

Submitted by: Chairman of the Assembly at the
Request of the AWWU Board
Prepared by: Anchorage Water & Wastewater Utility
For reading: September 26, 2006

CLERK'S OFFICE
APPROVED
Date: 9-26-06 ANCHORAGE, ALASKA
AR No. 2006- 257

A RESOLUTION AUTHORIZING THE DISPOSAL OF MUNICIPAL INTERESTS ON TRACT 1, SECLUSION BAY SUBDIVISION (PER PLAT 2000-111) VIA RELINQUISHMENT, THE PARCEL GENERALLY LOCATED IN THE N1/2 OF SECTION 25, T12N, R4W, S.M., ALASKA (NORTH AND WEST OF THE INTERSECTION OF DISCOVERY BAY DRIVE AND SOUTHPORT DRIVE)

WHEREAS, the Anchorage Municipal Charter Section 10.02(8) provides that any action to convey or lease or authorizing the conveyance or lease of any interest in lands of the Municipality must be by ordinance, but Charter Section 17.13(e) excepts and excludes from said requirement revocable permits and licenses, rights-of-way and easements which the Assembly finds to be without substantial value to the Municipality; and

WHEREAS, the Anchorage Water & Wastewater Utility (AWWU) recommends release and relinquishment of a water easement identified in Section 1 below. A new and permanent structure was accidentally erected partially within the easement, compromising the usefulness and usability of that portion of the easement; and

WHEREAS, this disposal will remove and extinguish a portion of a documented and recorded water easement no longer required by AWWU and the Municipality; and

WHEREAS, an additional water easement, as depicted in Exhibit A hereinafter, has been dedicated to Anchorage d/b/a Anchorage Water and Wastewater Utility, and recorded on August 24, 2006 at Reception Number 2006-057471-0 with the Anchorage Recording District, Third Judicial District, State of Alaska, to compensate and substitute for the aforementioned compromised area, and to restore the water easement corridor to a useful and usable 30-foot width; and

WHEREAS, at its September 6, 2006 meeting, the AWWU Authority Board supported this request to release and relinquish the water easement specified below; and

WHEREAS, the Assembly finds that the municipal interest in real property to be disposed of hereunder is without substantial value to the Municipality.

NOW THEREFORE, the Assembly of Anchorage resolves:

Section 1. The Municipality may dispose of a water easement, via relinquishment, as depicted on the illustration hereinafter titled "Exhibit "A" Water Easement Relinquishment Seclusion Bay Subdivision Tract 1" dated "7/25/2006" that is noted and shaded underneath "Unit 65". This relinquishment is a **small portion only** of a 30-foot wide water easement dedicated to Anchorage d/b/a Anchorage Water and Wastewater Utility, and recorded on September 2, 2004 at Reception Number 2004-066554-0 with the Anchorage Recording District, Third Judicial District, State of Alaska.

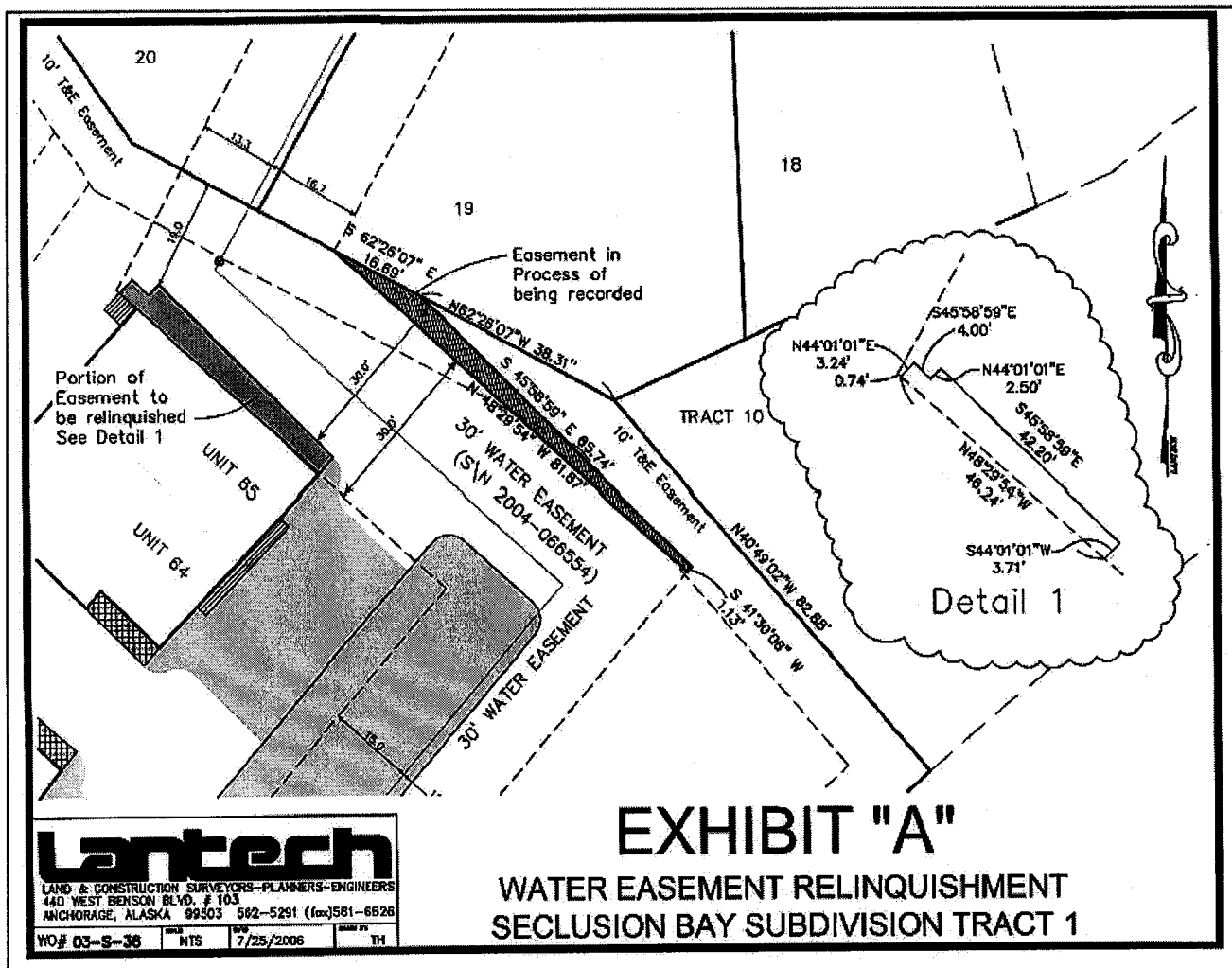
Section 2. This resolution shall take effect upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly, this 26th day of September, 2006.

