLERK'S OFFICE
APPROVED
Date: 5-2-06

ANCHORAGE, ALASKA
AO No. 2006-56

1
2 AN ORDINANCE VACATING A PORTION OF THE DEDICATED RIGHT OF WAY FOR 40TH
3 AVENUE, LOCATED BETWEEN B STREET AND DENALI STREET, TO PERMIT
4 DEVELOPMENT OF THE CUDDY FAMILY MIDTOWN PARK.
5

6
7 WHEREAS, a portion of the dedicated right of way for 40th Avenue bisects the presently partially
8 developed Cuddy Family Midtown Park located adjacent to the Loussac Library, and
9

10 WHEREAS, the Cuddy Family is prepared and willing to donate funds to implement the master plan
11 of the park including amphitheater access, accessible playground, landscape and garden areas, a speed
12 skating oval with an active recreation area within the oval, centerpiece pond with promenade
13 walkway and the Great Lawn and pavilion, but no such facilities can be built until the 40th Avenue
14 right of way is vacated, and
15

16 WHEREAS, the Planning department and the traffic department support vacating the 40th Avenue
17 right of way within the Cuddy Family Midtown Park; now, therefore,
18

19 THE ANCHORAGE ASSEMBLY ORDAINS:
20

21 **Section 1.** Notwithstanding the requirements of Anchorage Municipal Code sections 21.15.030I.,
22 21.15.125E., and 21.15.130D.3., the portion of 40th Avenue right-of-way located within the Cuddy
23 Family Midtown Park, as more particularly shown on **Exhibit A**, is hereby vacated, and the use is re-
24 designated as municipal parkland.
25

26 **Section 2.** The Municipality shall record a plat depicting the right-of-way vacation, and the area re-
27 designated as parkland shall be named Tract A, 40th Avenue Park. Upon survey of the outer boundaries
28 of the Cuddy Family Midtown Park, a new plat shall be recorded eliminating the right-of-way tract.
29

30 **Section 3.** Nothing herein shall vacate any existing utility easements.
31

32 **Section 4.** The vacation of the right-of-way described in this ordinance shall become effective when
33 the Municipality records a right-of-way plat for Tract A, 40th Avenue Park, in substantially the form
34 shown on **Exhibit A**.
35

36 **Section 5.** Except as provided in Section 4 above, this ordinance shall become effective immediately
37 upon passage and approval by the Assembly.
38 \

39 \

40 \

41 \

PASSED AND APPROVED by the Anchorage Assembly this 2nd day of May, 2006.

Samuel R. Sullivan
Chair of the Assembly

ATTEST:

Barbara S. Duesler
Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2005-56

Title: AN ORDINANCE VACATING A PORTION OF THE DEDICATED RIGHT OF WAY FOR 40TH AVENUE, LOCATED BETWEEN B STREET AND DENALI STREET, TO PERMIT DEVELOPMENT OF THE CUDDY FAMILY MIDTOWN PARK.

Sponsor: Mayor

Preparing Agency: OECD

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</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 will be no cost to the public due to the ROW vacation.

Costs associated with this vacation may include minimal staff time to prepare new plat map and a recorders fee of approximately \$25.00.

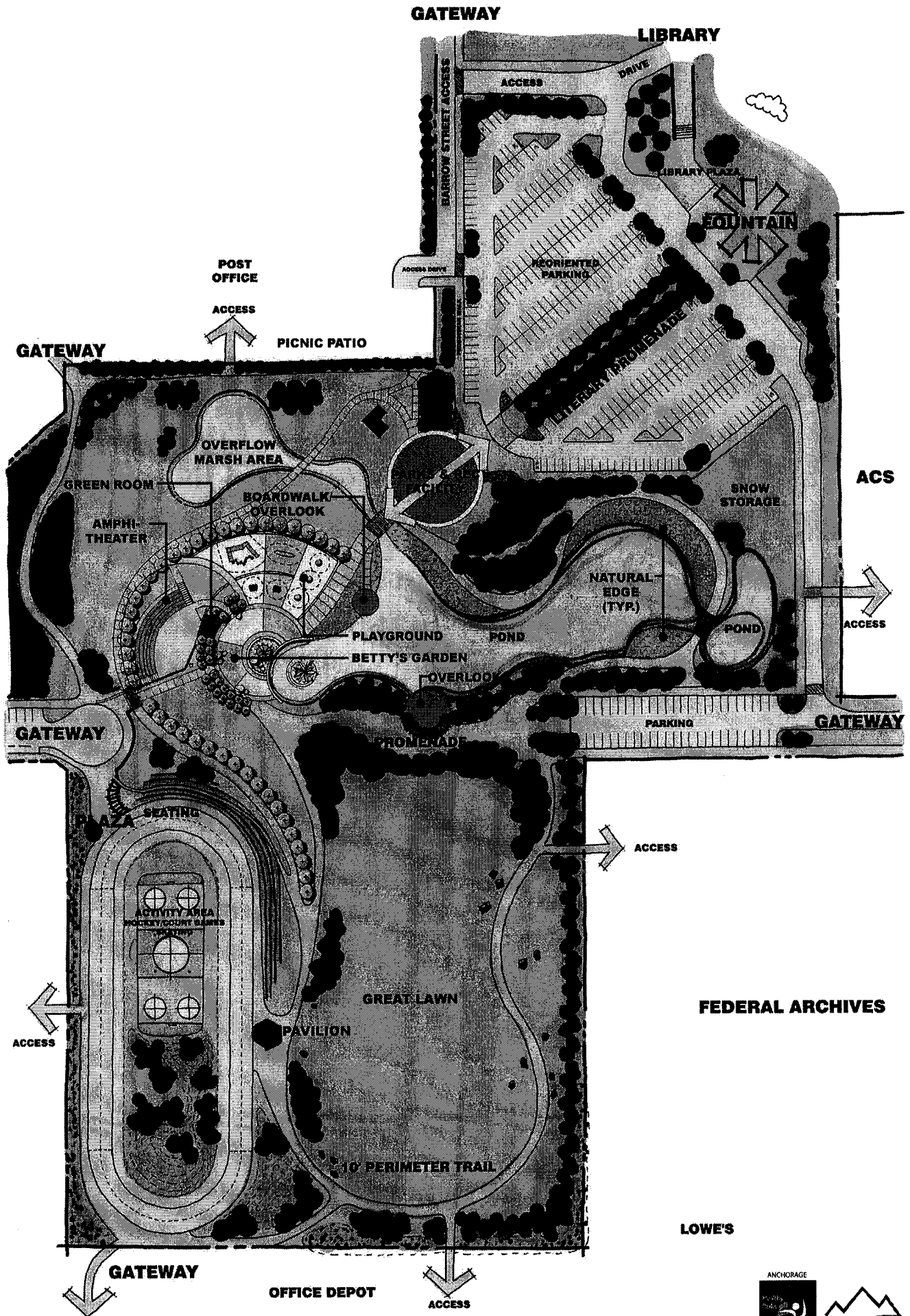
PRIVATE SECTOR ECONOMIC EFFECTS:

