

Submitted by: Chairman of the Assembly at the
Request of the Mayor
Prepared by: Anchorage Water & Wastewater Utility
For reading: December 11, 2007

CLERK'S OFFICE

APPROVED

Date: 1-8-08

ANCHORAGE, ALASKA

AO No. 2007-169

1 AN ORDINANCE AUTHORIZING A LEASE, FOR THE CONTINUED USE AND
2 MAINTENANCE OF TELECOMMUNICATION FACILITIES, ON A PORTION OF
3 SECTION 35, T13N, R3W, N2SW4NE4NE4, S.M. ALASKA GENERALLY LOCATED
4 SOUTH OF TUDOR ROAD AND EAST OF BAXTER AND WEST OF PATTERSON
5 BETWEEN ANCHORAGE WATER AND WASTEWATER UTILITY A PUBLIC
6 CORPORATE AUTHORITY OF THE MUNICIPALITY OF ANCHORAGE, AND ALASKA
7 COMMUNICATIONS SYSTEMS WIRELESS, INC.

8
9 WHEREAS, the Municipality of Anchorage owns properties described as a portion of
10 Section 35, T13N, R3W, S.M. Alaska generally located South of Tudor Road and East of
11 Baxter Road and West of Patterson Street; and

12
13 WHEREAS, AMC section 25.10.050 states that the Mayor may in writing designate any
14 municipal agency as the managing authority of a specific parcel of municipal property; and

15
16 WHEREAS, Land management authority for this property was designated to Anchorage
17 Water & Wastewater Utility (AWWU) in February of 1983; and

18
19 WHEREAS, Alaska Communications Systems (ACS) Wireless, Inc. has previously placed
20 a community interest telecommunication facilities at this location under revocable land use
21 agreements between AWWU and ACS Wireless, Inc.; and

22
23 WHEREAS, AMC section 25.30.020 states that disposal of Municipal land or interest
24 therein shall be by ordinance only; and

25
26 WHEREAS, AMC section 25.30.040 states that, notwithstanding exceptions, all disposals
27 of municipal land shall be for fair market value of the interest disposed of, and the
28 municipality may accept in exchange for municipal land any consideration of sufficient
29 value not prohibited by law; and

30
31 WHEREAS, at its November 7, 2007 meeting, the AWWU Authority Board supported ACS
32 Wireless, Inc.'s request for continued lease privileges within MOA-AWWU property; now
33 therefore,

34
35 **THE ANCHORAGE ASSEMBLY ORDAINS:**

36
37 **Section 1.** AWWU is authorized to lease ground space on a portion of Section 35,
38 T13N, R3W, N2SW4NE4NE4, S.M. Alaska; to ACS Wireless, Inc. upon the terms and
39 conditions summarized in the Assembly Memorandum submitted to the Assembly with
40 this ordinance.

41
42 **Section 2.** The lease shall be for a term of five years with three five year renewal
43 periods, subject to mutual consent of both parties. The annual lease payment for each of
44 the years for the first five years shall be Fair Market Value of \$9,900 for this location.
45

Section 3. This ordinance shall take effect immediately upon passage and approval by the Municipal Assembly.

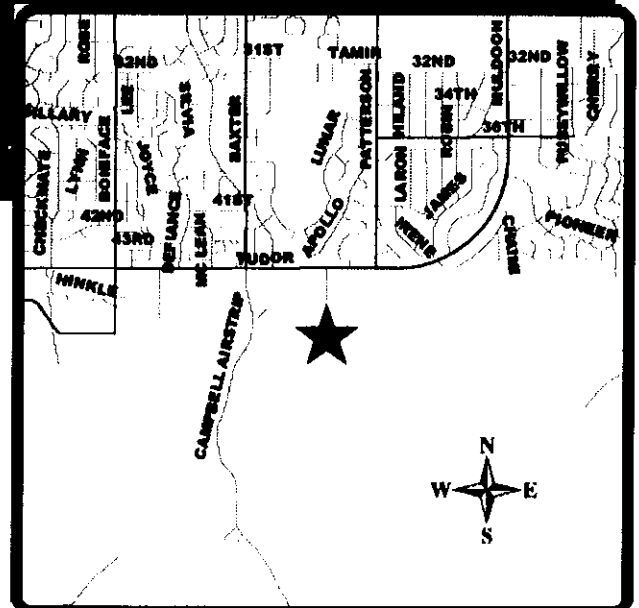
PASSED and APPROVED by the Anchorage Assembly this 8th day of January, 2008.

Debbie Ossander
Chair, Vice

ATTEST:

Beth S. Jensen
Municipal Clerk

Basher Reservoirs
6800 East Tudor Road
Grid SW1839



VICINITY MAP

Municipality of Anchorage
Summary of Economic Effects - Utilities

AO 2007- 169

Title: An Ordinance Authorizing a Lease, for the continued use and maintenance of Telecommunication Facilities, on a portion of Section 35, T13N, R3W, S.M. Alaska generally located South of Tudor Road and East of Baxter and West of Patterson between AWWU and ACS Wireless, Inc.

Sponsor: Mark Premo, General Manager

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:	\$9.9	\$9.9	\$9.9	\$9.9	\$9.9
Non-Operating Expenses					
Total Non-Operating Expenses:	\$1.0	\$1.0	\$1.0	\$1.0	\$1.0
NET INCOME	\$8.9	\$8.9	\$8.9	\$8.9	\$8.9
Positions: FT/PT/TEMP	0	0	0	0	0

Impact on General Government: ~~YES~~ **NO** (If yes, attach SEE for General Government agency impacted.)

