

See AO 2006-149(5)

ANCHORAGE, ALASKA
AO NO. 2006 - 149

1 AN ORDINANCE APPROVING THE ACQUISITION OF REAL PROPERTY
2 DESCRIBED AS TRACT B, MULDOON ESTATES SUBDIVISION, AND THE
3 APPROPRIATION OF AN AMOUNT NOT TO EXCEED FOUR MILLION
4 DOLLARS (\$4,000,000.00).

5
6 WHEREAS, the Assembly approved Anchorage Ordinance (AO) No. 2006-84 (copy
7 attached), authorizing the purchase and acquisition of 12 acres (known as Lot 3) of
8 Tract B, Muldoon Estates Subdivision (hereinafter collectively referred to as the
9 Property) and appropriated \$1,308,000.00 to fund the purchase on June 6, 2006; and

10
11 WHEREAS, the United State of America commenced an action in the United States
12 District Court for the District of Alaska on May 19, 2006, case no. 3:06-CV-118 RRB,
13 seeking forfeiture of the Property pursuant to 21 USC §881, 18 USC §981, and other
14 federal laws; and

15
16 WHEREAS, a Notice of Default and Sale of Deed of Trust Foreclosure was filed on
17 July 28, 2006 for the benefit of Alaska Greenhouses, Inc. and a foreclosure sale is
18 scheduled for October 26, 2006; and

19
20 WHEREAS, Joe Bryant and the Estate of Thomas Michael Cody IV submitted a
21 preliminary plat application, creating three new tracts of land, but there are outstanding
22 property taxes due and the plat has not been recorded; and

23
24 WHEREAS, the Municipality offered to purchase the Property for the sum of FIVE
25 MILLION DOLLARS (\$5,000,000.00) and obtained verbal approval of the purchase of
26 all of Tract B, Muldoon Estates Subdivision from all interested parties; and

27
28 WHEREAS, the Municipality must complete its purchase by recording and transferring
29 fee title to the property not later than close of business on October 25, 2006 in order to
30 avoid a sale at foreclosure or, in the alternative, the Municipality must be prepared to
31 bid and pay for the Property at the foreclosure sale; and

32
33 WHEREAS, the Municipality seeks authorization to purchase Tract B, Muldoon Estates
34 Subdivision for the amount not to exceed \$4,000,000.00, including closing costs, from
35 and inter-fund loan; and

36
37 WHEREAS, when combined with AO 2006-84, the authorization and appropriation of
38 general obligation bond funds from the Anchorage Parks and Recreation Service Area
39 Capital Improvement Program (CIP) Fund (461) for purchase Lot 3, Muldoon Estates

Subdivision, the total purchase price for all of Tract B does not to exceed \$5,308,000.00; now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The purchase of Tract B, Muldoon Estates Subdivision, by purchase or foreclosure bid, is hereby approved.

Section 2. The appropriation of an amount not to exceed FOUR MILLION DOLLARS (\$4,000,000.00) from an inter-fund loan is approved.

Section 3. The Municipality is authorized to purchase Tract B, Muldoon Estates Subdivision, for an amount not to exceed \$5,308,000.00, including closing costs, combining the appropriation in Section 2 above with the appropriation authorized in AO 2006-84.

Section 4. This ordinance shall take effect immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this ____ day of _____, 2006.

Chairman of the Assembly

ATTEST:

Municipal Clerk

Attachment: AO 2006-84

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MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2006- 149 Title: AN ORDINANCE APPROVING THE ACQUISITION OF REAL
PROPERTY DESCRIBED AS TRACT B, MULDOON ESTATES
SUBDIVISION, AND THE APPROPRIATION OF AN AMOUNT
NOT TO EXCEED FOUR MILLION DOLLARS (\$4,000,000.00).

Sponsor: Mayor
Preparing Agency: Real Estate Services
Others Impacted: None

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	5,308				

TOTAL DIRECT COSTS: 5,308

6000 IGCs

FUNCTION COST:

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp.

PUBLIC SECTOR ECONOMIC EFFECTS:

Use of previously appropriated Park bond fund (461) monies (AO 2006-84), along with an inter-fund loan, to add land to municipal inventory for public park use and site control for creek relocation and restoration.

PRIVATE SECTOR ECONOMIC EFFECTS:

At a minimum, 12 acres of privately held and taxed land will no longer be taxed and the remainder of the parcel would not be taxed for approximately 2 years.

