

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Heritage Land Bank
For Reading: April 10, 2007

CLERK'S OFFICE

APPROVED

Date: 5-1-07

ANCHORAGE, ALASKA

AO NO. 2007-65

1 AN ORDINANCE AUTHORIZING WITHDRAWAL OF HERITAGE LAND BANK (HLB)
2 PARCEL 3-047 FROM HLB INVENTORY AND TRANSFER OF THE PARCEL TO THE
3 REAL ESTATE SERVICES DIVISION FOR A CONSERVATION EASEMENT AND
4 MITIGATION CREDITS.

5
6 **WHEREAS**, the Heritage Land Bank inventory contains HLB Parcel 3-047, located within
7 Section 34, Township 13 North, Range 3 West, Seward Meridian, Alaska; and

8
9 **WHEREAS**, "It is the mission of the Heritage Land Bank to manage uncommitted municipal
10 land and the Heritage Land Bank Fund in a manner designed to benefit the present and future
11 citizens of Anchorage, promote orderly development, and achieve the goals of the
12 Comprehensive Plan. The Heritage Land Bank shall acquire, inventory, manage, withdraw,
13 transfer and dispose of municipal land which has not been dedicated or transferred to a specific
14 municipal agency for one or more municipal uses." (AMC section 25.40.010); and

15
16 **WHEREAS**, "The mayor, with Assembly approval, may withdraw land from the HLB inventory
17 for any lawful municipal purpose, consistent with the Comprehensive Plan and implementing
18 measures or applicable site specific land use studies. Such a withdrawal shall become effective
19 only after at least 30 days' prior written notice to the HLB Advisory Commission, to the affected
20 Community Council, and to the public as specified in AMC section 25.40.030, and after at least
21 one public hearing regarding the proposed withdrawal" (AMC section 25.40.015); and

22
23 **WHEREAS**, following a public hearing on May 25, 2006, the Heritage Land Bank Advisory
24 Commission recommended, in Resolution 2006-11, authorizing a conservation easement to be
25 recorded against HLB Parcel 3-047, with mitigation credit proceeds retained by HLB, withdrawal
26 of Parcel 3-047 from the HLB inventory and transfer of the parcel to the Real Estate Services
27 Division, and an additional recommendation to the Mayor for management authority to be
28 delegated to Parks & Recreation Department; and

29
30 **WHEREAS**, on September 7, 2006, the Parks and Recreation Commission passed a resolution
31 recommending Parcel 3-047 be transferred to the Parks and Recreation Department as an
32 addition to Far North Bicentennial Park for park, recreation, and conservation purposes; and

33
34 **WHEREAS**, "The mayor, with Assembly approval, may withdraw land from the Heritage Land
35 Bank inventory for any lawful municipal purpose, consistent with the Comprehensive Plan and
36 implementing measures or applicable site specific land use studies. Such a withdrawal shall
37 become effective only after at least 30 days' prior written notice to the HLB Advisory

Commission, to the affected Community Council, and to the public as specified in AMC section 25.40.030, and after at least one public hearing regarding the proposed withdrawal." (section 25.40.015B.); now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Heritage Land Bank (HLB) Parcel 3-047 shall be withdrawn from HLB inventory and transferred to the Real Estate Services Division.

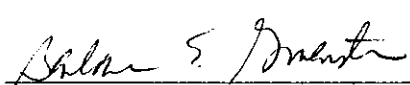
Section 2. A conservation easement shall be recorded against Heritage Land Bank Parcel 3-047. The proceeds from mitigation credits shall be retained by the Heritage Land Bank.

Section 3. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 1st day of May, 2007.


