

CLERK'S OFFICE  
**AMENDED AND APPROVED**

Date: 8-15-06

ANCHORAGE, ALASKA  
AO NO. 2006-110

Submitted by: Chair of the Assembly  
At the request of the Mayor  
Prepared by: Project Management  
& Engineering Department  
For Reading: July 25, 2006

1 AN ORDINANCE AUTHORIZING A NON-EXCLUSIVE ELECTRIC AND  
2 TELECOMMUNICATIONS EASEMENT ACROSS MUNICIPAL PROPERTY TO  
3 CHUGACH ELECTRIC ASSOCIATION, INC., WITHIN LOT 4, BLOCK C, PIERCE  
4 SUBDIVISION, PLAT # P-645, AT PAPAGO PARK LOCATED NEAR ARCTIC  
5 BOULEVARD AND WEST 74<sup>TH</sup> AVENUE, TAX #012-172-01  
6  
7

8 WHEREAS, the subject easement is located on municipal property managed by the  
9 Parks & Recreation Department; and **formally dedicated as park land; and**

10  
11 WHEREAS, Chugach Electric Association, Inc. (CEA), as part of its Overhead to  
12 Underground Primary Electric Line Conversion Program, is requesting a twenty (20) foot  
13 wide in part, and ten (10) foot wide in part, underground electric and telecommunications  
14 easement encompassing 6,001 square feet within the subject property; and  
15

16 WHEREAS, the subject easement is expected to benefit future park activities and the  
17 Parks & Recreation Department has no objection to the easement; and  
18

19 WHEREAS, the Parks & Recreation Commission approved CEA's request for the electric  
20 and telecommunications easement at its May 11, 2006 meeting; and  
21

22 WHEREAS, the Property Appraisal Division estimated the fee simple value of the land to  
23 be \$2.29 per square foot; and  
24

25 WHEREAS, a value for the non-exclusive easement is determined to be 25% of land  
26 value, totaling \$3,436 (6,001 square feet x \$2.29 per square foot x 25%); and  
27

28 WHEREAS, the Parks & Recreation Department finds that the above value is substantially  
29 less than the estimated CEA undergrounding cost of \$100,000 in addition to the value of  
30 the expected visual and potential safety improvements to the park as a result of the  
31 proposed project; and  
32

33 WHEREAS, the Parks & Recreation Department will receive a processing fee of \$250 for  
34 the easement; and  
35

1 ~~WHEREAS, in light of the above, the subject easement may be found to be of no~~  
2 ~~substantial monetary value to the Municipality; now therefore,~~  
3

4 **WHEREAS, the granting of an easement across land dedicated as park land requires**  
5 **a finding by the Assembly of no substantial value to the Municipality; now, therefore,**  
6

7 THE ANCHORAGE ASSEMBLY ORDAINS:  
8

9 **Section 1.** The Assembly finds the ~~non-exclusive~~ easement to CEA described herein  
10 to be without substantial value to the Municipality.  
11

12 **Section 2.** A non-exclusive electric and telecommunications easement to CEA is  
13 approved, within the subject property and more particularly described as:  
14

15 A strip of land, Twenty Feet (20') in width, located within Lot Four (4), Block "C", Pierce  
16 Subdivision, according to Plat No. P-645, on file in the office of the District Recorder,  
17 Anchorage Recording District, Alaska, the centerline of said strip being more particularly  
18 described as follows: Commencing at the southwest corner of said Lot Four (4); thence  
19 along the west property line of said Lot Four (4), North 43.25 Feet to the Point of  
20 Beginning; thence parallel to the south property line of said Lot Four (4), S 89° 58' 30" E  
21 240 Feet to the east property line of said Lot Four (4) and the end of said strip.  
22