Prepared by: Robin E. Ward, Executive Director, Heritage Land Bank Telephone: 343-4337



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

AM No. 780-2006

Meeting Date: October 13, 2006

1 **From: MAYOR**

2
3 **Subject: AN ORDINANCE APPROVING THE ACQUISITION OF REAL**
4 **PROPERTY DESCRIBED AS TRACT B, MULDOON ESTATES**
5 **SUBDIVISION, AND THE APPROPRIATION OF AN AMOUNT NOT**
6 **TO EXCEED FOUR MILLION DOLLARS (\$4,000,000.00).**
7

8 This ordinance seeks approval for the Municipality to purchase real property for a
9 future park site on the back 12 acres of Tract B, and control the front 8 acres to
10 move and restore the creek. Tract B is approximately 29.20 acres and is zoned
11 R-2M and B3 SL.
12

13 The Assembly approved Anchorage Ordinance (AO) No. 2006-84 (copy
14 attached), authorizing the purchase and acquisition of 12 acres of Tract B,
15 Muldoon Estates Subdivision and appropriated \$1,308,000.00 to fund the
16 purchase on June 6, 2006, contingent upon a plat (creating a proposed Lot 3)
17 being recorded prior title transfer. The outstanding property taxes have not been
18 paid and no plat has been recorded, so the parcel remains as one tract of 29.20
19 acres.
20

21 Tract B was identified in 2005, after the entire former Alaska Greenhouse parcel
22 was contracted for purchase by Joe Bryant and Thomas Cody. Their agent
23 approached the MOA with a proposal to subdivide from the originally platted tract
24 (Tract B) the eastern twelve acres of the property, now described as Lot 3, for a
25 park. A contract with Joe Bryant and the Estate of Thomas Michael Cody IV for
26 the named purchase amount has been signed, contingent upon the recording of
27 the plat creating a new parcel containing the east twelve acres of the property
28 (Lot 3) and approval of the purchase by the Anchorage Assembly.
29

30 The United States of America commenced an action in the United States District
31 Court for the District of Alaska on May 19, 2006, case no. 3:06-CV-118 RRB,
32 seeking forfeiture of the Property pursuant to 21 USC 881, 18 USC 981, and
33 other federal laws.
34

35 A Notice of Default and Sale of Deed of Trust Foreclosure was filed on July 28,
36 2006 for the benefit of Alaska Greenhouses, Inc. (AGI) and a foreclosure sale is
37 scheduled for October 26, 2006. AGI holds a first Deed of Trust on the property
38 and a foreclosure sale eliminates other interests, other than property taxes due,

1 and the MOA loses standing for the opportunity to pursue the contract for
2 purchase on 12 acres.

3
4 (Bob Owens: could you talk about standing for the contract and opportunity to bid
5 at the foreclosure sale in a paragraph?)

6
7 Gaining site control of the entire parcel allows MOA site control on the front 7
8 acres of the parcel to accommodate the moving and restoration of the creek to
9 the south boundary of the property. Municipal site control also allows right of way
10 for the extension of DeBarr Road from Muldoon to Boston to be obtained without
11 purchase from a private owner.

12
13 Any surplus property, after creek relocation and right-of-way extraction, will be
14 platted out and recommended for disposal, with payment dedicated to paying
15 back the inter-fund loan.

16
17 Funding for the additional \$4,000,000.00 purchase of Tract B, Muldoon Estates
18 Subdivision, shall come from an inter-fund loan.

19
20 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**
21 **APPROVING THE ACQUISITION OF REAL PROPERTY DESCRIBED AS**
22 **TRACT B, MULDOON ESTATES SUBDIVISION, AND THE APPROPRIATION**
23 **OF AN AMOUNT NOT TO EXCEED FOUR MILLION DOLLARS (\$4,000,000.00).**

24
25
26 Prepared by: Heritage Land Bank
27 Approved by: Robin E. Ward, Executive Director
28 Heritage Land Bank & Real Estate Services
29 Concur: Mary Jane Michael, Executive Director
30 Economic & Community Development
31 Concur: James Reeves, Municipal Attorney
32 Concur: Denis LeBlanc, Municipal Manager
33 Fund Certification: Jeffrey E. Sinz, Chief Fiscal Officer
34 Respectfully submitted: Mark Begich, Mayor
35

