

Submitted by: Chair of the Assembly
at the request of the Mayor
Prepared by: Project Management
& Engineering Department
For Reading: September 11, 2007

CLERK'S OFFICE
APPROVED
Date: 9-25-07

ANCHORAGE, ALASKA
AO NO. 2007- 123

1 AN ORDINANCE AUTHORIZING CONVEYANCE OF CERTAIN PROPERTY
2 INTERESTS OF THE MUNICIPALITY TO CHUGACH ELECTRIC ASSOCIATION, INC.,
3 WITHIN (PARCEL 2) LOT 1, RASMUS SUBDIVISION, TAX #014-252-43; (PARCEL 3)
4 BLM LOT 77, SECTION 9, T12N, R3W, S.M. ALASKA, FORMERLY TAX #014-252-19
5 [NOW BELL ESTATES, PLAT 99-11]; (PARCEL 4) N 200' OF BLM LOT 77, SECTION
6 9, T12N, R3W, S.M. ALASKA, TAX #014-252-20; (PARCEL 12) LOT 1A1, S. E.
7 POTTER SUBDIVISION, TAX #014-227-06; (PARCEL 14) BLM LOT 17, SECTION 9,
8 T12N, R3W, S.M. ALASKA, FORMERLY TAX #014-172-06, [NOW CRESCENT HILL
9 ESTATES PLAT 96-5]; (PARCEL 17) BLM LOT 57, SECTION 4, T12N, R3W, S.M.
10 ALASKA, TAX #014-142-10; (PARCEL 34A) TRACT A, SYREN SUBDIVISION, TAX
11 #014-092-25; (PARCEL 34B) TRACT B, SYREN SUBDIVISION, TAX #014-092-26;
12 (PARCEL 35) BLM LOT 24, SECTION 4, T12N, R3W, S.M. ALASKA, TAX #014-091-09;
13 (PARCEL 36) BLM LOT 5, SECTION 4, T12N R3W, S.M. ALASKA, TAX #014-061-10;
14 (PARCEL 37) BLM LOT 4, SECTION 4, T12N, R3W, S.M. ALASKA, TAX #014-061-11;
15 (PARCEL 82) LOT 5, BRYANT SUBDIVISION, TAX #014-221-58; (PARCEL 83) LOT 1,
16 BRYANT SUBDIVISION, TAX #014-221-59; (PARCEL 112) LOT 1, BLOCK 3, O'BRIEN
17 SUBDIVISION, TAX #014-104-17 ACQUIRED FOR THE LAKE OTIS PARKWAY,
18 PHASE IV PROJECT #88-13
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21 WHEREAS, Chugach Electric Association, Inc. (CEA) and the Municipality of
22 Anchorage executed a Relocation Agreement in 1992 to convey electrical and
23 telecommunications easements to CEA that the Municipality had acquired for the Lake
24 Otis Parkway Phase IV Project; and
25

26 WHEREAS, the easement interests have not been conveyed to CEA in
27 accordance with the 1992 Relocation Agreement between the Municipality and CEA; now
28 therefore,
29

30 THE ANCHORAGE ASSEMBLY ORDAINS:
31

32 **Section 1.** The Administration is authorized to convey the electrical and
33 telecommunications interests of the Municipality for the following described real
34 properties:
35

36 **PARCEL 2:** Rasmus Subdivision, Lot 1, plat number 78-23, easement recorded
37 in Book 2370, Pages 743-744.

1 **PARCEL 3:** A portion of BLM Lot 77, Section 9, T12N, R3W, S.M., Alaska, per
2 deed recorded in Book 354, Page 217, (now Bell Estates Subdivision, Lots 6F and 6G,
3 plat number 99-11), easement recorded in Book 2359, Pages 759-761.

4
5 **PARCEL 4:** A portion of BLM Lot 77, Section 9, T12N, R3W, S.M., Alaska, per
6 deed recorded in Book 385, Page 432; easement recorded Book 2359, Pages 762-764.

7
8 **PARCEL 12:** S.E. Potter Subdivision, Lot 1A1, plat number 85-49, Declaration of
9 Taking recorded in Book 2321, Pages 719-725.

10
11 **PARCEL 14:** BLM Lot 17, Section 9, T12N, R3W, S.M., Alaska, easement
12 recorded in Book 2419, Pages 609-611.

13
14 **PARCEL 17:** BLM Lot 57, Section 4, T12N, R3W, S.M. Alaska, easement
15 recorded in Book 2274, Pages 001-003.