Chair of the Assembly

ATTEST:


Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2007- 65

Title: An Ordinance Authorizing Withdrawal of Heritage Land Bank Parcel #3-047 from the HLB inventory and Transfer of the parcel to Real Estate Services for a Conservation Easement and Mitigation Credits

Sponsor:

Heritage Land Bank

Preparing Agency:

HLB

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES: (Thousands of Dollars)

	FY07	FY08	FY09	FY10	FY11
Operating Expenditures					
1000 Personal Services					
2000 Supplies					
3000 Other Services					
4000 Debt Service					
5000 Capital Outlay					
TOTAL DIRECT COSTS:	0	0	0	0	0
6000 IGCs	0	0	0	0	0
FUNCTION COST:	0	0	0	0	0
REVENUES:	677	0	0	0	0
CAPITAL:	0	0	0	0	0
POSITIONS: FT/PT and Temp.	0	0	0	0	0

PUBLIC SECTOR ECONOMIC EFFECTS:

Revenue of at least \$677,000 in mitigation credits is anticipated for Fund 221.

PRIVATE SECTOR ECONOMIC EFFECTS:

None; property remains in municipal inventory, with no impact to HLB or to Real Estate Services as a result of this transaction.

Prepared by: Tammy R. Oswald

Telephone: **343-4337**

Acting Director, Heritage Land Bank and Real Estate Services



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 248-2007

MEETING DATE: April 10, 2007

1 FROM: MAYOR

2
3 SUBJECT: AN ORDINANCE AUTHORIZING WITHDRAWAL OF HERITAGE
4 LAND BANK (HLB) PARCEL 3-047 FROM HLB INVENTORY AND
5 TRANSFER OF THE PARCEL TO THE REAL ESTATE SERVICES
6 DIVISION FOR A CONSERVATION EASEMENT AND MITIGATION
7 CREDITS.
8

9 Heritage Land Bank (HLB) Parcel 3-047 (TID 008-161-01) abuts Far North Bicentennial Park
10 (FNBP). (See Appendix A: Site Map.) The parcel consists of approximately 60 acres and is
11 zoned Public Lands and Institutions. It is predominated by Class "A" wetlands and contains a
12 creek corridor.
13

14 HLB Parcel 3-047 is affected by federal and state reversionary interest clauses. Both the federal
15 and state patents provide that if, among other things, the lands are devoted to a use other than
16 public parks and recreational purposes and other compatible public purposes, the land could
17 revert back to either the state or federal government.
18

19 Pursuant to the U.S. Army Corps of Engineers (COE) Permit POA 2003-1081-4, the Alaska
20 Department of Transportation and Public Facilities (DOTPF) is required to attempt to purchase
21 conservation easements from HLB to accomplish compensatory mitigation for impacts to
22 wetlands associated with the Abbott Loop Extension (ALE). That permit includes the following
23 Special Condition:
24

25 22. Compensatory Mitigation:

26 The applicant shall purchase conservation easements from the Heritage Land
27 Bank (HLB) or donate a fee-in-lieu of mitigation to the Great Land Trust by
28 September 31, 2006. The land purchase shall provide credits equivalent to
29 approximately 13.5 debits -- the debit balance associated with the project, as
30 calculated using the Anchorage Debit-Credit Methodology. The permittee will
31 first attempt to purchase conservation easements from HLB over highly desirable
32 wetlands on property in the vicinity of the project. This property is to be
33 identified by the Corps, with the applicant and HLB's concurrence. Should the
34 permittee be unable to successfully complete purchase of conservation easements
35 from HLB or the credits fall short of those needed to balance the debits, the
36 applicant will donate a fee-in-lieu of mitigation to the Great Land Trust for the
37 outstanding debits, based upon the value per debit on May 1, 2005 (\$54,785/
38 debit).
39

40 COE has approved an extension of DOTPF's permit to extend the date to accomplish mitigation
41 to September 30, 2007. Subsequent modifications to the DOTPF permit have increased the debit

balance, but total credits required to accomplish mitigation have not yet been determined. (For a full explanation of the Anchorage Debit-Credit Methodology and its application to the ALE Project and HLB Property, see Appendix B.)

Using the Anchorage Debit-Credit Methodology, Parcel 3-047 contains 27.14 credits. It is expected that most, if not all, of these credits are necessary to meet the compensatory mitigation requirements of Permit POA 2003-1081-4. Additional modifications to the ALE project may require additional wetlands mitigation credits beyond those available from Parcel 3-047.