Submitted by: Chair of the Assembly At
the Request of the Mayor
Prepared by: Real Estate Services on behalf
of the Parks Department
For Reading: May 23, 2006

CLERK'S OFFICE

ANCHORAGE, ALASKA

APPROVED

AO NO. 2006- 84

Date: 6-6-06

1
2 AN ORDINANCE APPROVING THE PURCHASE AND ACQUISITION OF REAL PROPERTY
3 LEGALLY DESCRIBED AS LOT 3, MULDOON ESTATES SUBDIVISION, FOR FAIR
4 MARKET VALUE NOT TO EXCEED ONE MILLION THREE HUNDRED EIGHT THOUSAND
5 DOLLARS (\$1,308,000.00).
6

7
8 WHEREAS, the administration desires to acquire property in East Anchorage on behalf of the
9 Municipality for use as a municipal park; and

10
11 WHEREAS, Anchorage Municipal Code sections 25.20.010 and .020 authorize the Municipality to
12 acquire land for any public purpose, upon approval by the Assembly; and

13
14 WHEREAS, Joe Bryant and the Estate of Thomas Michael Cody IV are owners of a large parcel
15 that was the former Alaska Greenhouse site, legally described as Tract B, Muldoon Estates
16 Subdivision, and;

17
18 WHEREAS, Joe Bryant and the Estate of Thomas Michael Cody IV have submitted a preliminary
19 plat application creating a new tract of land encompassing the eastern twelve acres of the subject
20 site with a proposed new legal description of Lot 3, Muldoon Estates Subdivision, and;

21
22 WHEREAS, the location of this twelve-acre parcel proposed as Lot 3 corresponds with the
23 recommended acquisition of a new park in the draft Anchorage Bowl Parks, Natural Resource and
24 Recreation Facilities Plan; and

25
26 WHEREAS, on September 8, 2005, the Parks and Recreation Advisory Commission unanimously
27 approved PRC Resolution 2005-08, recommending purchase of the subject parcel; and

28
29 WHEREAS, the Municipality seeks authorization to purchase proposed Lot 3, Muldoon Estates
30 Subdivision for the amount \$ 1,307,000.00 plus closing costs, with previously appropriated general
31 obligation bond funds in the Anchorage Parks and Recreation Service Area Capital Improvement
32 Program (CIP) Fund (461); Now therefore,
33

1
2 **THE ANCHORAGE ASSEMBLY ORDAINS:**

3
4 Section 1. The purchase of Lot 3, Muldoon Estates Subdivision, zoned R3 and containing 12
5 acres±, for ONE MILLION THREE HUNDRED EIGHT THOUSAND Dollars (\$1,308,000.00), is
6 hereby authorized.

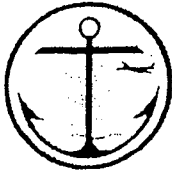
7
8 Section 2. This ordinance shall take effect immediately upon passage and approval.

9
10 PASSED AND APPROVED by the Anchorage Assembly this 6th day of
11 June, 2006.
12
13

14
15 *Daniel A. Sullivan*
16 Chairman of the Assembly
17

18 ATTEST:

19 *Bonnie S. Muench*
20 Municipal Clerk
21



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

AM No. 384-2006

Meeting Date: May 23, 2006

1 From: Mayor

2
3
4 Subject: **An Ordinance Approving the Purchase and Acquisition of Real Property**
5 **Legally Described as Lot 3, Muldoon Estates Subdivision, for Fair Market**
6 **Value Not to Exceed One Million Three Hundred Eight Thousand Dollars**
7 **(\$1,308,000).**

8
9 The accompanying ordinance seeks approval for the Parks and Recreation Department
10 to purchase real property and acquire it for a future park site. The subject parcel is an
11 eastern portion of Tract B, recently replatted and awaiting recording as Lot 3, Muldoon
12 Estates Subdivision. It is zoned R-3 and is approximately twelve acres in size (see
13 attached map, Appendix A).

14
15 The Parks and Recreation Department has recently completed a draft Anchorage Bowl
16 Parks, Natural Resource and Recreation Facilities Plan. A part of that plan has been to
17 determine locations for future park and recreation sites that will be needed in the next
18 twenty years. Those locations for future park site purchases have been prioritized and
19 the Muldoon Estates Subdivision site is a priority on that list.

