

CLERK'S OFFICE

APPROVED

Date: 12-12-06

ANCHORAGE, ALASKA

AO No. 2006-159

AN ORDINANCE AUTHORIZING A MAINTENANCE EASEMENT ACROSS A PORTION OF MUNICIPAL PROPERTY LEGALLY DESCRIBED AS EAGLE GLENN SUBDIVISION, TRACT B, PER PLAT 1982-048 (ANCHORAGE RECORDING DISTRICT), AND LOCATED AT 11727 GLENN HIGHWAY, EAGLE RIVER, ALASKA, TAX # 05011147

WHEREAS, Eagle Glenn Subdivision, Tract B (Tract B) is a municipal-owned parcel, under the management authority of the Anchorage Water & Wastewater Utility. Tract B is a former community well site, and well facilities have been decommissioned. The property is now vacant; and

WHEREAS, the owners of adjacent property (Lot 24) to the south of Tract B, described as Lot 24, Block 4, Eagle Glenn Subdivision, per Plat 1982-048, have requested a maintenance easement described below on Tract B and as shown on the attached illustration; and

WHEREAS, the maintenance easement is 84.45 square feet more or less and is intended for passive use only in the maintenance of the residential structure on Lot 24. The structure, built by a prior owner, is constructed too close to the property line and complicates resale of Lot 24. This maintenance easement will serve as yard setback to resolve concerns and requirements of the Planning and Zoning Commission (PZC), following a public hearing by the PZC on August 10, 2006; and

WHEREAS, subject easement is not expected to interfere with existing or planned municipal uses of Tract B and AWWU has no objection to granting the easement in perpetuity; 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, a grant of only passive use(s) in the maintenance easement creates no determinable easement value. The area itself is also yard setback for any future improvements constructed on Tract B; and

WHEREAS, the owners of Lot 24 have paid a processing fee of \$360 to effect this coordination; and

WHEREAS, at its November 1, 2006 meeting, the AWWU Authority Board supported the request from the property owner for passive use of a portion of Tract B for maintenance easement privileges for Lot 24; 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 maintenance easement to the owner of Lot 24 described herein to be without substantial value to the municipality.

Section 2. A maintenance easement to Charles and Heiki Winters, to transfer to successors, heirs and assigns with conveyance of ownership of Lot 24 is approved and is described as:

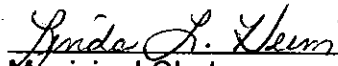
That portion of Tract B, Eagle Glenn Subdivision (Plat 82-48) more particularly described as follows. Beginning at the Northwest corner of Lot 24, Block 5, Eagle Glenn Subdivision; thence Northeasterly and along the Northwest property line of said Lot 24 N50°06'28"E a distance of 15.00 feet; Thence N39°53'32"W a distance of 7.00 feet; Thence S50°06'28"W and parallel to the Northwest property line of said Lot 24 a distance of 9.13 feet to a point on the West line of Said Tract B; Thence S00°05'25"W and along the West line of said Tract B a distance of 9.14 feet to the Point of Beginning. Said area contains 84.45 square feet more or less.

