

CLERK'S OFFICE

APPROVED

Date: 10-31-06

Submitted by: Chairman of the Assembly at the
Request of the AWWU Board
Prepared by: Anchorage Water & Wastewater Utility
For reading: October 17, 2006

ANCHORAGE, ALASKA

AO No. 2006- 148

AN ORDINANCE AUTHORIZING A LEASE BETWEEN THE MUNICIPALITY AND ALASKA DIGITEL, LLC OF GROUND SPACE FOR A COMMUNITY INTEREST TOWER AND SUPPORT EQUIPMENT ON MUNICIPAL PROPERTY LEGALLY DESCRIBED AS ABBOTT ROAD SUBDIVISION, TRACT B (PER PLAT 99-120), ANCHORAGE RECORDING DISTRICT, COMMONLY REFERRED TO AS THE WATER RESERVOIR COMPOUND WEST OF SERVICE HIGH SCHOOL

WHEREAS, the Municipality of Anchorage owns property described as Abbott Road Subdivision, Tract B, Section 10, T12N, R3W, S.M. Alaska per Plat 99-120 on file with the Anchorage Recording District, Third Judicial District, State of Alaska. Land management authority is designated to the Anchorage Water & Wastewater Utility (AWWU); and

WHEREAS, Alaska Digitel, LLC seeks to place a community interest (communications) tower and supporting equipment pad/equipment at this location; the location of the tower will be on the south fence line of the property referenced herein; and

WHEREAS, AWWU requires tower facilities at this location for its existing mobile radio equipment and its new Supervisory Control and Data Acquisition (SCADA) communications equipment, and will benefit through collocation on the tower; and

WHEREAS, AMC section 25.30.020 states that disposal of Municipal land or interest therein shall be by ordinance only; and

WHEREAS, AMC section 25.30.040 states that, notwithstanding exceptions, all disposals of municipal land shall be for fair market value of the interest disposed of, and the municipality may accept in exchange for municipal land any consideration of sufficient value not prohibited by law; and

WHEREAS, at its October 4, 2006 meeting, the AWWU Authority Board supported Alaska Digitel, LLC's request for lease privileges within Municipal/AWWU property; now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The Municipality is authorized to lease ground space at Abbott Road Subdivision, Tract B, Section 10, T12N, R3W, S.M. Alaska per Plat 99-120 to Alaska Digitel, LLC upon the terms and conditions summarized in the Assembly Memorandum submitted to the Assembly with this ordinance.

Section 2. The lease shall not exceed five years. The annual lease payment for each of the five years shall be \$6,000. This payment is in consideration of Alaska

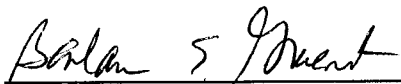
1 Digitel, LLC having reserved a lane on the tower for the Municipality/AWWU's use and
2 at no cost. The lane location to be at the discretion of the Municipality/AWWU.
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4 **Section 3.** This ordinance shall take effect immediately upon passage and approval
5 by the Municipal Assembly.
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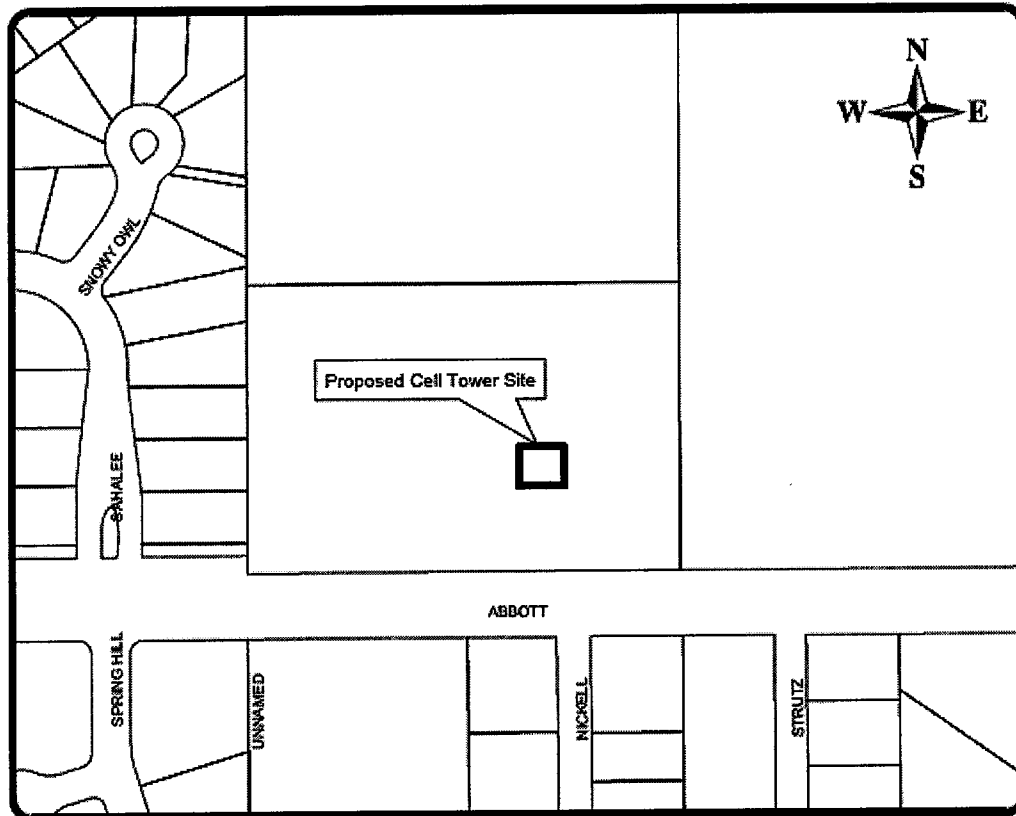
7 PASSED and APPROVED by the Anchorage Municipal Assembly this 31st day of
8 October, 2006.
9