20
21 The subject property was identified in 2005 after the entire former Alaska Greenhouse
22 parcel was contracted for purchase by Joe Bryant and Thomas Cody. Their agent
23 approached the MOA with a proposal to subdivide from the originally platted tract (Tract
24 B) the eastern twelve acres of the property, now described as Lot 3, for a park. A
25 contract with Joe Bryant and the Estate of Thomas Michael Cody IV for the named
26 purchase amount has been signed, contingent upon the recording of the plat creating a
27 new parcel containing the east twelve acres of the property (Lot 3) and approval of the
28 purchase by the Anchorage Assembly.

29
30 At their regular meeting on September 8, 2005, the Parks and Recreation Advisory
31 Commission unanimously approved Resolution #2005-08, recommending the
32 Administration endorse and approve the purchase of the east twelve acres of Tract B,
33 Muldoon Estates Subdivision (Appendix B). This action also comports with the
34 "Anchorage Bowl Parks, Natural Resource and Recreation Facilities Plan"
35 recommendation to acquire new park land in east Muldoon (Appendix C).

36
37 Funding for the \$1,308,000 purchase of proposed Lot 3, Muldoon Estates Subdivision,
38 shall come from previously appropriated general obligation bond funds in the Anchorage
39 Parks and Recreation Service Area CIP Fund (461).
40

1
2
3 THE ADMINISTRATION RECOMMENDS ASSEMBLY APPROVAL OF THE
4 PURCHASE AND ACQUISITION OF THE PROPOSED LOT 3, MULDOON ESTATES
5 SUBDIVISION NOT TO EXCEED ONE MILLION THREE HUNDRED EIGHT
6 THOUSAND DOLLARS (\$1,308,000) FROM THE ANCHORAGE PARK BOND FUND
7 (461).
8
9

10 Prepared by: Robin E. Ward, Executive Director of Heritage Land Bank & Real Estate
11 Services

12 Concur: Mary Jane Michael, Executive Director, Economic & Community Development

13 Concur: Jeff Dillon, Executive Director, Parks & Recreation Department
14

15 Fund Certification: Jeffrey E. Sinz, Chief Fiscal Officer
16

17	461-5435-5101-543512-BY1999	\$ 157,413
18	461-5436-5101-543602-BY2000	\$ 125,911
19	461-5436-5101-543623-BY2000	\$ 56,910
20	461-5436-5101-543624-BY2000	\$ 354,800
21	461-5436-5101-543658-BY2001	\$ 237,500
22	461-5436-5101-543660-BY2001	\$ 118,750
23	461-5436-5101-543666-BY2001	\$ 114,366
24	461-5490-5101-549058-BY1998	\$ 38,949
25	461-5490-5101-549062-BY1998	\$ 10,000
26	461-5492-5101-549236-BY1998	\$ 93,400
27	Anchorage Park Bonds Fund Total	\$1,308,000

28
29 Concur: Denis C. LeBlanc, Municipal Manager

30 Respectfully submitted: Mark Begich, Mayor

Appendix B



ANCHORAGE, ALASKA Parks and Recreation Commission Resolution Resolution No. 2005-08

WHEREAS, the Anchorage Parks and Recreation Commission serves in an advisory capacity to both the Mayor and the Assembly; and

WHEREAS, the Anchorage Parks and Recreation Commission has the responsibility and duty to provide for the long term vision of our park system by ensuring that a balance of parks, natural resources, and recreation facilities provides for the health, welfare, and safety of all residents of the Anchorage Bowl; and

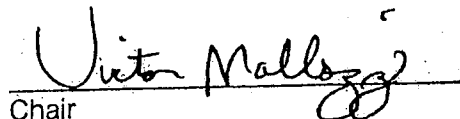
WHEREAS, the Anchorage Parks and Recreation Commission has considered the park and recreation service needs of the citizens of the Municipality and has identified underserved areas within the Municipality, including an area within the Northeast Community Council area; and

WHEREAS, a suitable tract of land, more particularly described as the east twelve-acre fraction of Tract B Muldoon Estates Subdivision, has been identified in the vicinity of Chester Creek and DeBarr Road (extended), east of Muldoon Road, to help meet the neighborhood and community park needs of this underserved area and that said parcel would be a valuable addition to the park system of the Municipality of Anchorage; and