23 AND  
24

25 A strip of land, Twenty Feet (20') in width, located within said Lot Four (4), Block "C", Pierce  
26 Subdivision, the centerline of said strip being more particularly described as follows:  
27 Commencing at the southwest corner of said Lot Four (4); thence along the west property  
28 line of said Lot Four (4), North 113.4 Feet to the Point of Beginning; thence S 89° 58' 30" E  
29 35 Feet to the end of said strip.  
30

31 AND  
32

33 A strip of land, Ten Feet (10') in width, located within said Lot Four (4), Block "C", Pierce  
34 Subdivision, said strip lying to the right, looking in the direction of the traverse of the  
35 following described line: Commencing at the southwest corner of said Lot Four (4); thence  
36 along the west property line of said Lot Four (4), North 43.25 Feet to the Point of  
37 Beginning; thence continuing along said west property line of said Lot Four (4), North 70.15  
38 Feet to the end of said strip.  
39

40 This easement contains an area of 6,001 square feet, more or less.  
41

42 **Section 3:** This ordinance shall be effective immediately upon passage and approval by  
43 the Anchorage Assembly.

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

Samuel A. Sullivan  
Chair

ATTEST:

Brian S. Deneb  
Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects - General Government**

AO Number: 2006-110 Title: AN ORDINANCE AUTHORIZING AN ELECTRICAL EASEMENT ACROSS MUNICIPAL PROPERTY TO CHUGACH ELECTRIC ASSOCIATION, INC., WITHIN LOT 4, BLOCK C, PIERCE SUBDIVISION, PLAT #P-645, AT PAPAGO PARK LOCATED NEAR ARCTIC BOULEVARD AND WEST 74<sup>TH</sup> AVENUE, TAX #012-172-01

Sponsor: Project Management & Engineering Department  
Preparing Agency: Project Management & Engineering Department  
Others Impacted: Office of Economic & Community Development

**CHANGES IN EXPENDITURES AND REVENUES:** (Thousands of Dollars)

	FY06	FY07	FY08	FY09	FY10
Operating Expenditures					
1000 Personal Services					
2000 Supplies					
3000 Other Services					
4000 Debt Service					
5000 Capital Outlay					
TOTAL DIRECT COSTS:	0	0	0	0	0

ADD: 6000 Charge from Others

LESS: 7000 Charge to Others

FUNCTION COST:

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp.

**PUBLIC SECTOR ECONOMIC EFFECTS:**

None.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

None

Prepared by: Christine Neal

Telephone: 343-8366



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 540 -2006

Meeting Date: July 25, 2006

1 **FROM:** Mayor

2  
3 **SUBJECT:** An Ordinance Authorizing a Non-Exclusive Underground Electric and  
4 Telecommunications Easement across Municipal Property to Chugach  
5 Electric Association, Inc. Within Lot 4, Block C, Pierce Subdivision, Plat  
6 #P-645, at Papago Park Located Near Arctic Boulevard and West 74<sup>th</sup>  
7 Avenue, Tax #012-172-01

8  
9 Chugach Electric Association, Inc. (CEA), as part of its Overhead to Underground  
10 Primary Electric Line Conversion Program, is proposing to convert the existing primary  
11 overhead electric line within Papago Park to an underground line. The project entails  
12 installing single-phase buried cable in conduit across the subject property. The  
13 underground cable will be installed within an existing electric easement. The current  
14 easement allows only overhead lines. Therefore, a non-exclusive twenty (20) foot wide  
15 in part and ten (10) foot wide in part, underground electric and telecommunications  
16 easement is required in the location as shown on the exhibit map attached as Exhibit A  
17 and described by the easement attached as Exhibit B. The total easement area  
18 contains 6,001 square feet.

19  
20 The land value of the underground easement was determined by the Property Appraisal  
21 Division to be twenty-five percent of the market value of the land at \$2.29 per square foot,  
22 totaling \$3,436 (6,001 square feet x \$2.29 per square foot x 25%).