Public Sector Economic Effects: Cumulative net revenue of \$8,900 for each of the next five years

Private Sector Economic Effects: Cumulative expense to ASC Wireless, Inc. of \$9,900 for each of the next five years

If further explanation is necessary, a separate page may be attached.

Prepared By: Paul Hatcher, Real Estate Coordinator 564-2721
(Name, Title) Telephone:

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 746 -2007

Meeting Date: December 11, 2007

1 **From:** Mayor

2
3 **Subject:** **An Ordinance Authorizing a Lease, for the continued use and maintenance**
4 **of Telecommunication Facilities, on a portion of Section 35, T13N, R3W,**
5 **S.M. Alaska generally located South of Tudor Road and East of Baxter and**
6 **West of Patterson between Anchorage Water and Wastewater Utility**
7 **(AWWU) a Public Corporate Authority of the Municipality of Anchorage**
8 **(MOA), and Alaska Communications Systems (ACS) Wireless, Inc.**
9

10 ACS Wireless, Inc. seeks permission to lease ground space at this location for continued use of its
11 current telecommunication facilities for its wireless communications network. This equipment
12 was previously permitted and installed at this location by revocable use permit. In accordance
13 with municipal code, continued permission requires a lease.
14

15 The attached ordinance seeks authorization for AWWU to enter into a ground lease agreement
16 with ACS Wireless, Inc. for ground space for existing Telecommunication facilities at this site.
17

18 The term of this lease is for (5) five years with (3) five-year renewal periods, subject to mutual
19 consent of both parties. The annual lease payment for each of the years for the first five year
20 period shall be Fair Market Value of \$9,900 for this location. These annual rates are comparable
21 with fees charged by the State of Alaska for land use under similar circumstances.
22

23 ACS Wireless, Inc. shall be responsible for any and all utilities, taxes, assessments, license and
24 other charges. At the expiration or earlier termination of the lease, Lessee shall remove all Lessee
25 facilities from the premises at Lessee's sole cost.
26

27 At its regular meeting of November 7, 2007, the AWWU Board of Directors endorsed this lease.
28

29 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**
30 **AUTHORIZING LEASE OF GROUND SPACE TO ACS WIRELESS, INC. AT THIS**
31 **LOCATION ON A PORTION OF SECTION 35, T13N, R3W, S.M. ALASKA.**
32

33 Prepared by: Anchorage Water and Wastewater Utility
34 Recommended by: Mark Premo, P.E., General Manager, AWWU
35 Approved by: William M. Mehner, Executive Director, Heritage Land Bank
36 Concur: Mary Jane Michael, Executive Director,
37 Office of Economic and Community Development
38 Concur: James N. Reeves, Municipal Attorney
39 Concur: Denis C. LeBlanc, Municipal Manager
40 Respectfully submitted: Mark Begich, Mayor

Content Information

Content ID : 005700

Type: Ordinance - AO

Title: Authorizing a Lease, for the continued use and maintenance of Telecommunication Facilities, on a portion of Section 35, T13N, R3W, S.M. Alaska generally located South of Tudor Road and East of Baxter and West of Patterson

Author: gibsonam

Initiating Dept: AWWU

Review Depts: HLB, ECD

Date Prepared: 11/9/07 12:51 PM

Director Name: Mark Premo

Assembly Meeting Date: 12/11/07

Public Hearing Date: 1/8/08

M.O.A
2007 NOV 30 AM 11:51
CLERK'S OFFICE

Workflow History

Workflow Name	Action Date	Action	User	Security Group	Content ID
AllOrdinanceWorkflow	11/9/07 12:53 PM	Checkin	gibsonam	Public	005700
AWWU_SubWorkflow	11/9/07 2:02 PM	Approve	premomc	Public	005700
HLB_SubWorkflow	11/13/07 9:05 AM	Approve	oswaldtr	Public	005700
ECD_SubWorkflow	11/13/07 9:07 AM	Approve	villarealm	Public	005700
AllOrdinanceWorkflow	11/14/07 1:09 PM	Reject	mitsonjl	Public	005700
AllOrdinanceWorkflow	11/14/07 8:06 PM	Checkin	gibsonam	Public	005700
AWWU_SubWorkflow	11/15/07 9:18 AM	Approve	premomc	Public	005700
HLB_SubWorkflow	11/15/07 5:19 PM	Approve	mehnerwm	Public	005700
ECD_SubWorkflow	11/16/07 7:10 AM	Approve	villarealm	Public	005700
OMB_SubWorkflow	11/19/07 8:21 AM	Approve	mitsonjl	Public	005700
AllOrdinanceWorkflow	11/19/07 3:52 PM	Reject	gatesdt	Public	005700
AllOrdinanceWorkflow	11/20/07 10:23 AM	Checkin	gibsonam	Public	005700
AllOrdinanceWorkflow	11/20/07 10:23 AM	Checkin	gibsonam	Public	005700
AWWU_SubWorkflow	11/20/07 10:30 AM	Approve	premomc	Public	005700
HLB_SubWorkflow	11/20/07 11:49 AM	Approve	mehnerwm	Public	005700
ECD_SubWorkflow	11/20/07 12:22 PM	Approve	thomasm	Public	005700
OMB_SubWorkflow	11/20/07 3:45 PM	Approve	mitsonjl	Public	005700
Legal_SubWorkflow	11/21/07 11:14 AM	Approve	gatesdt	Public	005700
MuniManager_SubWorkflow	11/29/07 6:40 PM	Approve	leblancdc	Public	005700
MuniMgrCoord_SubWorkflow	11/30/07 9:18 AM	Approve	abbottmk	Public	005700