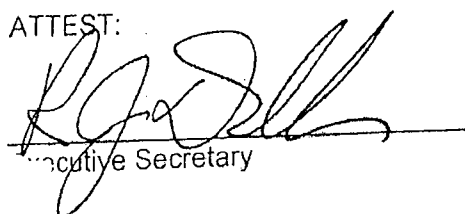
WHEREAS, the Parks and Recreation Commission finds that the proposed acquisition would be consistent with the draft *Anchorage Bowl Park, Natural Resource, and Recreation Facilities Plan*, as well as other adopted plans; therefore,

BE IT RESOLVED, that the Anchorage Parks and Recreation Commission recommends that the certain above-described property be acquired for public park purposes.

PASSED AND APPROVED by the Anchorage Parks and Recreation Commission this 8th day of September, 2005.


Chair

ATTEST:


Executive Secretary

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2006- 84 Title: Purchase of Lot 3, Muldoon Estates Subdivision
Sponsor: Parks & Recreation
Preparing Agency: Real Estate Services
Others Impacted:

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	1,308				

TOTAL DIRECT COSTS:	1,308				

6000 IGCs					

FUNCTION COST:					

REVENUES:	(2,000)				

CAPITAL:					

POSITIONS: FT/PT and Temp.					

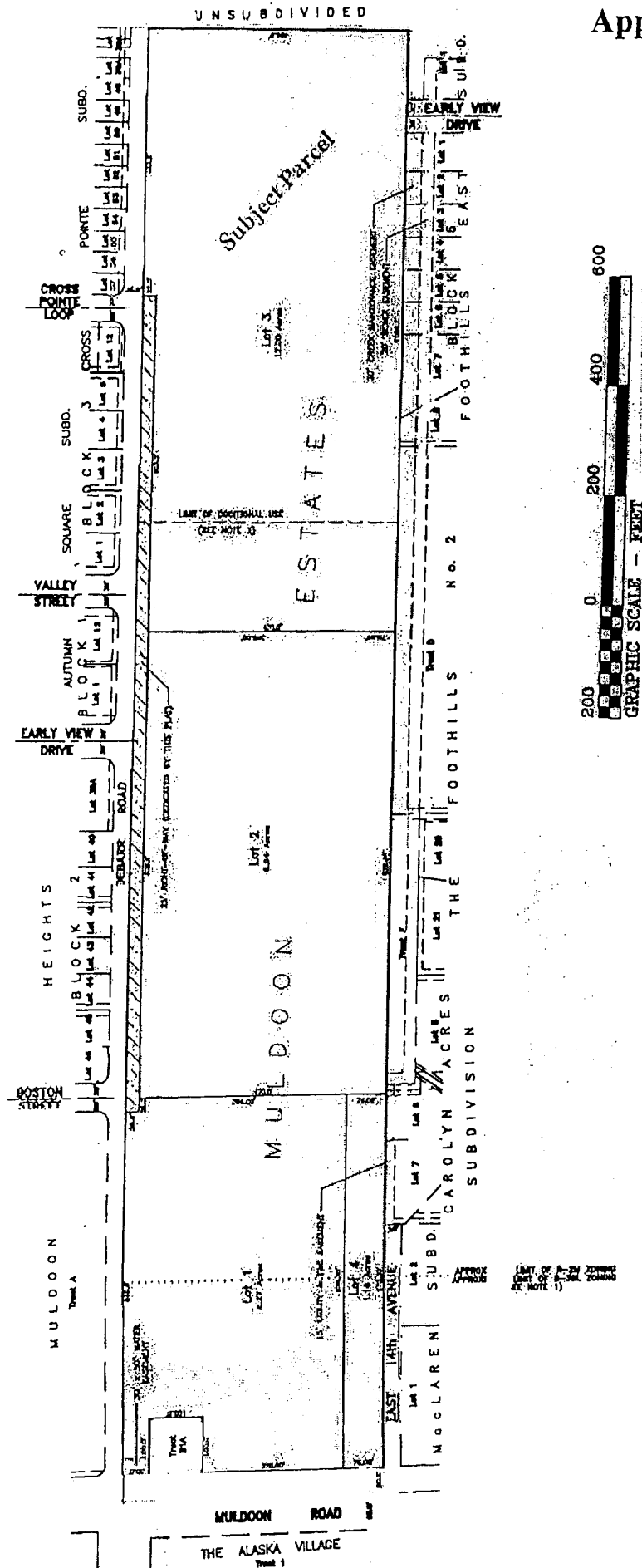
PUBLIC SECTOR ECONOMIC EFFECTS:

Use of previously appropriated Park bond fund (461) monies to add land to municipal inventory for public park use. Acquisition of this property will remove it from the tax rolls, resulting in a loss of tax revenue of approximately \$2,000 per year.