DOTPF proposes to compensate the HLB for the mitigation credits it needs (at the values established at the time of the issuance of Permit POA 2003-1081-4), as stated in Special Condition #22. While the final amount of this compensation will depend on the final calculation of needed credits, it is estimated that compensation will be at least \$677,143.00. Additionally, Anchorage Water and Wastewater Utility (AWWU) is also responsible for some of the wetlands impacts incurred in the project. AWWU will have the opportunity to negotiate with HLB for its share of wetlands mitigation for the project.

Based on established values at the time of the issuance of the COE permit for the ALE project, the total value of the compensatory mitigation credits attributable to Parcel 3-047 is approximately \$1,088,292. HLB plans to explore with COE the possibility of "banking" any excess credits for future wetlands impacts incurred in the event there are additional modifications to the ALE or for other projects, such as the East Dowling Extension.

Pursuant section 25.40.015, the mayor, with Assembly approval, may withdraw land from the HLB inventory for any lawful municipal purpose, consistent with the Comprehensive Plan and implementing measures or applicable site specific land use studies. Such a withdrawal shall become effective only after at least 30 days' prior written notice to the HLB Advisory Commission, to the affected Community Council, and to the public as specified in AMC section 25.40.030, and after at least one public hearing regarding the proposed withdrawal. HLB has satisfied the public notice requirements of section 25.40.015.

On May 12, 2006, HLB distributed notice to municipal agencies of the proposed action. There were no specific objections to the proposal. The following comments were received:

The Anchorage Fire Department commented it would eventually like a fire station in the Abbott Loop area, but needs to evaluate response times after the ALE is completed.

The Parks and Recreation Department confirmed the proposed transfer of the property and management in conjunction with FBNP would be consistent with the *Updated Far North Bicentennial Parks Master Plan* and the *Anchorage Bowl Parks, Natural Resource, and Recreational Facility Plan*. It noted a conservation easement affecting the property would not be inconsistent with the plans, but is not essential for consistency, and allowing reasonable flexibility for a variety of park and recreational uses, while assuring the natural resource values are substantially protected, would be consistent with the plans.

The Physical Planning Division commented, "As proposed, this transfer is consistent with the *Anchorage Wetlands Management Plan's* site specific management strategies for the subject wetland units, with relevant policies in the recently-adopted *Anchorage Bowl Parks, Natural Resources, and Recreation Facility Plan*, and *Anchorage 2020-Anchorage Bowl Comprehensive Plan*. Given that the HLB parcel is nearly entirely "A" wetlands and/or floodplain and creek corridors, its probability for development is low, while its conservation and natural resource value is high."

The Site Specific Land Use Plan for the Bragaw Extension, dated April, 2006, contains the following recommendation for land with stream corridors and wetlands in this area: "Retain in public ownership, make available for wetland and project mitigation. Thereafter, consider adding this land to the Far North Bicentennial Park."

Due to the reversionary interest clauses in the parcel patents, concurrence with this action was obtained from the Alaska Department of Natural Resources and the U.S. Bureau of Land Management.

Following a public hearing on May 25, 2006, the Heritage Land Bank Advisory Commission approved Resolution 2006-11, recommending authorization of this action (Appendix C).

On September 7, 2006, the Parks and Recreation Commission passed a resolution recommending that Parcel 3-047 be transferred to the Parks and Recreation Department as an addition to Far North Bicentennial Park for park, recreation, and conservation purposes. (Appendix D). The Administration intends to delegate management authority of the parcel to the Parks and Recreation Department.

THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE AUTHORIZING WITHDRAWAL OF HERITAGE LAND BANK (HLB) PARCEL 3-047 FROM HLB INVENTORY AND TRANSFER OF THE PARCEL TO THE REAL ESTATE SERVICES DIVISION FOR A CONSERVATION EASEMENT AND MITIGATION CREDITS.