16
17 **PARCEL 34A:** Syren Subdivision, Tract A, plat number 85-59, easement
18 recorded in Book 2370, Pages 745-746.

19
20 **PARCEL 34B:** Syren Subdivison, Tract B, plat number 85-59, easement
21 recorded in Book 2274, Pages 004-006.

22
23 **PARCEL 35:** BLM Lot 24, Section 4, T12N, R3W, S.M. Alaska, Declaration of
24 Taking recorded in Book 3179, Pages 223-225.

25
26 **PARCEL 36:** BLM Lot 5, Section 4, T12N, R3W, S.M. Alaska, Declaration of
27 Taking recorded in Book 2316, Page 947-953.

28
29 **PARCEL 37:** BLM Lot 4, Section 4, T12N. R3W, S.M., easement recorded in
30 Book 2370, Page 741-742.

31
32 **PARCEL 82:** Bryant Subdivision, Lot 5, plat number 70-231, Declaration of
33 Taking recorded in Book 2321, Pages 712-718.

34
35 **PARCEL 83:** Bryant Subdivision, Lot 1, plat number 70-231, Declaration of
36 Taking recorded in Book 2321, Pages 707-711.

37
38 **PARCEL 112:** O'Brien Subdivision, Lot 1, Block 3, plat number P-325, recorded
39 in Book 2268, Pages 924-925.

40
41 **Section 2.** The aforementioned easements referenced within Section 1 of this
42 Ordinance are to be conveyed to CEA via Quit Claim Deed.

43
44 **Section 3.** The interests conveyed are found to be of no substantial value to the
45 Municipality.

1 **Section 4.** This ordinance shall be effective immediately upon passage and approval by
2 the Anchorage Assembly.

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4 PASSED AND APPROVED by the Anchorage Municipal Assembly this 25th day of
5 September, 2007.

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Chair

ATTEST:


Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2007- 123 Title: AN ORDINANCE AUTHORIZING CONVEYANCE OF CERTAIN PROPERTY INTERESTS OF THE MUNICIPALITY TO CHUGACH ELECTRIC ASSOCIATION, INC., WITHIN (PARCEL 2) LOT 1, RASMUS SUBDIVISION, TAX #014-252-43; (PARCEL 3) BLM LOT 77, SECTION 9, T12N, R3W, S.M. ALASKA, FORMERLY TAX #014-252-19 [NOW BELL ESTATES, PLAT 99-11]; (PARCEL 4) N 200' OF BLM LOT 77, SECTION 9, T12N, R3W, S.M. ALASKA, TAX #014-252-20; (PARCEL 12) LOT 1A1, S. E. POTTER SUBDIVISION, TAX #014-227-06; (PARCEL 14) BLM LOT 17, SECTION 9, T12N, R3W, S.M. ALASKA, FORMERLY TAX #014-172-06, [NOW CRESCENT HILL ESTATES PLAT 96-5]; (PARCEL 17) BLM LOT 57, SECTION 4, T12N, R3W, S.M. ALASKA, TAX #014-142-10; (PARCEL 34A) TRACT A, SYREN SUBDIVISION, TAX #014-092-25; (PARCEL 34B) TRACT B, SYREN SUBDIVISION, TAX #014-092-26; (PARCEL 35) BLM LOT 24, SECTION 4, T12N, R3W, S.M. ALASKA, TAX #014-091-09; (PARCEL 36) BLM LOT 5, SECTION 4, T12N R3W, S.M. ALASKA, TAX #014-061-10; (PARCEL 37) BLM LOT 4, SECTION 4, T12N, R3W, S.M. ALASKA, TAX #014-061-11; (PARCEL 82) LOT 5, BRYANT SUBDIVISION, TAX #014-221-58; (PARCEL 83) LOT 1, BRYANT SUBDIVISION, TAX #014-221-59; (PARCEL 112) LOT 1, BLOCK 3, O'BRIEN SUBDIVISION, TAX #014-104-17 ACQUIRED FOR THE LAKE OTIS PARKWAY, PHASE IV PROJECT #88-13

Sponsor: Project Management & Engineering Department
Preparing Agency: Project Management & Engineering Department

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
ADD: 6000 Charge from Others					
LESS: 7000 Charge to Others					
FUNCTION COST:					
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp.					
PUBLIC SECTOR ECONOMIC EFFECTS:					
None					
PRIVATE SECTOR ECONOMIC EFFECTS:					
None					
Prepared by: Christine Neal, SR/WA, Realty Officer III	Telephone: 343-8366				