PRIVATE SECTOR ECONOMIC EFFECTS:

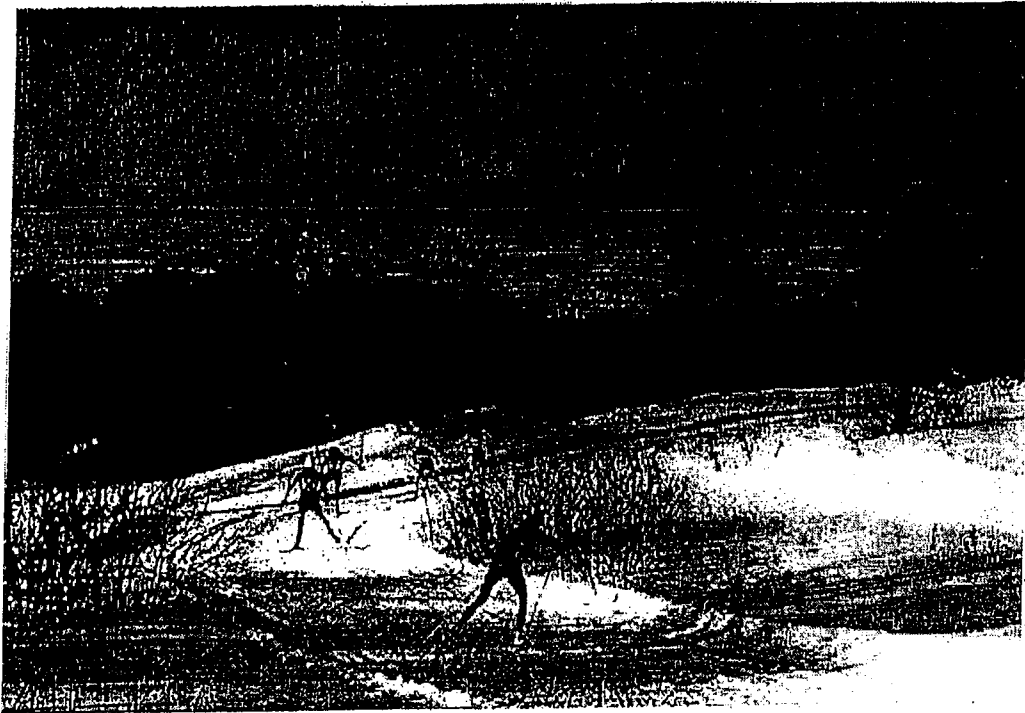
Prepared by: Robin E. Ward, HLB/RES Director Telephone: 343-4337
Validated by OMB: Janet Mitson, Office of Management & Budget Date: _____
Approved by: Robin E. Ward, Executive Director, HLB & RES Date: April 17, 2006

Appendix A



Appendix C

Anchorage Bowl Park, Natural Resource,
and Recreation Facility Plan



Draft

January 2005

Municipality of Anchorage
Planning Department
&
Parks and Recreation Department

Folker Park: develop play area, picnic area, playfield, and parking.

Nash Park: develop play area, picnic area, playfield, and parking.

Carlson Park: develop play area, picnic area, playfield, and parking.

Baxter Bog Park: develop play area, picnic area, playfield, and parking in southeast corner.

Nunaka Valley Park: continue to upgrade facilities.

Eastchester-Sitka Park: continue to upgrade and expand facilities.

CU parks are needed in the following areas:

Muldoon Road and DeBarr Road as part of a new town center.

University Lake Park: upgrade existing facilities.

Russian Jack Springs Park: provide upgrades to existing park area, including expanded athletic fields and new playgrounds; upgrade the golf course and trail system, and study the potential for expanding camping area.

Centennial Park: expand Community Use area, including playground, picnic area, and open playfield.

Goose Lake Park: provide upgrades to picnic area, playground, and playfield.

