

CLERK'S OFFICE

APPROVED

Date: 10-17-06

ANCHORAGE, ALASKA

AO No. 2006- 129

AN ORDINANCE AUTHORIZING A NON-EXCLUSIVE UNDERGROUND ELECTRICAL EASEMENT TO CHUGACH ELECTRIC ASSOCIATION, INC., ACROSS A PORTION OF TRACT 5 SPENARD HEIGHTS ADDITION SUBDIVISION, LOCATED IN THE NW1/4 OF SECTION 2, T12N, R4W, S.M. ALASKA, TAX # 012-052-12

WHEREAS, Tract 5 is a municipal-owned parcel, under the management authority of the Anchorage Water & Wastewater Utility (AWWU); and

WHEREAS, Chugach Electric Association, Inc. (CEA) has requested a 1,220 square foot, non-exclusive underground easement over the South 10 Feet of the West 122 Feet of the East 230 Feet of the South Half of Tract 5, Spenard Height Addition Subdivision (according to Plat No. 66A on file in the office of the Anchorage Recording District, S.M. AK.) to place an electrical service line to a neighboring and abutting property identified as Lot T-4B, Spenard Heights Addition Subdivision (according to Plat No. 96-74); and

WHEREAS, there is an existing CEA easement by document over the South 20 Feet of the East 108 Feet of Tract 5; and

WHEREAS, the Property Appraisal Division estimated the value of the land to be \$2.65 per square foot; and

WHEREAS, the value of the easement is determined to be 10% of market value, totaling \$323.30 (1220 square feet x \$2.65 per square foot x 10%); and

WHEREAS, subject easement is not expected to interfere with existing or planned municipal water facilities and operations on Tract 5 and AWWU has no objection to granting the easement; and

WHEREAS, at its September 6, 2006 meeting, the AWWU Authority Board supported CEA's request for easement within Municipal/AWWU property; and

WHEREAS, the granting of such an easement across municipal-owned property requires a finding by the Assembly of no substantial value to the Municipality; now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The Assembly finds the non-exclusive underground electrical easement to CEA described herein to be without substantial value to the municipality.

Section 2. A non-exclusive underground electrical easement to CEA is approved within the subject property and more particularly described as:

1 The South Ten Feet (S 10') of the West 122 Feet of the East 230 Feet of the South Half
2 of Tract 5, Spenard Height Addition Subdivision (according to Plat No. 66A on file in the
3 office of the Anchorage Recording District, S.M. Alaska)

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5 This easement contains an area of 1,220 square feet, more or less.

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7 **Section 3.** This ordinance shall take effect immediately upon passage and approval.

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9 PASSED and APPROVED by the Anchorage Municipal Assembly this 17th day of
10 October, 2006.

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14 Chair

15 ATTEST:

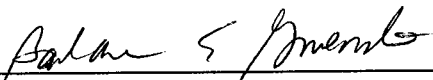
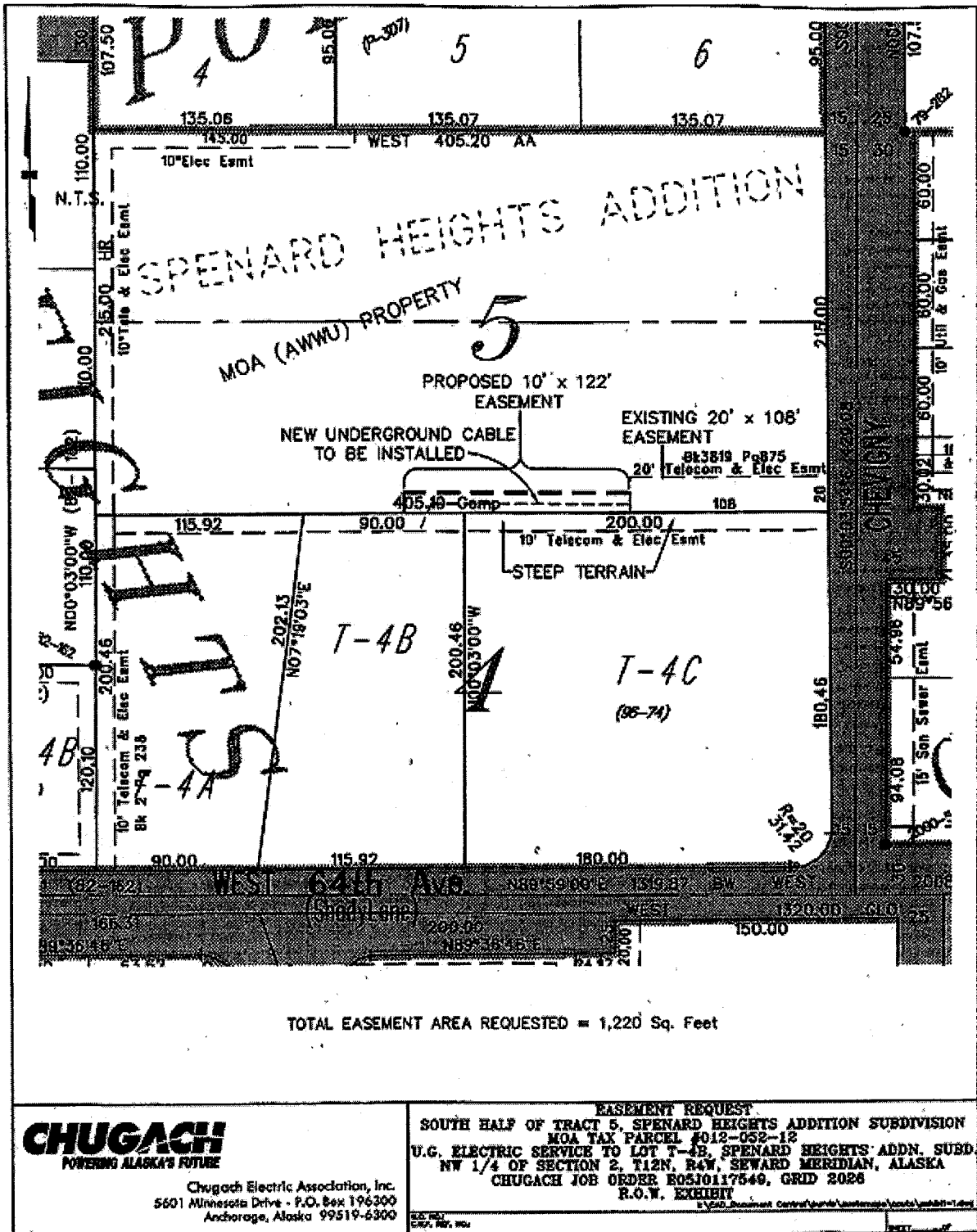
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17 
18 _____
19 Municipal Clerk