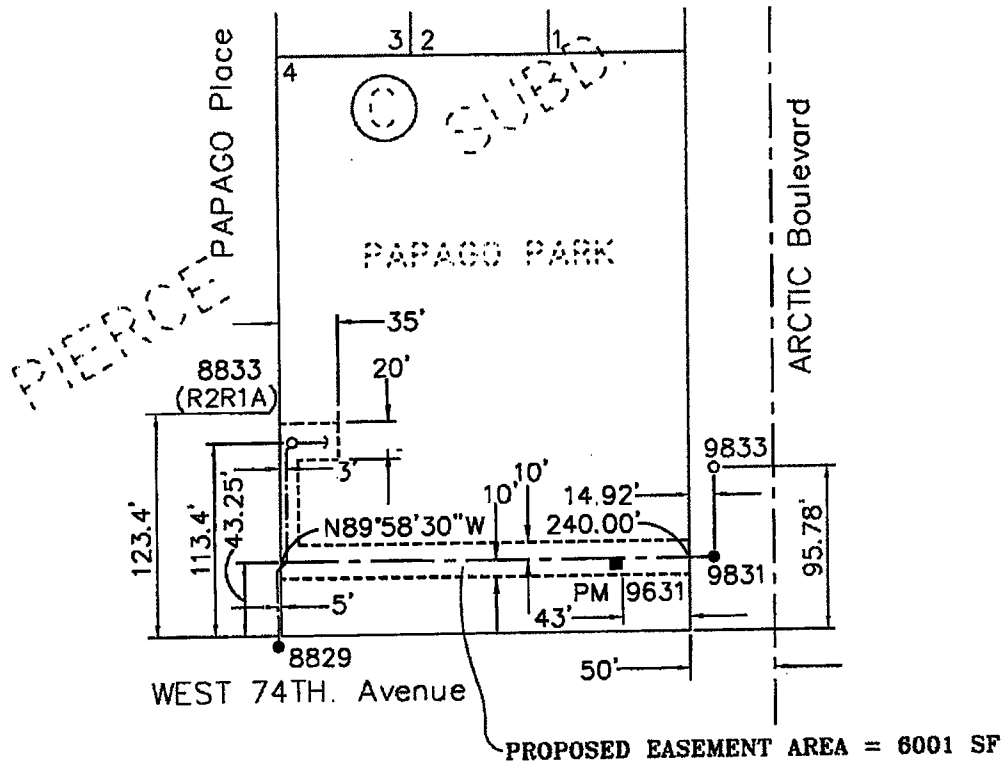
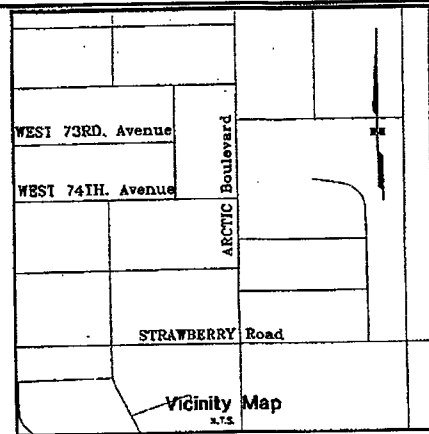
23  
24 The Parks & Recreation Commission reviewed CEA's request for undergrounding at its  
25 May 11, 2006 meeting and found that the undergrounding occupies the same area as the  
26 current above ground easement and will benefit the Municipality with the expected visual  
27 and potential safety improvements to the park. CEA's estimated cost for  
28 undergrounding the line is \$100,000. Therefore, the Commission recommended approval  
29 of the easement and to levy CEA a \$250 processing fee for granting the new easement.

30  
31 THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE  
32 AUTHORIZING A NON-EXCLUSIVE ELECTRIC AND TELECOMMUNICATIONS  
33 EASEMENT TO CEA WITHIN LOT 4, BLOCK C, PIERCE SUBDIVISION.