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. 526-2007

Meeting Date: September 11, 2007

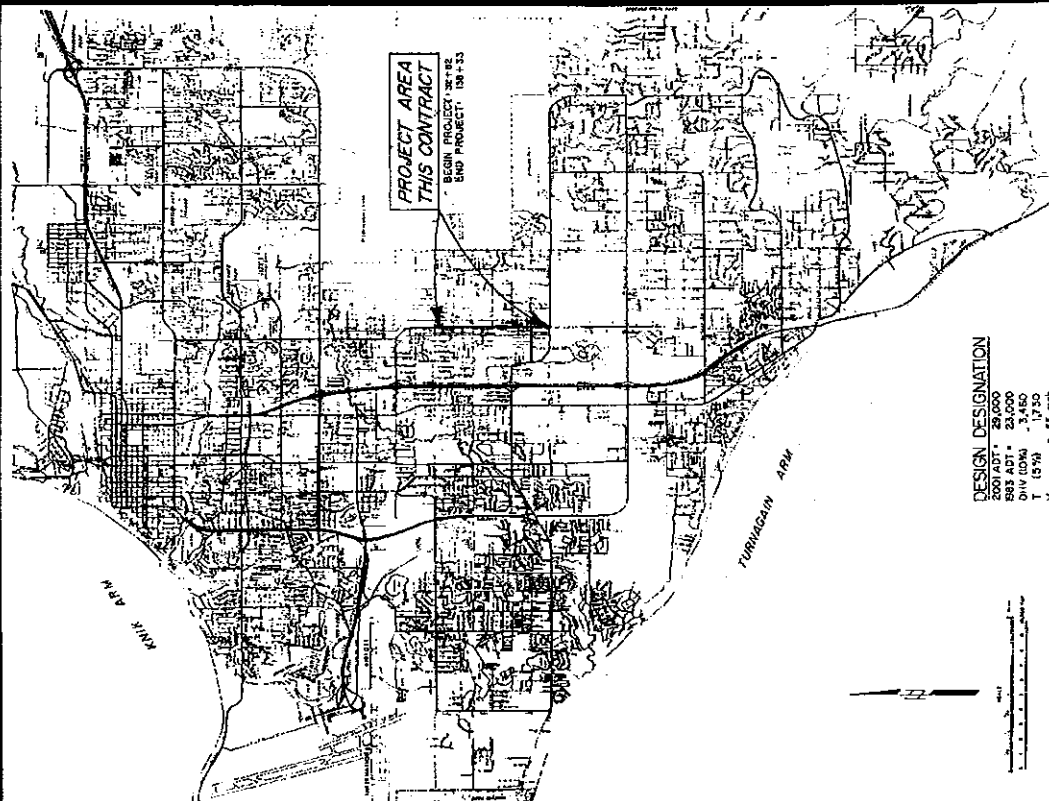
1 **FROM:** Mayor

2
3 **SUBJECT:** An Ordinance Authorizing Conveyance of Certain Property Interests of the
4 Municipality to Chugach Electric Association, Inc. within (Parcel 2) Lot 1, Rasmus
5 Subdivision, Tax #014-252-43; (Parcel 3) BLM Lot 77, Section 9, T12N, R3W,
6 S.M. Alaska, Formerly Tax #014-252-19 [Now Bell Estates, Plat 99-11]; (Parcel 4)
7 N 200' of BLM Lot 77, Section 9, T12N, R3W, S.M. Alaska, Tax #014-252-20;
8 (Parcel 12) Lot 1A1, S. E. Potter Subdivision, Tax#014-227-06; (Parcel 14) BLM
9 Lot 17, Section 9, T12N, R3W, S.M. Alaska, Formerly Tax #014-172-06, [Now
10 Crescent Hill Estates Plat 96-5]; (Parcel 17) BLM Lot 57, Section 4, T12N, R3W,
11 S.M. Alaska, Tax #014-142-10; (Parcel 34A) Tract A, Syren Subdivision, Tax
12 #014-092-25; (Parcel 34B) Tract B, Syren Subdivision, Tax #014-092-26; (Parcel
13 35) BLM Lot 24, Section 4, T12N, R3W, S.M. Alaska, Tax #014-091-09; (Parcel
14 36) BLM Lot 5, Section 4, T12N R3W, S.M. Alaska, Tax #014-061-10; (Parcel 37)
15 BLM Lot 4, Section 4, T12N, R3W, S.M. Alaska, Tax #014-061-11; (Parcel 82)
16 BLM Lot 5, Bryant Subdivision, Tax #014-221-58; (Parcel 83) Lot 1, Bryant
17 Subdivision, Tax #014-221-59; (Parcel 112) Lot 1, Block 3, O'Brien Subdivision,
18 Tax #014-104-17 Acquired for the Lake Otis Parkway, Phase IV Project #88-13
19
20