Exhibit A





MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 655 -2006

Meeting Date: September 26, 2006

From: Anchorage Water & Wastewater Utility Board of Directors

Subject: **An Ordinance Authorizing a Non-Exclusive Underground Electrical Easement across Municipal Property to Chugach Electric Association, Inc. within Tract 5 Spenard Heights Addition Subdivision, located in the NW1/4 of Section 2, T12N, R4W, S.M. Alaska, located near West 64th Avenue and Chevigny Street**

The Anchorage Water & Wastewater Utility (AWWU) received an application from Chugach Electric Association, Inc. for an electrical easement across a portion of Tract 5, Spenard Height Addition Subdivision, within which to install an underground electrical service line to a neighboring and abutting property.

The easement is as described in the attached Ordinance, and illustrated on the vicinity map, Exhibit A, made part of the Ordinance.

The land value of the underground easement was determined by the Property Appraisal Division to be ten percent of the market value of the land at \$2.65 per square foot, totaling \$323.30 (1220 s.f. x \$2.65/s.f. x 10%).

The AWWU Board endorsed this easement grant at its regular meeting of September 6, 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 electrical facilities must be changed, relocated, or removed, CEA, successors, and assigns shall change, relocate, or remove electrical 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 CEA, successors, and assigns to enter onto the property for purposes of maintenance and operations of electrical facilities.

PURSUANT TO AMC 31.10.030.D, THE AWWU BOARD RECOMMENDS APPROVAL OF AN ORDINANCE AUTHORIZING GRANT OF AN NON-EXCLUSIVE UNDERGROUND ELECTRICAL EASEMENT TO CHUGACH ELECTRIC ASSOCIATION, INC. ACROSS A PORTION OF TRACT 5, SPENARD HEIGHTS ADDITION 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 :** 004348**Type:** AM_OtherServices - Other Services MemorandumAN ORDINANCE AUTHORIZING A NON-EXCLUSIVE
UNDERGROUND ELECTRICAL EASEMENT TO CHUGACH**Title:** ELECTRIC ASSOCIATION, INC., ACROSS A PORTION OF TRACT 5
SPENARD HEIGHTS ADDITION SUBDIVISION, LOCATED IN THE
NW1/4 OF SECTION 2, T12N, R4W, S.M. ALASKA, TAX # 012-052-12**Author:** gibsonam**Initiating Dept:** HLB**Date Prepared:** 9/12/06 9:27 AM**Director Name:** Mark Premo**Assembly****Meeting Date** 9/26/06**MM/DD/YY:****Public Hearing****Date** 10/17/06**MM/DD/YY:****Workflow History**

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
OtherServicesAMWorkflow	9/12/06 9:29 AM	Checkin	gibsonam	Public	004348
HLB_SubWorkflow	9/12/06 6:07 PM	Approve	wardre	Public	004348
ECD_SubWorkflow	9/13/06 8:39 AM	Approve	thomasm	Public	004348

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