34  
35 Prepared by: Howard C. Holtan, Director, Project Management & Engineering Department  
36 Concur: Mary Jane Michael, Director, Office of Economic & Community Development  
37 Concur: Denis C. LeBlanc, Municipal Manager  
38 Respectfully Submitted: Mark Begich, Mayor



# EXHIBIT A



## RIGHT-OF-WAY

**CHUGACH**  
POWERING ALASKA'S FUTURE

Chugach Electric Association, Inc.  
5601 Minnesota Drive - P.O. Box 196300  
Anchorage, Alaska 99519-6300

DRAWING NAME:

PAPAGO PARK FACILITIES REPLACEMENT  
3Ø O.H. TO 3Ø U.G. CONVERSION  
GRID: 2129 MAP: 1024-1D  
FEEDER: ARCTIC 412

W.O. NO.:  
C.W.P. REF. NO.:

W.O. E0512819

J:\Design\E05\12819\Exhibits\exhibit-1b.dwg

SHEET 2 of 2

After recording, Return to:  
Chugach Electric Association, Inc.  
P.O. Box 196300  
Anchorage, AK 99519-6300

1204-1D  
G-2129  
E0512619  
012-172-01  
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## CHUGACH ELECTRIC ASSOCIATION, INC.

### Electric And Telecommunications System Facilities Easement

The MUNICIPALITY OF ANCHORAGE, an Alaska municipal corporation, whose mailing address is P.O. Box 196650, Anchorage, Alaska 99519-6650, hereinafter referred to as GRANTOR, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, convey, set-over and deliver to CHUGACH ELECTRIC ASSOCIATION, INC., an Alaska non-profit electric cooperative, whose mailing address is P.O. Box 196300, Anchorage, Alaska 99519-6300, hereinafter referred to as GRANTEE, and to its successors, assigns, licensees and permittees, a non-exclusive easement through, over, in, under and across the lands of GRANTOR, situated in the Anchorage Recording District, Third Judicial District, Anchorage, Alaska and more particularly described as follows:

A strip of land, Twenty Feet (20') in width, located within Lot Four (4), Block "C", Pierce Subdivision, according to Plat No. P-645, on file in the office of the District Recorder, Anchorage Recording District, Seward Meridian, Alaska, the centerline of said strip being more particularly described as follows: Commencing at the southwest corner of said Lot Four (4); thence along the west property line of said Lot Four (4), North 43.25 Feet to the Point of Beginning; thence parallel to the south property line of said Lot Four (4), S 89° 58' 30" E 240 Feet to the east property line of said Lot Four (4) and the end of said strip.

AND

A strip of land, Twenty Feet (20') in width, located within said Lot Four (4), Block "C", Pierce Subdivision, the centerline of said strip being more particularly described as follows: Commencing at the southwest corner of said Lot Four (4); thence along the west property line of said Lot Four (4), North 113.4 Feet to the Point of Beginning; thence S 89° 58' 30" E 35 Feet to the end of said strip.

AND

A strip of land, Ten Feet (10') in width, located within said Lot Four (4), Block "C", Pierce Subdivision, said strip lying to the right, looking in the direction of the traverse of the following described line: Commencing at the southwest corner of said Lot Four (4); thence along the west property line of said Lot Four (4), North 43.25 Feet to the Point of Beginning; thence continuing along said west property line of said Lot Four (4), North 70.15 Feet to the end of said strip.

This easement contains an area of 6,001 square feet, more or less.

TO CONSTRUCT, reconstruct, and install, and to continue to operate, maintain, repair, alter, inspect, replace, improve, and relocate, and to remove such electric transmission and distribution lines, and their related facilities, including foundations, footings, pilings, and other attachments and equipment, and telephone lines, and telecommunication lines, and their related facilities through, over, under and across the aforesaid premises as may from time to time be necessary or desirable for the use, occupation, and enjoyment of such right-of-way, including the right of ingress and egress to said premises, and the right to excavate, remove soils or fill on said premises, and the right to cut and keep clear of all trees, shrubbery, under-growth and other obstructions on said premises as may be reasonably required for the construction, reconstruction, relocation, installation, operation and maintenance of such facilities.

