

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Department of Law
For Reading: November 13, 2007

CLERK'S OFFICE

ANCHORAGE, ALASKA

AO No. 2007-155

APPROVED

Date: 11-27-07

1 AN ORDINANCE AUTHORIZING WITHDRAWAL AND TRANSFER OF
2 THE WESTERNMOST PORTION OF THE ORAH DEE CLARK MIDDLE
3 SCHOOL SUBDIVISION, CONTAINING APPROXIMATELY 105,000 SF,
4 FROM REAL ESTATE SERVICES TO THE ANCHORAGE COMMUNITY
5 DEVELOPMENT AUTHORITY.
6

7
8 **WHEREAS**, the Municipality owns the westernmost portion, containing
9 approximately 105,000 square feet, of the following described real property:
10

11 Tract A-1, ORAH DEE CLARK JUNIOR
12 HIGH SCHOOL SUBDIVISION, according to
13 Plat No. 2006-62, Anchorage Recording
14 District, Third Judicial District, State of Alaska,
15

16 (the "Land"), currently managed by the Anchorage School District; and
17

18 **WHEREAS**, the Anchorage School District supports the withdrawal and transfer,
19 and does not oppose the termination of management authority; and
20

21 **WHEREAS**, the Municipality requests authority to withdraw and transfer the Land
22 from the Real Estate Services Division of Heritage Land Bank to the Anchorage
23 Community Development Authority (the "Authority"), so the Authority may
24 assemble substantially all of the Land with other adjoining parcels owned by the
25 Authority. It is the intent of the Authority to sell the Land to Kimco/POB Glenn
26 Square Anchorage LLC ("Kimco/POB") for a negotiated sales price of \$824,169;
27 and
28

29 **WHEREAS**, Kimco/POB proposes to develop the Land and adjoining parcels for a
30 movie theater adjacent to the Glenn Square mall; and
31

32 **WHEREAS**, the proceeds of the sale of the Land shall be retained by the Authority
33 for reinvestment into the Anchorage community, in accordance with the Authority's
34 purposes; and
35

36 **WHEREAS**, the Land is neither reserved nor needed for any future municipal use
37 according to municipal agency review; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:


Section 1. Withdrawal of the Land described above from the Real Estate Services Division of the Heritage Land Bank and transfer of all right, title and interest in the Land to the Anchorage Community Development Authority is approved.

Section 2. This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 27th day of November, 2007.


Chair of the Assembly

ATTEST:


Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2007-155

Title: AN ORDINANCE AUTHORIZING WITHDRAWAL AND TRANSFER OF THE WESTERNMOST PORTION OF THE ORAH DEE CLARK MIDDLE SCHOOL SUBDIVISION, CONTAINING APPROXIMATELY 105,000 SF, FROM REAL ESTATE SERVICES TO THE ANCHORAGE COMMUNITY DEVELOPMENT AUTHORITY.

Sponsor: Mayor
Preparing Agency: Dept of Law
Others Impacted: Real Estate Services

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</u>	<u>FY11</u>
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:

This Ordinance conveys a 105,000 sq ft parcel from Real Estate Services to the Anchorage Community Development Authority (ACDA). The parcel will subsequently be combined with two adjoining parcels owned by ACDA and sold by ACDA to Kimco/POB. As part of the sale/exchange, ACDA will receive in return from Kimco/POB an approximately 23,000 sq ft lot identified as Lot 11B, which in turn will be conveyed immediately to the Municipality for use by ML&P as a desirable and preferred site for relocation of Substation 14. The land and cash components of the exchanges were determined based on market valuations.

PRIVATE SECTOR ECONOMIC EFFECTS:

As a result of the multi-parcel land swap, Kimco/POB will acquire the site for construction of a movie theater at Glenn Square. Benefits to the community include local job creation and further retail diversification and enhancement of the Glenn Square development.

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 697-2007

MEETING DATE: November 27, 2007

FROM: MAYOR

**SUBJECT: AN ORDINANCE AUTHORIZING WITHDRAWAL AND
TRANSFER OF THE WESTERMOST PORTION OF THE
ORAH DEE CLARK MIDDLE SCHOOL SUBDIVISION,
CONTAINING APPROXIMATELY 105,000 SF, FROM REAL
ESTATE SERVICES TO THE ANCHORAGE COMMUNITY
DEVELOPMENT AUTHORITY.**

The purpose of this ordinance is to approve the withdrawal and transfer of the westernmost approximate 105,000 square feet of the following described property:

Lot A-1, ORAH DEE CLARK JUNIOR HIGH SCHOOL
SUBDIVISION, according to Plat No. 2006-62, Anchorage
Recording District, Third Judicial District, State of Alaska;

(the "Land"), to the Anchorage Community Development Authority (the "Authority"). The Land is currently managed by the Anchorage School District but is surplus to its needs and currently zoned B-3 (General Business District). The Anchorage School District supports the termination of management authority by the Municipality and this withdrawal and transfer to the Authority.

