

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Anchorage Water & Wastewater Utility
For reading: March 27, 2007

CLERK'S OFFICE

APPROVED

Date: 4-17-07

ANCHORAGE, ALASKA
AO No. 2007-61

AN ORDINANCE AUTHORIZING A LEASE WITH CLEARWIRE US LLC, A NEVADA LIMITED LIABILITY COMPANY, FOR CONSTRUCTION AND USE OF TELECOMMUNICATIONS FACILITIES ON A PORTION OF TRACT A-2, BRENDLWOOD SUBDIVISION, IN EAGLE RIVER, ALASKA.

WHEREAS, the Municipality of Anchorage owns a 2.61 acre± parcel described as Tract A-2, Brendlwood Subdivision, in Eagle River, Alaska; and

WHEREAS, Clearwire US LLC, a Nevada Limited Liability Company, requests a five-year lease with the Municipality for a portion of Tract A-2 in order to construct, maintain and operate telecommunication and interconnected facilities; and

WHEREAS, the Municipality prepared a five-year Telecommunication Lease, including three five-year renewal options, with Clearwire US LLC for construction and operation of facilities on Tract A-2; and

WHEREAS, notwithstanding Anchorage Municipal Code section 25.30.050C., Clearwire US LLC shall make annual lease payments to the Municipality of Anchorage for the term of the lease as described in the accompanying Assembly Memorandum; and

WHEREAS, Clearwire US LLC shall be responsible for any and all utilities, taxes, assessments and applicable costs and fees during the lease term; and

WHEREAS, at its March 07, 2007 meeting, the AWWU Authority Board supported Clearwire US LLC's request to lease a portion of Tract A-2, Brendlwood Subdivision; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. A telecommunications lease with Clearwire US LLC for construction and operation of telecommunication facilities on Tract A-2, Brendlwood Subdivision, Eagle River, Alaska, pursuant to the terms and conditions set out in the Assembly Memorandum, is hereby approved.

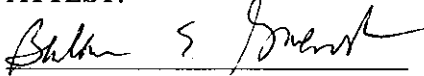
Section 2. The Municipality is authorized to negotiate such additional lease terms and conditions, consistent with the provisions of title 25, as it deems appropriate.

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

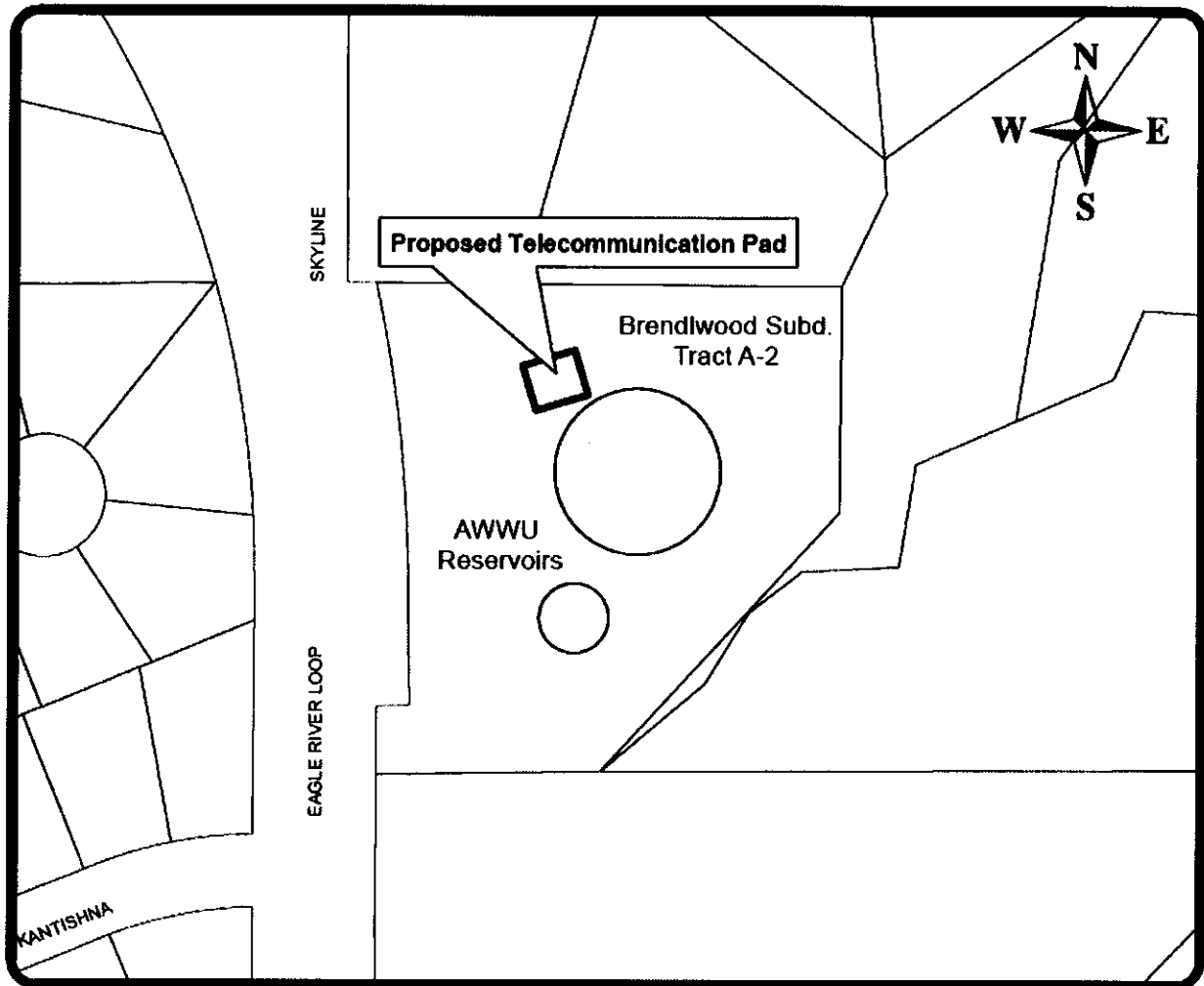
PASSED and APPROVED by the Anchorage Assembly this 17th day of April, 2007.


