

Submitted by: Chairman of the Assembly  
at the Request of the AWWU Board  
Prepared by: Anchorage Water & Wastewater Utility  
For Reading: July 25, 2006

**CLERK'S OFFICE**

**APPROVED**

Date: 8-15-06

ANCHORAGE, ALASKA  
AO NO. 2006-106

1 AN ORDINANCE AUTHORIZING A TELECOMMUNICATIONS AND ELECTRICAL  
2 EASEMENT TO KODIAK KENAI CABLE COMPANY LLC AT TRACT A1,  
3 WORONZOF TRACTS SUBDIVISION, PLAT NO. 95-104, WITHIN SECTIONS 20  
4 AND 29, T13N, R4W, S.M. ALASKA, LOCATED NEAR POINT WORONZOF ROAD  
5 AND HUTSON DRIVE, TAX CODE #010-401-35  
6

7 WHEREAS, Kodiak Kenai Cable Company, LLC (KKCC) seeks approval of a  
8 telecommunications and electrical easement (easement) across Tract A1, Woronzof Tracts  
9 Subdivision for underground and surface telecommunication facilities; and  
10

11 WHEREAS, Tract A1 is a municipal-owned property under the management authority of  
12 the Anchorage Water & Wastewater Utility (AWWU); and  
13

14 WHEREAS, the easement is a critical component to facilitate construction of a fiber optic  
15 cable link between Anchorage, Kenai, Homer, Kodiak and Seward. The easement is intended  
16 to accommodate a duct bank system, a beach manhole (transitioning from submarine to land  
17 cable installation) and a fiber optic cross connect cabinet at the John M. Asplund wastewater  
18 treatment facility site; and  
19

20 WHEREAS, on November 16, 2004, the Anchorage Municipal Assembly approved AR  
21 No. 2004-296 endorsing and supporting the construction of a marine fiber optic cable linking the  
22 city of Kodiak with the city of Seward, Alaska to fulfill the need to establish a redundant  
23 communications capacity for Anchorage, interior Alaska and Southcentral Alaska; and  
24

25 WHEREAS, the proposed improvements to be constructed and maintained within the  
26 subject easement will benefit the Municipality of Anchorage as indicated in AR No. 2004-296.  
27 Also, in return for the Municipality's good and valuable consideration for granting the easement,  
28 KKCC will provide as reciprocal and valuable consideration two (2) 1.25" ducts, duct plugs,  
29 trenching, landscape restoration, and the installation of a fiber optic cross connect cabinet on  
30 the property at no cost to the Municipality and AWWU. The intent of this contribution is to allow  
31 AWWU's telecommunications provider of choice a fiber optic point of presence on Tract A1 as  
32 well as a dual-duct system to the AWWU's Asplund wastewater treatment buildings. AWWU's  
33 telecommunications provider could place in the duct system a fiber optic building entrance cable  
34 for high-speed communication; and  
35

36 WHEREAS, the subject easement is not expected to interfere with existing or planned  
37 municipal wastewater (sanitary sewage) facilities and operations on Tract A1 and AWWU has  
38 no objection to granting the easement; and  
39

40 WHEREAS, at its July 12, 2006 meeting, the AWWU Authority Board supported KKCC's  
41 request for easement within Municipal/AWWU property; now therefore

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** The Assembly finds the reciprocal and valuable consideration offered and identified herein by KKCC is just compensation for a non-exclusive easement as described in Section 2 below.

**Section 2.** A non-exclusive 20' (wide) telecommunication and electrical (T&E) easement to Kodiak Kenai Cable Company, LLC is approved within Tract A1, Woronzof Tracts Subdivision and more particularly described below and as illustrated on the attached Exhibit A:

Beginning at the North East boundary corner of Tract A-1, Woronzof Tracts Subdivision, per Plat No. 95-104 filed November 11, 1995 with the Anchorage Recording District, Third Judicial District, Alaska; THENCE S00°06'50"E for a distance of 120.00 feet along the east property line to its intersection with the south limits of an existing 120' T&E Easement; THENCE N89°57'56"W for a distance of 973.88 feet to the **True Point of Beginning**;