21 In 1992, the Municipality acquired electrical and telecommunications system easements for the
22 purpose of constructing the Lake Otis Parkway Phase IV Project #88-13 (Exhibit A). According
23 to the 1992 Relocation Agreement, (Pages 1, 4, 5 and 17, Exhibit B) between the Municipality
24 and Chugach Electric Association, Inc. (CEA), the easement interests were to be conveyed to
25 CEA within six months of the project's completion, but Assembly approval was not obtained and
26 there was no conveyance of the electrical and telecommunications system easement interests.
27 The Administration recommends that these easements now be conveyed.
28

29 THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE AUTHORIZING
30 CONVEYANCE OF CERTAIN PROPERTY INTERESTS TO CEA WITHIN LOT 1, RASMUS
31 SUBDIVISION; BLM LOT 77, SECTION 9, T12N, R3W, S.M. ALASKA, [NOW BELL ESTATES,
32 PLAT 99-11]; N 200' OF BLM LOT 77, SECTION 9, T12N, R3W, S.M. ALASKA; LOT 1A1, S.
33 E. POTTER SUBDIVISION; BLM LOT 17, SECTION 9, T12N, R3W, S.M. ALASKA, [NOW
34 CRESCENT HILL ESTATES PLAT 96-5]; BLM LOT 57, SECTION 4, T12N, R3W, S.M.
35 ALASKA; TRACT A, SYREN SUBDIVISION; TRACT B, SYREN SUBDIVISION; BLM LOT 24,
36 SECTION 4, T12N, R3W, S.M. ALASKA; BLM LOT 5, SECTION 4, T12N R3W, S.M. ALASKA;
37 BLM LOT 4, SECTION 4, T12N, R3W, S.M. ALASKA; LOT 5, BRYANT SUBDIVISION; LOT 1,
38 BRYANT SUBDIVISION AND LOT 1, BLOCK 3, O'BRIEN SUBDIVISION ACQUIRED FOR
39 THE LAKE OTIS PARKWAY, PHASE IV PROJECT #88-13
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41 Prepared by: Howard C. Holtan, Director, Project Management & Engineering Department
42 Concur: Denis C. LeBlanc, Municipal Manager
43 Respectfully submitted: Mark Begich, Mayor