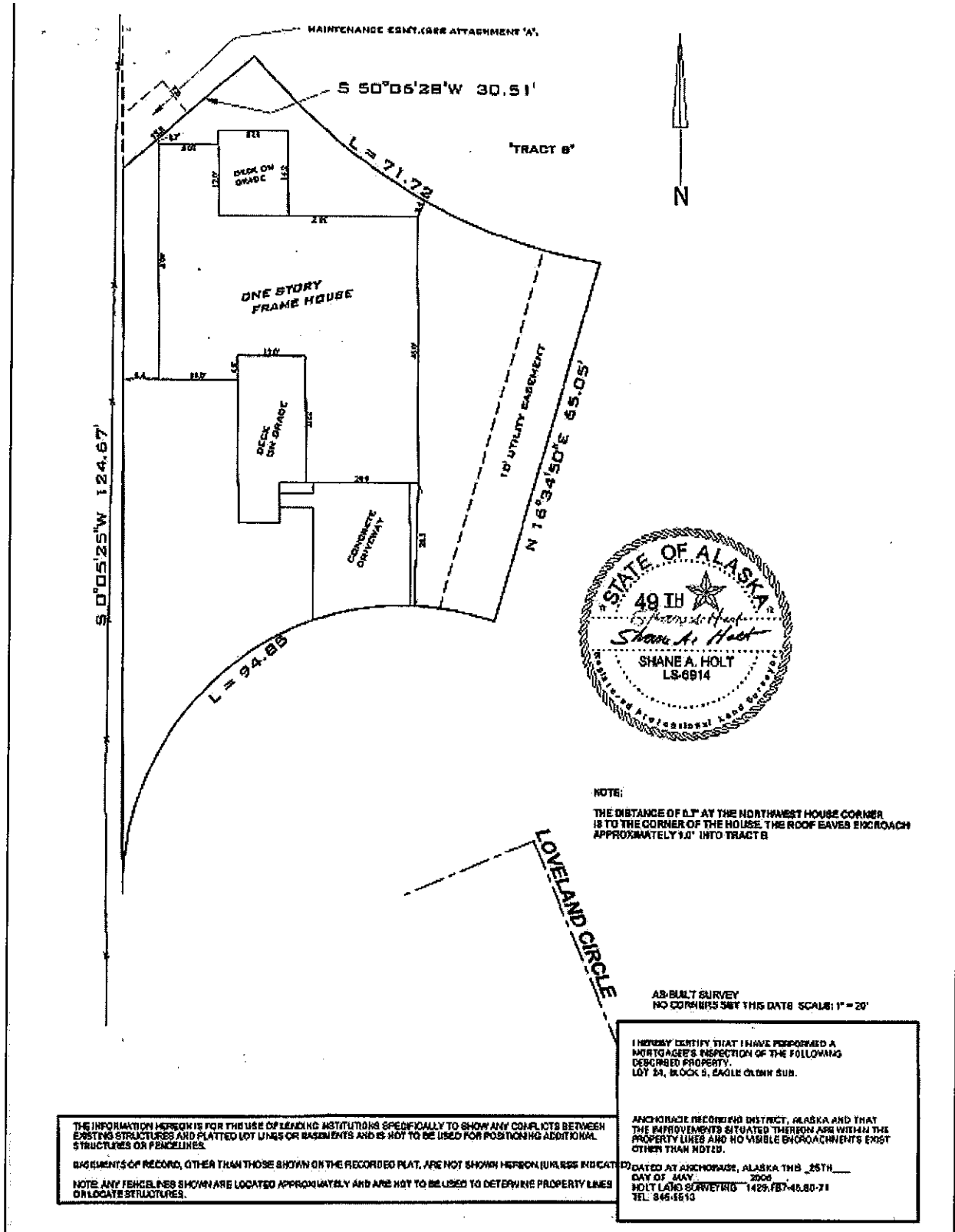
Section 3. This ordinance shall take effect immediately upon passage and approval by the Municipal Assembly.

PASSED and APPROVED by the Anchorage Municipal Assembly this 12th day of December, 2006.


Chair

ATTEST:


Municipal Clerk
Deputy



Municipality of Anchorage

Summary of Economic Effects - Utilities

AO 2006-159	<p>Title: An Ordinance Authorizing a Maintenance Easement across a Portion of Municipal Property Legally Described as Eagle Glenn Subdivision, Tract B, Per Plat 1982-048 (Anchorage Recording District), and Located at 11727 Glenn Highway, Eagle River, Alaska, Tax # 05011147</p>
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Sponsor: Mark Premo, General Manager

Preparing Agency:	Anchorage Water & Wastewater Utility	Others Affected:	None
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CHANGES IN EXPENDITURES AND REVENUES (Thousands of Dollars)

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

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

Public Sector Economic Effects: Exemption of \$30,000 limit: Effects are less than \$30,000 in this year and any of the next four years

Private Sector Economic Effects: Exemption of \$30,000 limit: Effects are less than \$30,000 in this year and any of the next four years

If further explanation is necessary, a separate page may be attached.