THENCE S22°42'02"W for a distance of 532.99 feet to an Angle Point; THENCE S14°29'45"W for a distance of 376.49 feet to an Angle Point; THENCE N90°00'00"E for a distance of 43.77 feet to an Angle Point; THENCE S00°00'00"E for a distance of 20.00 feet to an Angle Point; THENCE N90°00'00"W for a distance of 48.98 feet to an Angle Point; THENCE S14°29'45"W for a distance of 37.12 feet to an Angle Point; THENCE S89°32'01"W for a distance of 3.39 feet to an Angle Point; THENCE S00°00'02"W for a distance of 139.17 feet to an Angle Point; THENCE S61°55'55"E for a distance of 20.39 feet to an Angle Point; THENCE S28°02'50"W for a distance of 217.51 feet to an Angle Point; THENCE S07°45'05"W for a distance of 340.85 feet to an Angle Point; THENCE N82°14'55"W for a distance of 20.00 feet to an Angle Point, common to the West Boundary of Tract A-1; THENCE N07°45'05"E for a distance of 344.43 feet to an Angle Point common to the West Boundary of Tract A-1; THENCE N28°02'50"E for a distance of 194.43 feet to an Angle Point; THENCE N90°00'00"W for a distance of 7.81 feet to an Angle Point; THENCE N00°00'00"E for a distance of 152.34 feet to an Angle Point; THENCE N14°29'45"E for a distance of 462.74 feet to an Angle Point; THENCE N22°40'06"E for a distance of 527.46 feet to an ESMT INT; THENCE S89°57'56"E for a distance of 21.77 feet to the **True Point of Beginning**. Containing 0.799 acres more or less.

Together with and subject to covenants, easements, and restrictions of record.

**Section 3.** This resolution shall take effect immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Municipal Assembly this 15<sup>th</sup> day of August, 2006.

Daniel A. Sullivan  
Chair

ATTEST:

Balram S. Gmenda  
Municipal Clerk

# Municipality of Anchorage

## Summary of Economic Effects - Utilities

AO Number: 2006- 106 Title: An Ordinance Authorizing a Telecommunications and Electrical Easement To Kodiak Kenai Cable Company LLC at Tract A1, Woronzof Tracts Subdivision, Plat No. 95-104, Within Sections 20 and 29, T13N, R4W, S.M. ALASKA, Located at Point Woronzof Road and Hutson Drive, Tax Code #010-401-35

Sponsor: Anchorage Water & Wastewater Utility  
 Preparing Agency: Anchorage Water & Wastewater Utility  
 Others Affected: None

### CHANGES IN EXPENDITURES AND REVENUES (Thousands of Dollars)

<b>Operating Revenues:</b>	<b>FY</b>	<b>FY</b>	<b>FY</b>	<b>FY</b>	<b>FY</b>
<b>Total Operating Revenues:</b>	-0-	-0-	-0-	-0-	-0-
<b>Operating Expenses:</b>					
<b>Total Operating Expenses:</b>	-0-	-0-	-0-	-0-	-0-
<b>Non-Operating Revenues:</b>					
<b>Total Non-Operating Revenues:</b>					
<b>Non-Operating Expenses</b>					
	-0-	-0-	-0-	-0-	-0-
<b>Total Non-Operating Expenses:</b>					
<b>NET INCOME (Regulated)</b>	-0-	-0-	-0-	-0-	-0-
<b>Positions: FT/PT/TEMP</b>					

Impact on General Government: **YES NO** (If yes, attach SEE for General Government agency impacted.)

Public Sector Economic Effects: None

Private Sector Economic Effects: None

Prepared By: Donald C. Keefer, Planning Supervisor, AWWU Telephone: 564-2717  
 (Name, Title)

Validated by OMB: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
 (Director, Preparing Agency)