Sam Sullivan
Assembly Chair

ATTEST:

Sarah E. Gruenslo
Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 697 -2006

Meeting Date: September 26, 2006

From: Anchorage Water & Wastewater Utility Board of Directors

Subject: A RESOLUTION AUTHORIZING THE DISPOSAL OF MUNICIPAL INTERESTS ON TRACT 1, SECLUSION BAY SUBDIVISION (PER PLAT 2000-111) VIA RELINQUISHMENT, THE PARCEL GENERALLY LOCATED IN THE N1/2 OF SECTION 25, T12N, R4W, S.M., ALASKA (NORTH AND WEST OF THE INTERSECTION OF DISCOVERY BAY DRIVE AND SOUTHPORT DRIVE)

The Municipality of Anchorage, dba the Anchorage Water & Wastewater Utility (AWWU), has received a request to relinquish certain water easement recorded on property now known as Tract 1, Seclusion Bay Subdivision. AWWU supports the request.

The 30-foot wide water easement was granted to MOA/AWWU on September 1, 2004 to provide a corridor for legal access "to construct, operate and maintain" a water system through, across and under Tract 1. This easement was contributed to Anchorage d/b/a Anchorage Water and Wastewater Utility at no cost to Anchorage. Since then, a new and permanent structure was accidentally erected partially within the easement, compromising the usefulness and usability of that portion of the easement.

To compensate for this loss, a separate water easement dedication was recently granted Anchorage (again at no cost to Anchorage) on the opposing side of the easement corridor to restore the water easement corridor to a useful and usable 30-foot width. AWWU has received a processing fee of \$360 to effect this coordination.

Because the easement is specifically a water easement, AWWU is the only utility with an interest in the prior dedications.

At its regular meeting of September 6, 2006, the AWWU Board endorsed relinquishing the portion of the easement under and inside the "footprint" of the new building foundation with the understanding that this is not to set precedent for future "accidents".

The passage of this resolution will have no fiscal impact on Municipal owned parcels.

PURSUANT TO AMC 31.10.030.D, THE AWWU BOARD RECOMMENDS RELINQUISHING THE EASEMENT DESCRIBED ABOVE AND MORE SPECIFICALLY IDENTIFIED IN THE ACCOMPANYING RESOLUTION.

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 :** 004354**Type:** AM_OtherServices - Other Services Memorandum

A RESOLUTION AUTHORIZING THE DISPOSAL OF

Title: MUNICIPAL INTERESTS ON TRACT 1, SECLUSION BAY
SUBDIVISION**Author:** gibsonam**Initiating Dept:** AWWU**Review Depts:** AWWU, HLB**Date Prepared:** 9/13/06 4:05 PM**Director Name:** Mark Premo**Assembly Meeting**
Date MM/DD/YY: 9/26/06M.O.A.
2006 SEP 22 PM 12: 03
CLERK'S OFFICE**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	9/13/06 4:07 PM	Checkin	gibsonam	Public	004354
AWWU_SubWorkflow	9/13/06 4:57 PM	Approve	premomc	Public	004354
OtherServicesAMWorkflow	9/18/06 10:43 AM	Reject	wardre	Public	004354
OtherServicesAMWorkflow	9/18/06 1:37 PM	Checkin	gibsonam	Public	004354
AWWU_SubWorkflow	9/18/06 1:38 PM	Approve	premomc	Public	004354
HLB_SubWorkflow	9/18/06 3:55 PM	Approve	wardre	Public	004354
MuniManager_SubWorkflow	9/22/06 9:49 AM	Approve	leblancdc	Public	004354
MuniMgrCoord_SubWorkflow	9/22/06 11:21 AM	Approve	maglaquijp	Public	004354

P. J. Stenham