Cheney Lake Park: improve trails and picnic area per master plan.

Acquire Land and Develop New Parks

Acquire and develop new park at the following:

Russian Jack Springs Park: acquire new park in Reka Drive area.

Tikishla Park: acquire additional access for local neighborhoods.

Creekside Town Center: acquire new parkland in east area and as part of town center development for Community Use.

→ East Muldoon: acquire new Neighborhood Use park area.

School-Park Partnership

Develop school-park joint facilities at the following elementary school sites:

Creekside
Muldoon
Scenic Park
Baxter
Susitna
Russian Jack
Rogers Park

Maintain and expand Community School programs at the following school sites:

Muldoon Elementary
Creekside Elementary
Chester Valley/Susitna Elementary
Ptarmigan Elementary
Baxter Elementary
Wendler Middle
Russian Jack Elementary
Clark Middle
Tyson Elementary

Expand and Develop Recreation Facilities

Develop a new community center in partnership with the Muldoon/Creekside Town Center development within the vicinity of Muldoon Road and DeBarr Road.

Content Information

Content ID : 003900

Type: Ordinance-InvolvingFunds - AO

Title: Purchase Muldoon Estates Lot 3 by Parks Dept

Author: curtiscr

Initiating Dept: HLB

Review Depts: ParksRec

Description: Purchase and acquisition of real property legally described as lot 3, Muldoon Estates Subd, zoned R-3.

Keywords: Muldoon Estates, lot 3

Date Prepared: 4/18/06 8:39 AM

Director Name: Robin Ward

Assembly Meeting Date
MM/DD/YY: 5/23/06Public Hearing Date
MM/DD/YY: 6/6/062006 MAY 12 PM 3:20
CLERK'S OFFICE**Workflow History**

Workflow Name	Action Date	Action	User	Security Group	Content ID
AllFundOrdinanceWorkflow	4/18/06 8:44 AM	Checkin	mooredy	Public	003900
HLB_SubWorkflow	4/18/06 9:05 AM	Approve	wardre	Public	003900
ECD_SubWorkflow	4/18/06 9:16 AM	Approve	barkleyva	Public	003900
ParksRec_SubWorkflow	4/18/06 10:13 AM	Approve	dillonrj	Public	003900
OMB_SubWorkflow	4/19/06 10:15 PM	Approve	mitsonjl	Public	003900
CFO_SubWorkflow	4/21/06 9:24 AM	Approve	sinzje	Public	003900
Legal_SubWorkflow	4/21/06 11:41 AM	Approve	fehlenrl	Public	003900
MuniManager_SubWorkflow	4/21/06 12:10 PM	Checkin	curtiscr	Public	003900
AllFundOrdinanceWorkflow	4/21/06 12:46 PM	Reject	curtiscr	Public	003900
AllFundOrdinanceWorkflow	5/8/06 4:21 PM	Checkin	curtiscr	Public	003900
HLB_SubWorkflow	5/8/06 4:22 PM	Approve	wardre	Public	003900
ECD_SubWorkflow	5/8/06 4:24 PM	Approve	thomasm	Public	003900
ParksRec_SubWorkflow	5/9/06 5:53 AM	Approve	dillonrj	Public	003900

AllFundOrdinanceWorkflow	5/12/06 8:57 AM	Reject	mitsonjl	Public	003900
AllFundOrdinanceWorkflow	5/12/06 9:02 AM	Checkin	curtiscr	Public	003900
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ParksRec_SubWorkflow	5/12/06 9:17 AM	Approve	dillonrj	Public	003900
OMB_SubWorkflow	5/12/06 9:23 AM	Approve	mitsonjl	Public	003900
CFO_SubWorkflow	5/12/06 11:41 AM	Approve	sinzje	Public	003900
Legal_SubWorkflow	5/12/06 11:47 AM	Approve	fehlenrl	Public	003900
MuniManager_SubWorkflow	5/12/06 11:49 AM	Approve	leblancdc	Public	003900
MuniMgrCoord_SubWorkflow	5/12/06 12:08 PM	Checkin	curtiscr	Public	003900
MuniMgrCoord_SubWorkflow	5/12/06 1:08 PM	Checkin	curtiscr	Public	003900
MuniMgrCoord_SubWorkflow	5/12/06 1:09 PM	Approve	curtiscr	Public	003900