**20' Telecommunication & Electrical (T&E) Easement and 30' Temporary Construction Easement**

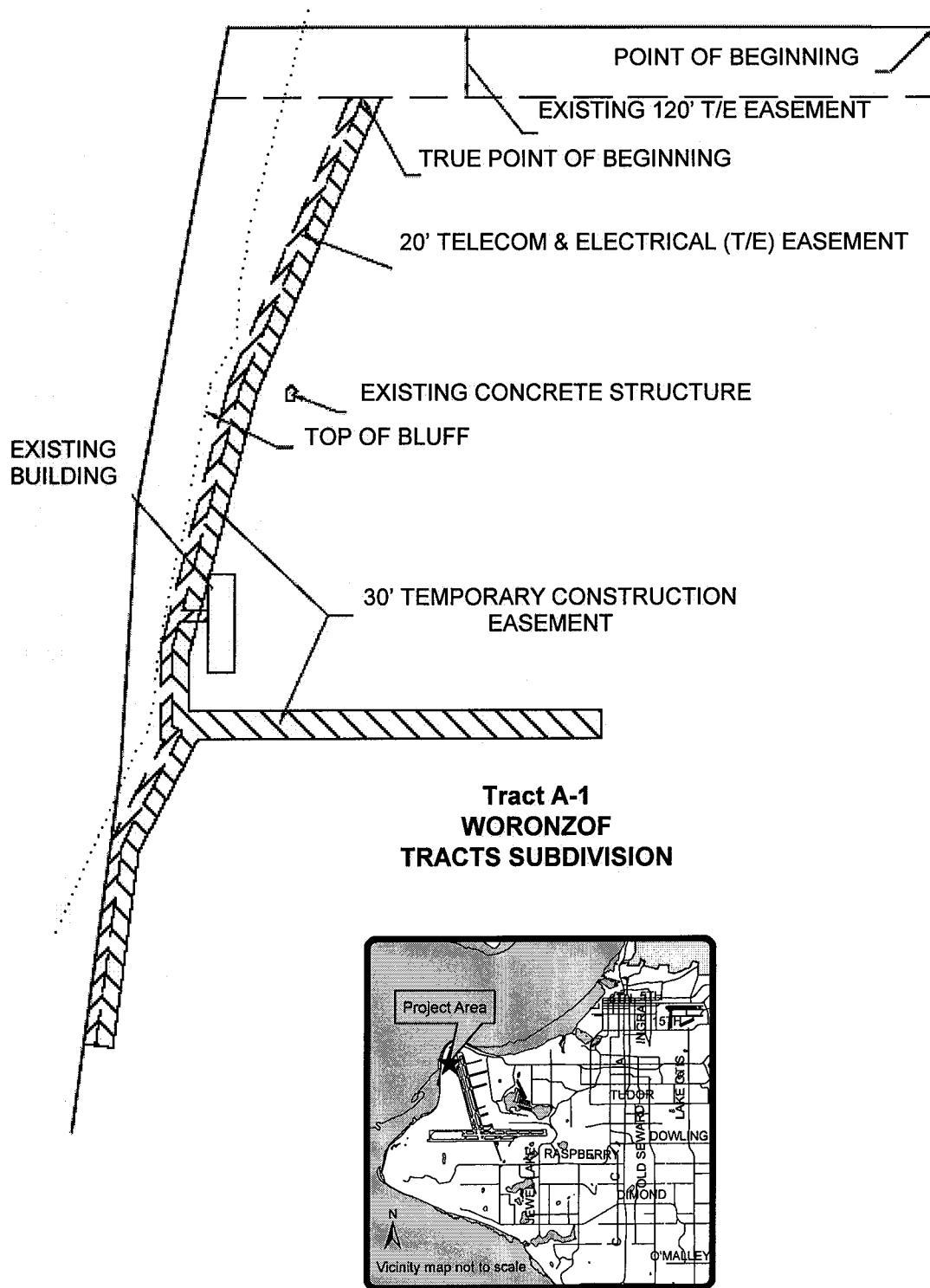


Exhibit A

# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 531-2006

Meeting Date: July 25, 2006

**FROM:** Anchorage Water & Wastewater Utility Board of Directors

**SUBJECT:** An Ordinance Authorizing a Telecommunications and Electrical Easement To Kodiak Kenai Cable Company LLC at Tract A1, Woronzof Tracts Subdivision, Plat No. 95-104, Within Sections 20 and 29, T13N, R4W, S.M. ALASKA, Located at Point Woronzof Road and Hutson Drive, Tax Code #010-401-35