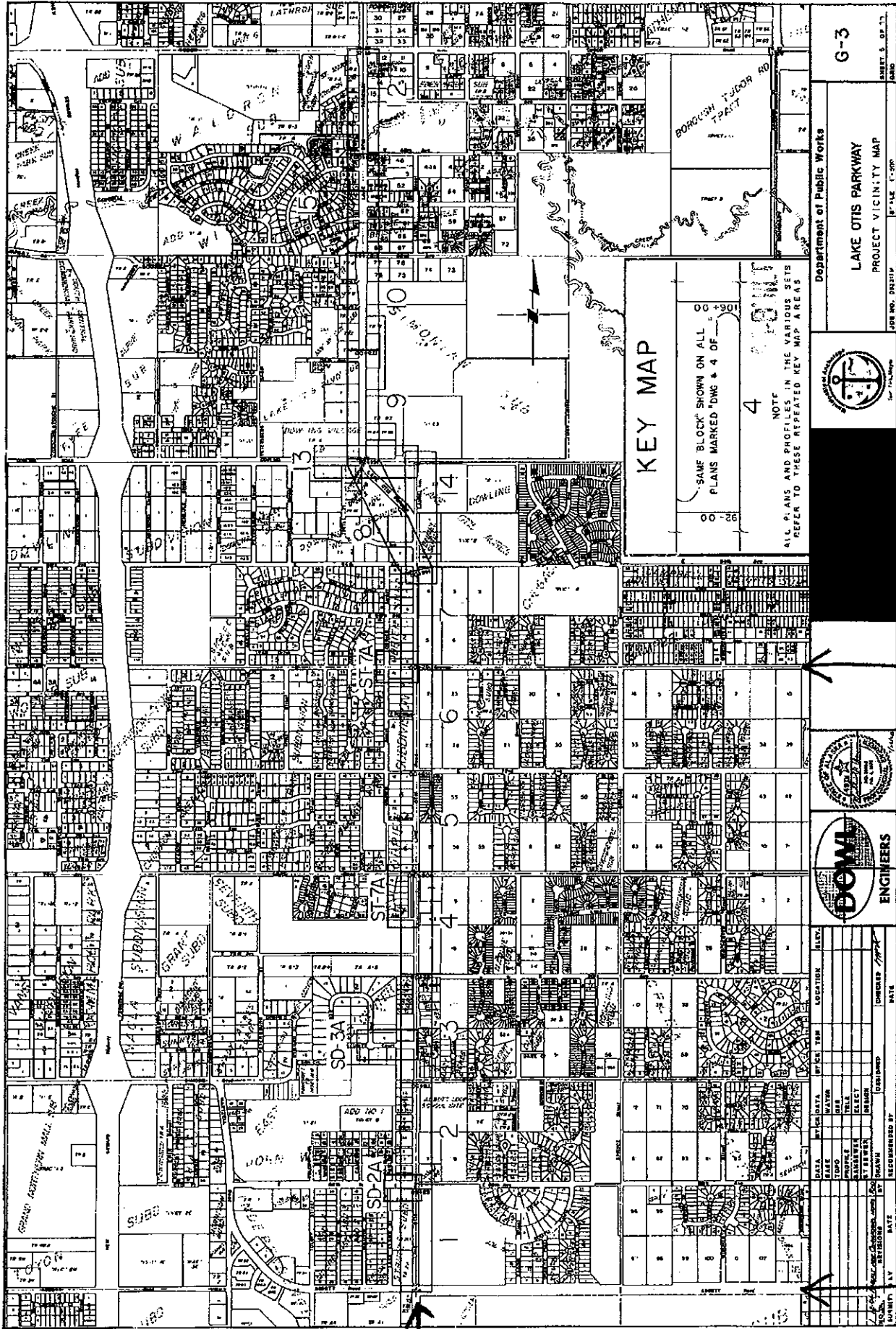


BOWL
ENGINEERS

APPROVED BY: Tom Fink
TOM FINK
MAJOR
See the Bulletin
DIRECTOR OF PUBLIC WORKS

LIBRARY

EXHIBIT A – Page 1 of 2



LAKE OTIS PKWY

ABBOTT RD.

E. 68TH AVE.

EXHIBIT A - Page 2 of 2

					
DOWA ENGINEERS		Department of Public Works LAKE OTIS PARKWAY PROJECT VICINITY MAP		G-3 SHEET 5 OF 12 JOB NO. 28231M DATE 1-2-2007 1991-362	
DATA DATE TIME PROFILE SURVEIL STAKES REMARKS BY DATE	OFFICE DATE TIME PROFILE SURVEIL STAKES REMARKS BY DATE	LOCATION DATE TIME PROFILE SURVEIL STAKES REMARKS BY DATE	CHECKED DATE	RECORDED BY DATE	

LAKE OTIS PHASE IV RELOCATION AGREEMENT

between

**THE MUNICIPALITY OF ANCHORAGE
and
CHUGACH ELECTRIC ASSOCIATION, INC.**

MOA FILE # 88-13

CHUGACH W.O. # E91-10567

THIS AGREEMENT is between the Municipality of Anchorage, an Alaska municipal corporation (Anchorage), and Chugach Electric Association, Inc. (Chugach).

1. Intent. Anchorage intends to construct a project (Project) known as Lake Otis Phase IV. Chugach owns and operates certain electrical facilities which are located in the Public Place, as defined by AMC 24.30.010 R in effect as of the date of this Agreement, or in easements adjacent to this Project. This Agreement defines the relative rights and responsibilities of Anchorage and Chugach with respect to relocating and reconstructing Chugach's facilities to allow for construction of the Project and compliance with all applicable municipal ordinances, State and Federal laws, and utility standards and codes.

2. The Project. The Project is described on those Anchorage plan sheets entitled Lake Otis Phase IV, dated November 21, 1991, and consisting of 77 sheets, together with Anchorage's accompanying

Agreement, including but not limited to engineering design costs and special material outlay and any costs required to relocate Chugach's facilities to another location if right-of-way cannot be obtained. In no event shall Chugach be required to keep its facilities in a location or configuration which does or could reduce the reliability of Chugach's system.