10 
11 Chair
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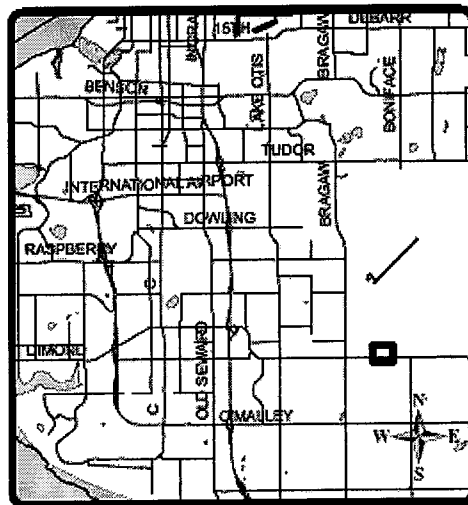
13 ATTEST:
14

15 
16 Municipal Clerk
17

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Maps Not-to-Scale



**Abbott Road Subdivision,
Tract B (Reservoir Site)
West of Service High School**
Anchorage Water & Wastewater Utility



Map Created
by AJU
09/27/2006

 Project Area

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MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 774 -2006

Meeting Date: October 17, 2006

From: Anchorage Water & Wastewater Utility Board of Directors

Subject: **An Ordinance Authorizing a Lease Between the Municipality and Alaska Digitel, LLC of Ground Space for a Community Interest Tower and Support Equipment on Municipal Property Legally Described as Abbott Road Subdivision, Tract B (Per Plat 99-120, Anchorage Recording District, commonly Referred to as the Water Reservoir Compound West of Service High School**

Alaska Digitel, LLC seeks permissions to lease ground space at Abbott Road Subdivision, Tract B, for installation of a new community interest tower and ground equipment for its wireless communications network. The Municipality dba Anchorage Water & Wastewater Utility (AWWU) seeks tower facilities on which to place respective mobile radio and Supervisory Control and Data Acquisition (SCADA) communications equipment.

The attached ordinance seeks authorization for AWWU to enter into a lease agreement with Alaska Digitel, LLC for ground space for the tower/equipment facilities.

The lease will not exceed five years. The annual lease payment for each of the five years shall be \$6,000. This payment is in consideration of Alaska Digitel, LLC having reserved a lane on the tower for the Municipality/AWWU's use. The lane usage is at no cost to the Municipality/AWWU, and the lane location to be at the discretion of the Municipality/AWWU. The annual rate is comparable with fees charged by the State of Alaska for land use under similar circumstances.

Alaska Digitel, LLC has completed all necessary steps required to begin construction to include FAA authorization, Municipal Planning & Zoning Commission approvals, and final design approval.

AWWU supports this lease request. The AWWU Board endorsed this lease opportunity at its regular meeting of October 4, 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 Alaska Digitel, LLC facilities must be changed, relocated, or removed, Alaska Digitel, LLC, successors, and assigns shall change, relocate, or remove such 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 Alaska Digitel, LLC, successors, and assigns to enter onto the property for purposes of maintenance and operations of tower facilities and supporting equipment.

**PURSUANT TO AMC 31.10.030.D, THE AWWU BOARD RECOMMENDS APPROVAL OF
AN ORDINANCE AUTHORIZING LEASE OF GROUND SPACE TO ALASKA DIGITEL, LLC,
ON A PORTION OF TRACT B, ABBOTT ROAD 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 :** 004480**Type:** Ordinance - AOAUTHORIZING A LEASE BETWEEN THE MUNICIPALITY AND
ALASKA DIGITEL, LLC OF GROUND SPACE FOR A COMMUNITY**Title:** INTEREST TOWER AND SUPPORT EQUIPMENT ON MUNICIPAL
PROPERTY LEGALLY DESCRIBED AS ABBOTT ROAD
SUBDIVISION, TRACT B**Author:** gibsonam**Initiating Dept:** AWWU**Review Depts:** AWWU, HLB**Date Prepared:** 10/9/06 8:55 AM**Director Name:** Mark Premo**Assembly****Meeting Date** 10/17/06**MM/DD/YY:****Public Hearing****Date** 10/31/06**MM/DD/YY:****Workflow History**

Workflow Name	Action Date	Action	User	Security Group	Content ID
AllOrdinanceWorkflow	10/9/06 9:00 AM	Checkin	gibsonam	Public	004480
AWWU_SubWorkflow	10/9/06 9:03 AM	Approve	premomc	Public	004480
HLB_SubWorkflow	10/11/06 2:13 PM	Approve	wardre	Public	004480

M.O.A.
2006 OCT 11 PM 4:23
CLERK'S OFFICE

Added to agenda

CONSENT AGENDA - INTRODUCTION