Appendix A: Site Map

Appendix B: Anchorage Debit-Credit Method - Application to ALE Project and HLB Property

Appendix C: HLBAC Resolution 2006-11

Appendix D: Parks and Recreation Commission Resolution 2006-18

Prepared by: Heritage Land Bank

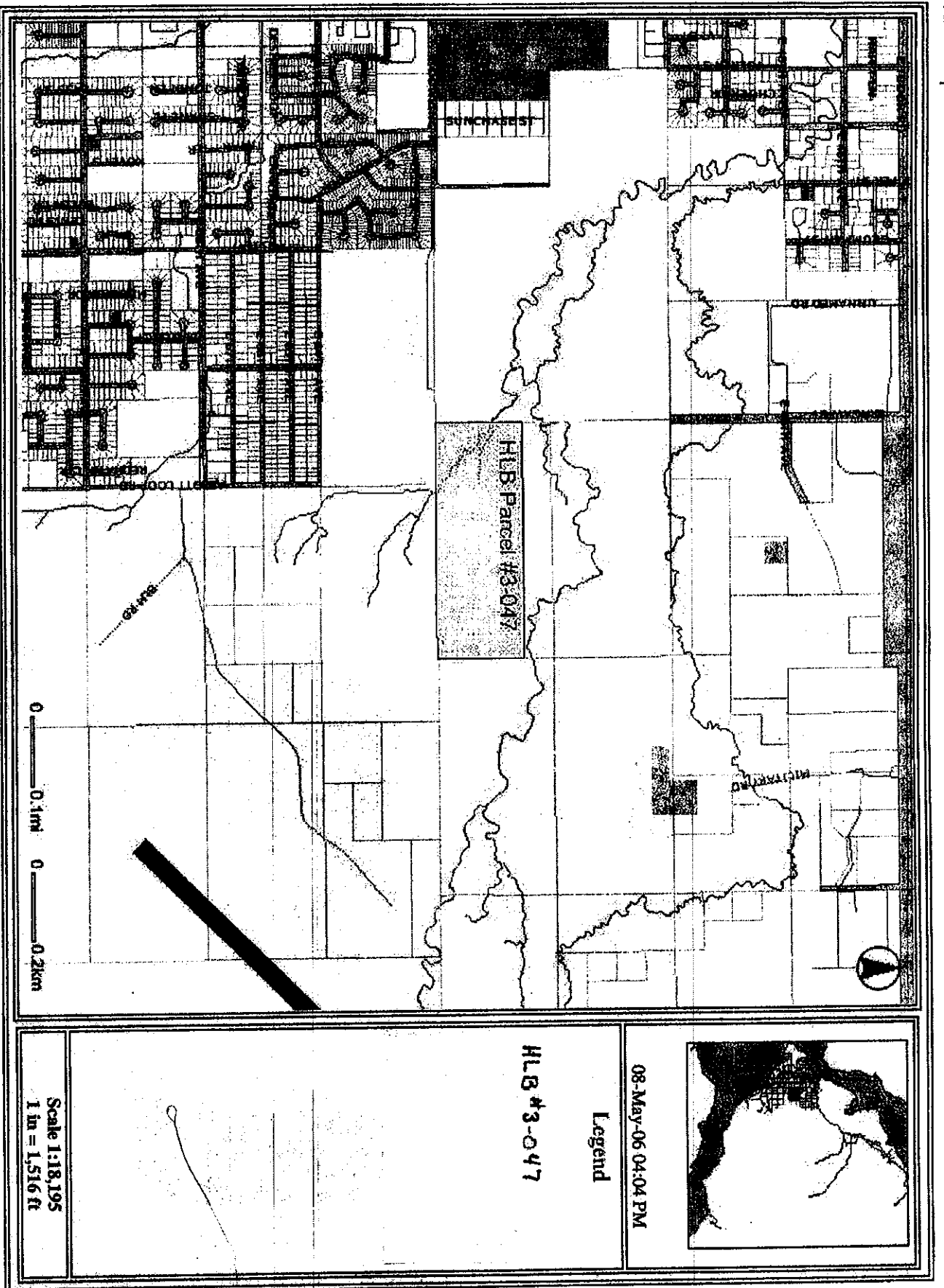
Approved: Tammy R. Oswald, Acting Director, Heritage Land Bank and Real Estate Services

Concur: Mary Jane Michael, Executive Director, Office of Economic and Community Development