Prepared By: Don Keefer, Planning Supervisor 564-2717
(Name, Title) Telephone:

Validated by OMB: _____ Date: _____

Approved by: _____ Date: _____
(Director, Preparing Agency)



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 842-2006

Meeting Date: November 21, 2006

1 **From:** Anchorage Water & Wastewater Utility Board of Directors

2
3 **Subject:** **An Ordinance Authorizing a Maintenance Easement across a Portion of**
4 **Municipal Property Legally Described as Eagle Glenn Subdivision,**
5 **Tract B, Per Plat 1982-048 (Anchorage Recording District), and Located**
6 **at 11727 Glenn Highway, Eagle River, Alaska, Tax # 05011147**
7

8 The Anchorage Water & Wastewater Utility (AWWU) received an application from Charles
9 and Heiki Winters for a maintenance easement across a portion of Tract B, Eagle Glenn
10 Subdivision from which to gain access to maintain the northwest corner of their home on
11 Lot 24, Block 5, Eagle Glenn Subdivision. The corner of the house is built within 0.7 feet of
12 the property line common to Lot 24 and Tract B.
13

14 The easement is as described in the attached Ordinance, and illustrated on the map made
15 a part of the Ordinance.
16

17 The easement is for maintenance of the residential structure and is for passive use rights
18 only. No structures are to be built inside the easement, nor are improvements such as
19 sheds, fencing, etc. to be built inside the easement. Such a grant creates no determinable
20 easement value. The area itself also serves as yard setback for any future improvements
21 constructed on Tract B.
22

23 The owners of Lot 24 have paid a processing fee of \$360 to effect this coordination.
24

25 Following public hearing on August 10, 2006, the Planning and Zoning Commission
26 endorsed the easement as a means to resolve yard setback requirements at this particular
27 location and taking into consideration a particular set of circumstances.
28

29 AWWU supports this easement request. The AWWU Board endorsed this easement grant
30 at its regular meeting of November 1, 2006.
31

32 **PURSUANT TO AMC 31.10.030.D, THE AWWU BOARD RECOMMENDS APPROVAL**
33 **OF AN ORDINANCE AUTHORIZING GRANT OF A MAINTENANCE EASEMENT TO**
34 **THE OWNER OF LOT 24, BLOCK 5, EAGLE GLENN SUBDIVISION ACROSS A**
35 **PORTION OF TRACT B, EAGLE GLENN SUBDIVISION.**
36

37 Prepared by: Mark Premo, P.E., General Manager, AWWU
38 Concur: Robin Ward, Executive Director, Heritage Land Bank
39 Respectfully submitted: Calvin E. West, Chair, AWWU Board

Content Information**Content ID :** 004532**Type:** Ordinance - AO

Title: Authorizing a Maintenance Easement across a Portion of Municipal Property Legally Described as Eagle Glenn Subdivision, Tract B, Per Plat 1982-048 (Anchorage Recording District), and Located at 11727 Glenn Highway

Author: gibsonam**Initiating Dept:** AWWU**Review Depts:** AWWU, HLB, Legal**Date Prepared:** 11/2/06 12:49 PM**Director Name:** Mark Premo**Assembly****Meeting Date** 11/21/06**MM/DD/YY:**

Public Hearing
Date MM/DD/YY: 12/12/06

Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	11/2/06 12:51 PM	Checkin	gibsonam	Public	004532
AllOrdinanceWorkflow	11/2/06 1:58 PM	Reject	premomc	Public	004532
AllOrdinanceWorkflow	11/2/06 2:02 PM	Checkin	gibsonam	Public	004532
AWWU_SubWorkflow	11/2/06 2:29 PM	Approve	premomc	Public	004532
HLB_SubWorkflow	11/14/06 12:46 PM	Approve	wardre	Public	004532
Legal_SubWorkflow	11/14/06 3:21 PM	Approve	fehlenrl	Public	004532

M.O.A.
2006 NOV 14 PM 3:39
GLENN'S OFFICE