Kodiak Kenai Cable Company LLC (KKCC) requests an easement for underground and surface telecommunication and electrical (T&E) facilities through property known as Tract A1, Woronzof Tracts Subdivision. This tract is a municipal-owned property under the management authority of the Anchorage Water & Wastewater Utility. The easement is viewed as a critical component to facilitate construction of a marine fiber optic cable linking the city of Anchorage with the cities of Kenai, Homer, Kodiak and Seward to fulfill the need to establish a redundant communications capacity for Anchorage, interior Alaska and Southcentral Alaska. The marine cable will beach on Anchorage's shores at Point Woronzof, adjacent to Tract A1, Woronzof Tracts Subdivision.

The requested T&E easement is proposed to be located north and west of the John M. Asplund wastewater treatment facilities at Pt. Woronzof, so as not to interfere with existing uses on the property and future expansions of like facilities at this site.

In addition to the permanent easement, KKCC is also seeking an additional temporary construction permit area, as a corridor within which to construct, operate and maintain a portion of the fiber optic cable link. The permanent easement is described in the attached Ordinance; the permanent easement and temporary construction permit areas are illustrated on the vicinity map, Exhibit A, made part of the Ordinance.

On November 16, 2004, the Anchorage Municipal Assembly approved AR No. 2004-296 endorsing and supporting this project. AWWU and the Municipality benefit from the T&E facilities to be installed in this easement corridor as indicated in AR No. 2004-296, and more directly by high-speed communication cable access becoming readily available to AWWU Woronzof facilities. Compensation is in reciprocating good and valuable considerations addressed in the Ordinance.

The AWWU Board endorsed this easement grant at its regular meeting of July 12, 2006 with stipulations. In addition to usual and customary provisions of easement, the easement shall stipulate:

- 1) If, incident to the construction of a Municipal and/or AWWU project, the Municipality and/or AWWU determines and orders the T&E facilities must be changed, relocated, or removed, KKCC, successors, and assigns shall change, relocate, or remove T&E facilities in accordance with the order, within a reasonable time set by the Municipality and/or AWWU in the order at no cost to the MOA and/or AWWU; and

- 2) Specific definition of access rights and respective coordination with AWWU for KKCC, successors, and assigns to enter onto the property for purposes of maintenance and operations of T&E facilities.

**PURSUANT TO AMC 31.10.030.D, THE AWWU BOARD RECOMMENDS APPROVAL OF AN ORDINANCE AUTHORIZING GRANT OF AN EASEMENT FOR TELECOMMUNICATION AND ELECTRICAL PURPOSES TO KODIAK KENAI CABLE COMPANY LLC WITHIN TRACT A1, WORONZOF TRACTS SUBDIVISION.**

Prepared by: Mark Premo, P.E., General Manager, AWWU  
Concur: Robin Ward, Executive Director, Heritage Land Bank  
Respectfully submitted: Randal Buckendorf, Chair, AWWU Board

**Content Information****Content ID :** 004169**Type:** Ordinance - AO

**Title:** AN ORDINANCE AUTHORIZING A TELECOMMUNICATIONS AND ELECTRICAL EASEMENT TO KODIAK KENAI CABLE COMPANY LLC AT TRACT A1, WORONZOF TRACTS SUBDIVISION, PLAT NO. 95-104, WITHIN SECTIONS 20 AND 29, T13N, R4W, S.M. ALASKA,

**Author:** gibsonam**Initiating Dept:** AWWU**Review Depts:** HLB**Date Prepared:** 7/13/06 6:05 PM**Director Name:** Mark Premo**Assembly****Meeting Date** 7/25/06**MM/DD/YY:****Public Hearing****Date** 8/15/06**MM/DD/YY:****Workflow History**

<b>Workflow Name</b>	<b>Action Date</b>	<b>Action</b>	<b>User</b>	<b>Security Group</b>	<b>Content ID</b>
AllOrdinanceWorkflow	7/13/06 6:06 PM	Checkin	gibsonam	Public	004169
AWWU_SubWorkflow	7/13/06 6:10 PM	Approve	premomc	Public	004169

M.O.A.  
2006 JUL 17 AM 10:37  
CLERKS OFFICE