Chair

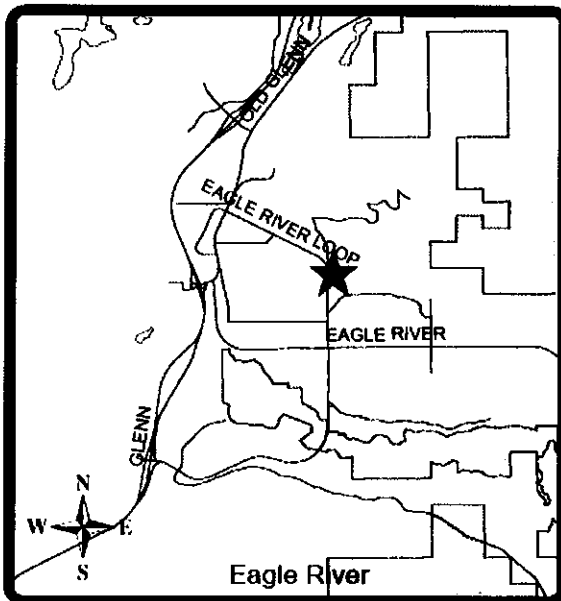
ATTEST:


Municipal Clerk

1



Maps Not-to-Scale



**Clearwire US LLC
Telecommunication
Lease Area**

Anchorage Water & Wastewater Utility



Map Created
by AJU
02/22/2007

★ Project Area

2

Municipality of Anchorage
Summary of Economic Effects - Utilities

AO No: 2007-61

Title:

AN ORDINANCE AUTHORIZING A LEASE WITH CLEARWIRE US LLC, A NEVADA LIMITED LIABILITY COMPANY, FOR CONSTRUCTION AND USE OF TELECOMMUNICATIONS FACILITIES ON A PORTION OF TRACT A-2, BRENDLWOOD SUBDIVISION, IN EAGLE RIVER, ALASKA.

Sponsor:

MAYOR

Preparing Agency:

Anchorage Water & Wastewater Utility

Others Affected:

None

CHANGES IN EXPENDITURES AND REVENUES (Thousands of Dollars)

Operating Revenues:	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Total Operating Revenues:					
Operating Expenses:					
Total Operating Expenses:					
Non-Operating Revenues:					
Total Non-Operating Revenues:	\$6	\$6	\$6	\$6	\$6
Non-Operating Expenses					
Total Non-Operating Expenses:	\$1	\$1	\$1	\$1	\$1
NET INCOME	\$5	\$5	\$5	\$5	\$5
Positions: FT/PT/TEMP	0	0	0	0	0

Impact on General Government: **NO**

Public Sector Economic Effects: \$6,000 for each of the next five years

Private Sector Economic Effects: Expense to Clearwire US LLC of \$6,000 for each of the next five years

Prepared By:

Don Keefer, Planning Supervisor
(Name, Title)

564-2717

Telephone:



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 201-2007

Meeting Date: March 27, 2007

From: MAYOR

Subject: AN ORDINANCE AUTHORIZING A LEASE WITH CLEARWIRE US LLC, A NEVADA LIMITED LIABILITY COMPANY, FOR CONSTRUCTION AND USE OF TELECOMMUNICATIONS FACILITIES ON A PORTION OF TRACT A-2, BRENDLWOOD SUBDIVISION, SECTION 7, T14N, R1W, SM ALASKA, IN EAGLE RIVER, ALASKA

This ordinance authorizes a five-year lease, with optional renewal periods, between the Municipality of Anchorage (MOA) and Clearwire US LLC for a 225-square foot portion of municipally-owned property generally located Northeast of the intersection of the Eagle River Loop Road and Kantishna Drive Roadways in Eagle River, Alaska. The parcel is approximately 2.61 acres (124,582 sq. ft.) in size, zoned R-7 (intermediate rural residential district.), and under management authority of the Anchorage Water and Wastewater Utility, a public corporate authority of the municipality, established by Anchorage Municipal Code section 31.10.010.

Terms of this lease conform to the requirements as set forth in Anchorage Municipal Code section 25.30.050. The purpose of the lease is to facilitate the construction, maintenance and operation of telecommunication facilities and interconnected facilities on Tract A-2, Brendlwood Subdivision, under the jurisdiction of the Regulatory Commission of Alaska and the Federal Communications Commission. The material terms and conditions are set out below:

Lessee: Clearwire US LLC

Term: Five (5) years, with three (3) five-year renewal periods, subject to mutual consent of both parties.

Initial Lease Term

Annual Payments: First payment of Six Thousand Dollars (\$6,000) due upon signing of the lease;

Subsequent annual payments, due on

Year 2: \$6,000

Year 3: \$6,000

Year 4: \$6,000

Year 5: \$6,000

Additional terms: Clearwise US LLC shall be responsible for any and all utilities, taxes, assessments, license fees and other charges.

Termination: At the expiration or earlier termination of the lease, Lessee shall remove all Lessee facilities from the premises at Lessee's sole cost.

AWWU also seeks telecommunications facilities at this location. This annual rate is in consideration of Clearwire US LLC reserving tower space (lane) for the Municipality/AWWU. The lane is at no cost to the Municipality/AWWU, and the location is at the discretion of the Municipality/AWWU. This rate is comparable with rates AWWU has negotiated under similar circumstances.

AWWU supports this lease request. The AWWU Board endorsed this lease opportunity at its regular meeting of March 07, 2007.

THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE AUTHORIZING A LEASE WITH CLEARWIRE US LLC, A NEVADA LIMITED LIABILITY COMPANY, FOR CONSTRUCTION AND USE OF TELECOMMUNICATIONS FACILITIES ON A PORTION OF TRACT A-2, BRENDLWOOD SUBDIVISION, IN EAGLE RIVER.

Prepared by:	Mark Premo, General Manager Anchorage Water and Wastewater Utility
Approved by:	Tammy R. Oswald, Acting Executive Director, Heritage Land Bank
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

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AO 2007-61

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT		DATE PREPARED	
	LEASE WITH CLEARWIRE US LLC FOR CONSTRUCTION		3/27/07	
	AND USE OF TELECOMMUNICATIONS FACILITIES ON			
	A PORTION OF TRACT A-2 BRENDLWOOD SUBDIVISION		Indicate Documents Attached	
			<input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM	
2	DEPARTMENT NAME		DIRECTOR'S NAME	
	Anchorage Water and Wastewater Utility		Mark Premo	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY		HIS/HER PHONE NUMBER	
	Don Keefer, Planning Supervisor		564-2717	
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE	
	Mayor			
	Municipal Clerk			
	Municipal Attorney			
	Employee Relations			
	Municipal Manager			
	Anchorage Parks & Recreation			
	Fire			
	Health & Human Services			
	Merrill Field Airport			
	Municipal Light & Power			
	Office of Management and Budget			
	Police			
	Port of Anchorage			
	Office of Economic & Community Development			
	Solid Waste Services			
	Public Transportation			
	Anchorage Water & Wastewater Utility			
	Executive Manager			
	Planning Department			
	Chief Fiscal Officer			
	Heritage Land Bank			
	Information Technology Department			
	Project Management & Engineering			
	Purchasing			
	Other			
5	Special Instructions/Comments			
	LAID ON THE TABLE ITEM - CONSENT AGENDA-INTRODUCTION			
6	ASSEMBLY HEARING DATE REQUESTED		PUBLIC HEARING DATE REQUESTED	
	3/27/07		4/17/07	
7				

2007 APR 28 AM 8:18
 M.O.A.
 CLERK'S OFFICE