Concur: James N. Reeves, Municipal Attorney

Concur: Denis C. LeBlanc, Municipal Manager

Respectfully submitted: Mark Begich, Mayor



Appendix A

Anchorage Debit-Credit Method

Application to ALE Project and HLB Property

Pursuant to U.S. Army Corps of Engineers (USACE) permit number POA-2003-1081-4 for DOTPF's Abbott Loop Extension (ALE) project, DOTPF and the resource agencies (USACE, US Environmental Protection Agency, and MOA) applied the Anchorage Debit-Credit Method (ADCM) to the wetland impacts associated with the project. The ADCM is a process, established by USACE and other agencies, that attempts to uniformly quantify the value of wetlands and impacts to wetlands, despite different wetland types and locations. The ADCM applies a 'Relative Ecological Value' (REV) to each wetland, based largely on hydrology, generally as follows:

1. permanently inundated wetlands and ponds; 'important' waterways (REV 1)
2. proximity to important waterways (REV 1)
3. seasonally inundated wetlands; proximity to (within 300' of) permanently inundated or seasonally inundated wetlands (REV 2)
4. saturated (but not inundated) wetlands not near (< 300') waterways or 'wet' wetlands (REV 3)
5. disturbed wetlands (REV 4)

REV 1 wetlands are considered to have the highest value. Therefore, more relative value is given to those wetlands (and waterways) which meet greater hydrology and habitat criteria.

Resource agency personnel investigated the HLB parcel during the summer and fall of 2005, and evaluated the wetlands present according to the REVs set forth in the ADCM. Following this field investigation, the agencies mapped the parcel according to their findings. All waterways and wetlands were identified and mapped, and appropriate REV values were applied to wetlands and some uplands.

Acreages

<u>Wetlands</u>	<u>Waterways</u>
REV 1 = 1 acre / debit (or credit)	REV 1 = 300 square feet / debit
REV 2 = 1.5 acres / debit	REV 2 = 450 square feet / debit
REV 3 = 2 acres / debit	REV 3 = 600 square feet / debit
REV 4 = 0 debits	REV 4 = 0 debits

Established Debit/Credit Values at issuance of Permit POA 2003-1081-4, May 17, 2005

REV 1 = \$54,785 / debit (or credit)
REV 2 = \$54,785 / debit
REV 3 = \$13,878 / debit

Appendix B

The tally of credits associated with the HLB parcel is 27.14 credits, of which 5.53 credits are REV 1, 11.87 are REV 2, and 9.73 are REV 3.

5.53 REV 1 credits @ \$54,785 per credit = \$302,961

11.87 REV 2 credits @ \$54,785 per credit = \$650,298

9.73 REV 3 credits @ \$13,878 per credit = \$135,033

Total mitigation credit value = approx. \$1,088,292.

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Heritage Land Bank Advisory Commission

Resolution 2006-11

A RESOLUTION OF THE HERITAGE LAND BANK ADVISORY COMMISSION RECOMMENDING AUTHORIZING A CONSERVATION EASEMENT TO BE RECORDED AGAINST HERITAGE LAND BANK (HLB) PARCEL 3-047, WITH PROCEEDS FROM MITIGATION CREDITS RETAINED BY HLB, WITHDRAWAL OF PARCEL 3-047 FROM THE HLB INVENTORY AND TRANSFER OF THE PARCEL TO THE REAL ESTATE SERVICES DIVISION, WITH AN ADDITIONAL RECOMMENDATION TO THE MAYOR FOR MANAGEMENT AUTHORITY TO BE DELEGATED TO PARKS & RECREATION DEPARTMENT.

WHEREAS, the Heritage Land Bank inventory contains HLB Parcel 3-047, located within Section 34, Township 13 North, Range 3 West, Seward Meridian, Alaska; and

WHEREAS, "It is the mission of the Heritage Land Bank to manage uncommitted municipal land and the Heritage Land Bank Fund in a manner designed to benefit the present and future citizens of Anchorage, promote orderly development, and achieve the goals of the Comprehensive Plan. The Heritage Land Bank shall acquire, inventory, manage, withdraw, transfer and dispose of municipal land which has not been dedicated or transferred to a specific municipal agency for one or more municipal uses." (AMC section 25.40.010); and