The purpose of the transfer is to consummate a sale by the Authority of the Land, together with adjoining parcels of land owned by the Authority (the Land, together with the adjoining parcels, collectively referred to as "Parcel 14A"), to Kimco/POB Glenn Square Anchorage LLC, a Delaware limited liability company ("Kimco/POB"), the developer of Glenn Square; Kimco/POB plans to develop Parcel 14A into a mid-sized movie theater. At this time, Municipal Light & Power's ("ML&P's") Substation No. 14 is situated on approximately 7,000 square feet of Parcel 14A. As part of the purchase price for Parcel 14A, Kimco/POB agrees to exchange a 23,545 square foot parcel of land in the northeast corner of the Glenn Square mall ("Lot 11B") for ML&P relocation of Substation No. 14.

The proposed purchase and sale transaction has a lot of synergies:

1. It makes maximum use of otherwise inaccessible property without road frontage at the bottom of a bluff.
2. Use of the property as a movie theater enhances the value of the adjoining Glenn Square mall and Mountain View neighborhood (the Mountain View Community Council supported this transaction by resolution).

3. The common ownership of the Glenn Square mall and the adjoining movie theater property creates opportunities for shared utilities, access and parking.
4. Lot 11B is an ideal answer to ML&P's long search for a larger site for Substation No. 14.

The essential terms and conditions of the proposed purchase and sale transaction with Kimco/POB are as follows:

1. The Authority sells Parcel 14A to Kimco/POB for a purchase price of \$824,169.
2. Kimco/POB sells Lot 11B to the Authority at an agreed value of \$182,629 and pays the \$641,540 balance of the purchase price in cash at closing no later than May 1, 2008.
3. ML&P moves Substation No. 14 from its present location to Lot 11B no later than September 2009, at ML&P's expense, including reimbursement to the Authority for its \$182,629 cost of Lot 11B.
4. Upon acquisition of Lot 11B from Kimco/POB, the Authority transfers Lot 11B, at no additional cost, to the Municipality; the Municipality, in turn, designates ML&P as the managing authority pursuant to AMC section 25.10.050.

One of the conditions to closing this complex purchase and sale transaction with Kimco/POB is acquisition by the Authority of the Land from the Municipality.

THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE AUTHORIZING WITHDRAWAL AND TRANSFER OF THE WESTERNMOST PORTION OF THE ORAH DEE CLARK MIDDLE SCHOOL SUBDIVISION, CONTAINING APPROXIMATELY 105,000 SF, FROM REAL ESTATE SERVICES TO THE ANCHORAGE COMMUNITY DEVELOPMENT AUTHORITY.

Prepared by: Department of Law
Approved by: William M. Mehner, Director
Heritage Land Bank and Real Estate Services
Concur: Mary Jane Michael, Executive Director
Office of Economic and Community Development
Concur: Ron Pollock, Executive Director
Anchorage Community Development Authority
Concur: James N. Reeves, Municipal Attorney
Concur: Denis C. LeBlanc, Municipal Manager
Respectfully submitted, Mark Begich, Mayor

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Content Information

Content ID : 005709

Type: Ordinance - AO

AN ORDINANCE AUTHORIZING WITHDRAWAL AND TRANSFER OF THE WESTERNMOST PORTION OF THE ORAH DEE CLARK MIDDLE

Title: SCHOOL SUBDIVISION, CONTAINING APPROXIMATELY 105,000 SF, FROM REAL ESTATE SERVICES TO THE ANCHORAGE COMMUNITY DEVELOPMENT AUTHORITY.

Author: maglaquijp

Initiating Dept: ECD

Date Prepared: 11/13/07 3:12 PM

Assembly Meeting Date: 11/13/07

Public Hearing Date: 11/27/07

M.O.A
 2007 NOV 16 AM 8:40
 CLERKS 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>
AllOrdinanceWorkflow	11/13/07 3:25 PM	Checkin	maglaquijp	Public	005709
ECD_SubWorkflow	11/13/07 3:26 PM	Approve	villareallm	Public	005709
OMB_SubWorkflow	11/15/07 11:15 AM	Approve	mitsonjl	Public	005709
Legal_SubWorkflow	11/15/07 4:24 PM	Approve	gatesdt	Public	005709
MuniManager_SubWorkflow	11/15/07 4:45 PM	Approve	abbottmk	Public	005709
MuniMgrCoord_SubWorkflow	11/15/07 4:45 PM	Approve	abbottmk	Public	005709