There will be no cost to the private sector due to this ROW vacation.



CHRYSLER
For Major
Multiplies of Anchorage
PO Box 188550
Anchorage, Alaska 99519-6850

40th Avenue Park, Tract A
A PORT OF SAN ANTONIO OF 87-93
Remnants of the Alachua, Alachua, and Alachua
Conservation of 100,000 sq ft
or 1/4 Section 36, 13N, 10W, S4E
Office of the Municipal Surveyor
Project: Unconsolidated and Engineering
4700 Boggs Street
Scale 1"=100'



CUDDY FAMILY MIDTOWN PARK MASTER PLAN

JANUARY 6, 2006



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 256 -2006

Meeting Date: April 18, 2006

6

From: MAYOR

Subject: Cuddy Family Midtown Park Right-of-Way Vacation

The Cuddy Family Midtown Park provides a unique opportunity to create a physical and symbolic heart in a part of the Anchorage community where one does not currently exist. It is important to use the park's proposed improvements as a catalyst for redefining a vision for the broader Midtown area. As the area around the park evolves into a neighborhood with more "critical mass", it will become more walkable, and include a broader mix of uses that will become the center of a desirable place to live and work. Another important opportunity is connection with the Loussac library, which is already one of the major anchors of the neighborhood.

Critical to achieve all of these goals is the vacation of the 40th Avenue ROW. The current 40th Avenue ROW bisects the park in half and prevents the integration of the entire park unit. The existing 70 feet of dedication right-of-way can be vacated for roadway purpose but should be held for another public purpose to include the existing utilities. The dedicated right-of-way can be vacated and designated as a utility easement (and other public purpose) and development of the Cuddy Family Midtown Park can move forward.

Prepared by: Office of Economic & Community Development

Approved: Jeff Dillon, Parks and Recreation Director

Concur: Mary Jane Michael, Executive Director

Office of Economic & Community Development

Concur: Denis C. LeBlanc, Municipal Manager

Respectfully submitted: Mark Begich, Mayor

Content Information**Content ID :** 003872**Type:** Ordinance - AO

Title: AN ORDINANCE VACATING A PORTION OF THE DEDICATED RIGHT OF WAY FOR 40TH AVENUE, LOCATED BETWEEN B STREET AND DENALI STREET, TO PERMIT DEVELOPMENT OF THE CUDDY FAMILY MIDTOWN PARK.

Author: curtiscr**Initiating Dept:** ECD

Description: VACATING RIGHT OF WAY FOR 40TH AVENUE, TO PERMIT DEVELOPMENT OF THE CUDDY FAMILY MIDTOWN PARK.

Keywords: 40th ROW vacation Cuddy Family Midtown Park**Date Prepared:** 4/7/06 10:15 AM**Director Name:** Mary Jane Michael**Assembly****Meeting Date** 4/18/06**MM/DD/YY:****Public Hearing****Date MM/DD/YY:** 5/2/06

2006 APR - 7 PM 4:56
CLERKS OFFICE

M.O.A.

Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
ECD_SubWorkflow	4/7/06 10:18 AM	Approve	thomasm	Public	003872
AllOrdinanceWorkflow	4/7/06 10:18 AM	Checkin	thomasm	Public	003872
OMB_SubWorkflow	4/7/06 10:23 AM	Approve	mitsonjl	Public	003872
Legal_SubWorkflow	4/7/06 10:28 AM	Approve	gatesdt	Public	003872
MuniManager_SubWorkflow	4/7/06 10:39 AM	Checkin	curtiscr	Public	003872
MuniManager_SubWorkflow	4/7/06 11:11 AM	Approve	leblancdc	Public	003872
MuniMgrCoord_SubWorkflow	4/7/06 2:20 PM	Approve	curtiscr	Public	003872