WHEREAS, "The mayor, with Assembly approval, may withdraw land from the HLB inventory for any lawful municipal purpose, consistent with the Comprehensive Plan and implementing measures or applicable site specific land use studies. Such a withdrawal shall become effective only after at least 30 days' prior written notice to the HLB Advisory Commission, to the affected Community Council, and to the public as specified in AMC section 25.40.030, and after at least one public hearing regarding the proposed withdrawal" (AMC section 25.40.015);

NOW THEREFORE BE IT RESOLVED the Heritage Land Bank Advisory Commission recommends authorizing a conservation easement to be recorded against Heritage Land Bank (HLB) Parcel 3-047, with mitigation credit proceeds retained by HLB, withdrawal of Parcel 3-047 from the HLB inventory and transfer of the parcel to the Real Estate Services Division, and an additional recommendation to the Mayor for management authority to be delegated to Parks & Recreation Department.

Approved on the 25th day of May, 2006, by the Heritage Land Bank Advisory Commission.

Signed:


Jeffery D. Blake, Chair
Heritage Land Bank Advisory Commission

Attest


Robin E. Ward, Executive Director
Heritage Land Bank

APPENDIX C



MUNICIPALITY OF ANCHORAGE
PARKS & RECREATION COMMISSION
RESOLUTION



Resolution No. 2006-18

Transfer of Management Authority for Certain Land from Heritage Land Bank

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 recognizes the importance of protecting Municipal resources for permanent and long-term park use appropriate for providing an inclusive, orderly, and cost effective park and recreation system of benefit to the community; and

WHEREAS, the Heritage Land Bank has offered to protect certain lands (HLB Parcel 3-047) to preserve conservation values as mitigation for wetlands impacts associated with the Abbott Loop Extension Project, with objectives of mitigation to insure the integrity and continuance of Far North Bicentennial Park as public lands with the principal purpose of preserving the subject lands in as natural a state as possible and allowing for the public enjoyment of the area; and


WHEREAS, to accomplish the above purpose the Heritage Land Bank proposes to transfer management authority for the land to the Municipal Parks and Recreation Department as an addition to Far North Bicentennial Park; and

WHEREAS, the Parks and Recreation Commission has had the opportunity to review information about the subject property and has considered the proposed transfer of management authority to the Parks and Recreation Department, and understands that the said property would be subject to a conservation easement consistent with the above stated purposes; and

WHEREAS, the property is more particularly described as S1/2 S1/2 SW1/4 and S1/2 N1/2 S1/2 SW1/4 Sec. 34 T13N R3W, S.M., as shown on Appendix A; therefore

BE IT RESOLVED, that the Anchorage Parks and Recreation Commission recommends that management authority for the above-described property be transferred to the Parks and Recreation Department as an addition to Far North Bicentennial Park for park, recreation, and conservation purposes.

APPROVED by the Anchorage Parks and Recreation Commission this 7th day of September, 2006.