TO HAVE AND TO HOLD the same to GRANTEE, its successors, assigns, licensees and permittees, forever, subject to any existing easements and any existing facilities. The parties hereto agree to make reasonable accommodations to resolve conflicts in the location of facilities if any such conflicts arise.

GRANTOR agrees that all wire, conductors and other facilities, including any main service entrance equipment, which may be installed on the above-described premises by or for GRANTEE or its successors, assigns, licensees and permittees, shall remain the property of GRANTEE, or the property of such successors, assigns, licensees or permittees, as the case may be, and removable at its or their option.

GRANTOR covenants that it will not interfere with the lateral support of the right-of-way.

GRANTOR reserves the right to permit the use by others of this easement area provided that such use does not damage GRANTEE'S facilities, is compatible with and does not interfere with the rights or operations of GRANTEE, its successors, assigns and permittees, and said use is in compliance with GRANTEE'S Electrical Facility Clearance Requirements.

GRANTEE shall indemnify, defend and hold GRANTOR harmless from any and all liability or loss arising from the exercise by GRANTEE, or GRANTEE'S contractors, of any of the rights granted herein.

GRANTOR covenants that it is the owner of the above-described premises, and that the said premises are free and clear of encumbrances and liens of whatsoever character, except those of record.



IN WITNESS WHEREOF, GRANTOR has set its hand and seal, or has caused these presents to be executed by its duly authorized representative or agent, on this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

GRANTOR: MUNICIPALITY OF ANCHORAGE

\_\_\_\_\_  
BY:  
ITS:

STATE OF ALASKA                    )  
  ) ss.  
THIRD JUDICIAL DISTRICT        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006 by \_\_\_\_\_, the \_\_\_\_\_ for the Municipality of Anchorage, on behalf of the corporation.

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: \_\_\_\_\_

EXHIBIT B

## Content Information

Content ID : 004159

Type: Ordinance - AO

Title: An Ordinance Authorizing a Non-Exclusive Underground Electric and Telecommunications Easement across Municipal Property to Chugach Electric Association, Inc. at Papago Park Located Near Arctic Boulevard and West 74th Avenue, Tax #012-172-01

Author: pruittns

Initiating Dept: PME

Review Depts: ECD

Description: An Ordinance Authorizing a Non-Exclusive Underground Electric and Telecommunications Easement across Municipal Property to Chugach Electric Association, Inc. at Papago Park Located Near Arctic Boulevard and West 74th Avenue, Tax #012-172-01

Date Prepared: 7/13/06 10:02 AM

Director Name: Howard C. Holtan

Assembly

Meeting Date 7/25/06

MM/DD/YY:

Public Hearing

Date MM/DD/YY: 8/15/06

M.O.A.  
2006 JUL 21 PM 12:45  
CLERKS OFFICE

## Workflow History

Workflow Name	Action Date	Action	User	Security Group	Content ID
AllOrdinanceWorkflow	7/13/06 10:12 AM	Checkin	rerkosp	Public	004159
PME_SubWorkflow	7/13/06 10:15 AM	Approve	hansenjw	Public	004159
ECD_SubWorkflow	7/18/06 10:16 AM	Approve	thomasm	Public	004159
OMB_SubWorkflow	7/19/06 11:46 AM	Approve	mitsonjl	Public	004159
Legal_SubWorkflow	7/19/06 3:05 PM	Approve	gatesdt	Public	004159
MuniManager_SubWorkflow	7/19/06 3:24 PM	Checkin	pruittns	Public	004159
MuniManager_SubWorkflow	7/19/06 3:26 PM	Checkin	pruittns	Public	004159
MuniManager_SubWorkflow	7/21/06 11:34 AM	Approve	leblancdc	Public	004159
MuniMgrCoord_SubWorkflow	7/21/06 11:35 AM	Approve	abbottmk	Public	004159

*Adendum*

CONSENT AGENDA - INTRODUCTION