C. Chugach will take title to all easements secured by Anchorage on behalf of Chugach to relocate Chugach's facilities if the new location is not in a road right-of-way. If the new location of Chugach's facilities is in a road right-of-way, Anchorage shall permit Chugach to obtain access to Chugach's facilities for repair, maintenance and improvement for which no permit fees shall be assessed. Anchorage agrees that the cost of any relocation of the facilities which would not have occurred but for the location of the facilities in the road right-of-way will be borne by Anchorage except where such relocation is done solely for the benefit of Chugach.

D. Chugach acknowledges that Anchorage's power to convey its interest in an easement secured by Anchorage lies with the Anchorage Assembly and that by its signature on this Agreement, Anchorage cannot bind the Assembly. Anchorage does, however, obligate itself to seek such Assembly approval, and to convey to Chugach any easements Anchorage may obtain for Chugach's facilities

outside of the road right-of-way if Assembly approval has been received. Anchorage shall seek Assembly approval for the conveyance of any easements required pursuant to Paragraph C above within six months of completion of the Project, and shall convey the easements to Chugach once Assembly approval has been received.

The preceding time limit shall not apply to an easement which has not been acquired due to a pending condemnation action; approval for the transfer of any such easement shall, however, be sought within two months of the issuance of the final order in the condemnation action. In the event an easement for which approval is sought cannot be transferred by Anchorage, Anchorage shall issue Chugach a permit.

E. Prior to the issuance of a notice to proceed to Chugach, Anchorage shall provide Chugach with written documentation (Documentation) satisfactory to Chugach evidencing Chugach's legal right to perform the Work on all real property of the Project. The following shall constitute satisfactory Documentation for the purposes of this paragraph: a copy of the Right of Entry granted to Anchorage and its agents for use as a public right-of-way, including the right to construct and maintain public utilities, and a Right of Entry coupled with a hold harmless agreement whereby Anchorage agrees to indemnify, defend and hold Chugach harmless from any trespass claims arising from Chugach's operation under the Right of Entry.

MUNICIPALITY OF ANCHORAGE

CHUGACH ELECTRIC ASSOCIATION, INC.

Name: Kenneth W. Carfield
Title: Director
Date: 3-6-92

Name: DAVID L. HIGHERS
Title: GENERAL MANAGER
Date: 3/6/92

ATTEST:

Vicki Cantrell
Municipal Clerk, Deputy
Date: 3-10-92

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) SS.

The foregoing instrument was acknowledged before me this 16th day of MARCH, 1992, by DAVID L. HIGHERS of CHUGACH ELECTRIC ASSOCIATION, INC., its GENERAL MANAGER on behalf of the corporation.

Deanna K. Hefernan
Notary Public in and for Alaska
My Commission Expires: 5/13/92

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) SS.

The foregoing instrument was acknowledged before me this 6th day of MARCH, 1992, by Kenneth W. Carfield of THE MUNICIPALITY OF ANCHORAGE, its Agent, on behalf of the Municipality.

Maureen Costa (Costa)
Notary Public in and for Alaska
My Commission Expires: 6-3-93

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Content Information**Content ID :** 005369**Revision:** 1**Type:** Ordinance - AO

AN ORDINANCE AUTHORIZING CONVEYANCE OF
CERTAIN PROPERTY INTERESTS OF THE MUNICIPALITY
Title: TO CHUGACH ELECTRIC ASSOCIATION, INC. ACQUIRED
FOR THE LAKE OTIS PARKWAY, PHASE IV PROJECT #88-
13

Author: cabanh**Initiating Dept:** PME**Select Routing:** Standard**Review Depts:**

AN ORDINANCE AUTHORIZING CONVEYANCE OF
CERTAIN PROPERTY INTERESTS OF THE MUNICIPALITY
Description: TO CHUGACH ELECTRIC ASSOCIATION, INC. ACQUIRED
FOR THE LAKE OTIS PARKWAY, PHASE IV PROJECT #88-
13

Keywords:**Date Prepared:** 8/20/07 10:40 AM**Director Name:** Howard C. Holtan**Addnl Dept Review ?:** No**Addnl Review Depts:****Mayor Review?:** No**Requested Assembly****Meeting Date** 8/28/07 12:00 AM**MM/DD/YY:****Requested Public****Hearing Date****MM/DD/YY:****Document Number:** AO2007-123

Assembly Meeting Date 9/11/07 12:00 AM
MM/DD/YY:

Public Hearing Date 9/25/07 12:00 AM
MM/DD/YY:

Revision History				
Revision	Release Date	Expiration Date	Status	
1	8/31/07 2:44 PM	None	Released	Delete
0	8/20/07 10:40 AM	None	Released	Delete