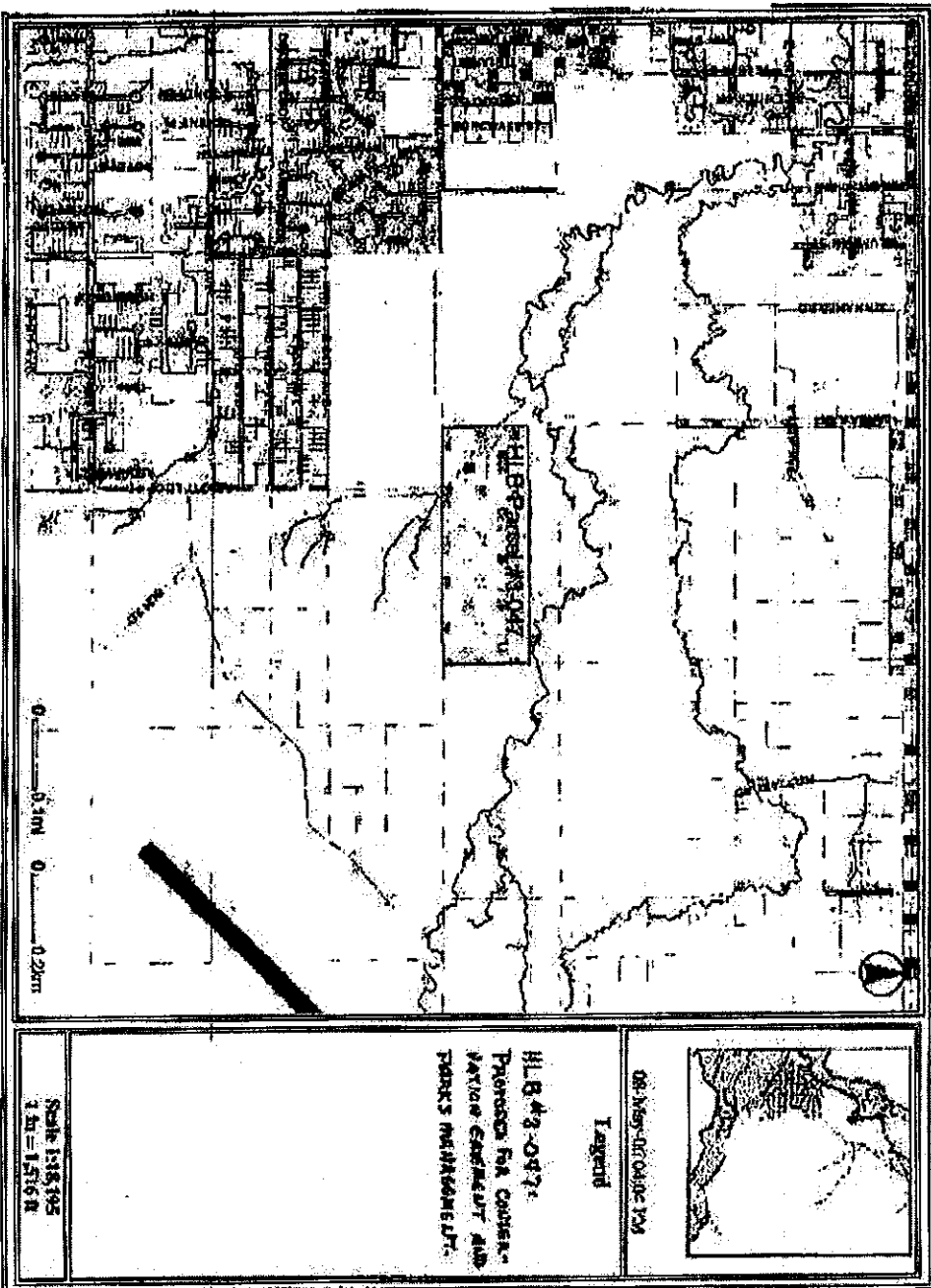
Victor Mollozzi, Chair
Parks and Recreation Commission

ATTEST:



Jeff Dillon, Executive Secretary
Parks & Recreation Commission

Appendix D



Content Information

Content ID : 004881

Type: Ordinance - AO

Title: Disposal of HLB Parcel #3-047 from HLB Inventory

Author: vanhornlr

Initiating Dept: HLB

Description: Disposal for mitigation credits of parcel in HLB inventory.

Date Prepared: 3/8/07 11:57 AM

Assembly Meeting Date: 4/10/07

Public Hearing Date Y: 5/1/07

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	3/8/07 12:00 PM	Checkin	vanhornlr	Public	004881
HLB_SubWorkflow	3/8/07 12:20 PM	Approve	oswaldtr	Public	004881
ECD_SubWorkflow	3/8/07 12:31 PM	Approve	thomasm	Public	004881
OMB_SubWorkflow	3/15/07 10:33 AM	Approve	mitsonjl	Public	004881
Legal_SubWorkflow	3/19/07 12:15 PM	Approve	fehlenrl	Public	004881
MuniManager_SubWorkflow	3/30/07 9:50 AM	Approve	leblancdc	Public	004881
MuniMgrCoord_SubWorkflow	3/30/07 11:33 AM	Approve	abbottmk	Public	004881

M.O.A.
 2007 MAR 30 PM 1:00
 CLEMENS OFFICE