

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

ANCHORAGE, ALASKA

AO No. 2007-170

Date: 1-8-08

1 AN ORDINANCE AUTHORIZING A LEASE FOR THE CONTINUED USE AND
2 MAINTENANCE OF TELECOMMUNICATION FACILITIES, FOR A PORTION OF
3 SPENARD HEIGHTS, TRACT 5 N&S 2, LOCATED WEST OF CHEVIGNY STREET
4 AND NORTH OF W. 64TH AVENUE BETWEEN ANCHORAGE WATER AND
5 WASTEWATER UTILITY, A PUBLIC CORPORATE AUTHORITY OF THE
6 MUNICIPALITY OF ANCHORAGE, AND ALASKA COMMUNICATIONS SYSTEMS
7 WIRELESS INC.

8
9 WHEREAS, the Municipality of Anchorage owns property described as Spenard Heights,
10 Tract 5 N&S 2, located West of Chevigny Street and North of W. 64th Avenue; and

11
12 WHEREAS, AMC section 25.10.050 states that the Mayor may in writing designate any
13 municipal agency as the managing authority of a specific parcel of municipal property; and

14
15 WHEREAS, Land management authority for this property was designated to Anchorage
16 Water & Wastewater Utility (AWWU) in March of 2000; and

17
18 WHEREAS, Alaska Communications Systems (ACS) Wireless, Inc. has previously placed
19 a community interest telecommunication facilities at this location under revocable land use
20 agreements between AWWU and ACS Wireless, Inc.; and

21
22 WHEREAS, AMC section 25.30.020 states that disposal of Municipal land or interest
23 therein shall be by ordinance only; and

24
25 WHEREAS, AMC section 25.30.040 states that, notwithstanding exceptions, all disposals
26 of municipal land shall be for fair market value of the interest disposed of, and the
27 municipality may accept in exchange for municipal land any consideration of sufficient
28 value not prohibited by law; and

29
30 WHEREAS, at its November 7, 2007 meeting, the AWWU Authority Board supported ACS
31 Wireless, Inc.'s request for continued lease privileges within MOA-AWWU property; now
32 therefore,

33
34 **THE ANCHORAGE ASSEMBLY ORDAINS:**

35
36 **Section 1.** AWWU is authorized to lease ground space on a portion of Spenard
37 Heights Tract 5 N&S 2; to ACS Wireless, Inc. upon the terms and conditions summarized
38 in the Assembly Memorandum submitted to the Assembly with this ordinance.

39
40 **Section 2.** The lease shall be for a term of five years with three five year renewal
41 periods, subject to mutual consent of both parties. The annual lease payment for each of
42 the years for the first five years shall be \$9,900 for this location.

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

Dublin Ossiander
Vice Chair

ATTEST:

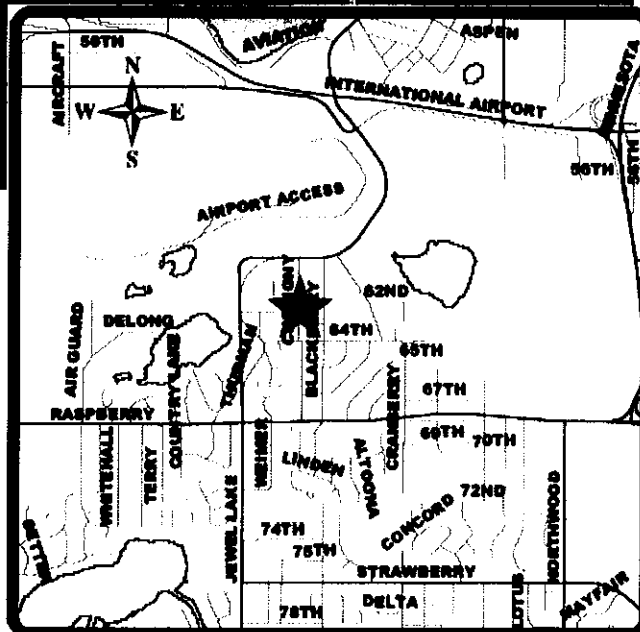
Bonnie S. Jensen
Municipal Clerk

Exhibit A

Parcel ID 012-052-11 & 12
Chevigny Reservoirs
Spenard Heights Tr 5 N&S 2

ACS Wireless,
Inc. Tower

Chevigny Reservoirs Site
6300-6304 Chevigny Street
Grid SW2026



VICINITY MAP

Municipality of Anchorage
Summary of Economic Effects - Utilities

AO 2007- 170

Title: An Ordinance Authorizing a Lease, for the continued use and maintenance of Telecommunication Facilities, for a portion of Spenard Heights Tract 5 N&S 2, located West of Chevigny Street and North of W. 64th Avenue 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 747 -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, for a portion of Spenard Heights Tract 5**
5 **N&S 2, located West of Chevigny Street and North of W. 64th Avenue**
6 **between Anchorage Water and Wastewater Utility (AWWU) a Public**
7 **Corporate Authority of the Municipality of Anchorage (MOA) and Alaska**
8 **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 \$9,900 for this location. These annual rates are comparable with fees charged by
21 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 FOR A PORTION OF SPENARD HEIGHTS TRACT 5 N&S 2.**
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 : 005701

Type: Ordinance - AO

Title: A LEASE FOR THE CONTINUED USE AND MAINTENANCE OF
TELECOMMUNICATION FACILITIES, FOR A PORTION OF SPENARD
HEIGHTS, TRACT 5 N&S 2, LOCATED WEST OF CHEVIGNY STREET
AND NORTH OF W. 64TH AVENUE

Author: gibsonam

Initiating Dept: AWWU

Review Depts: HLB, ECD

Date Prepared: 11/9/07 1:00 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
CLERKS OFFICE

Workflow History

| Workflow Name | Action Date | Action | User | Security Group | Content ID |
|--------------------------|-------------------|---------|-------------|----------------|------------|
| AllOrdinanceWorkflow | 11/9/07 1:02 PM | Checkin | gibsonam | Public | 005701 |
| AWWU_SubWorkflow | 11/9/07 2:03 PM | Approve | premomc | Public | 005701 |
| HLB_SubWorkflow | 11/13/07 9:10 AM | Approve | oswaldtr | Public | 005701 |
| ECD_SubWorkflow | 11/13/07 9:14 AM | Approve | villareallm | Public | 005701 |
| AllOrdinanceWorkflow | 11/14/07 1:14 PM | Reject | mitsonjl | Public | 005701 |
| AllOrdinanceWorkflow | 11/14/07 8:02 PM | Checkin | gibsonam | Public | 005701 |
| AWWU_SubWorkflow | 11/15/07 9:18 AM | Approve | premomc | Public | 005701 |
| HLB_SubWorkflow | 11/15/07 5:20 PM | Approve | mehnerwm | Public | 005701 |
| ECD_SubWorkflow | 11/16/07 7:10 AM | Approve | villareallm | Public | 005701 |
| OMB_SubWorkflow | 11/19/07 8:22 AM | Approve | mitsonjl | Public | 005701 |
| Legal_SubWorkflow | 11/21/07 11:22 AM | Approve | gatesdt | Public | 005701 |
| MuniManager_SubWorkflow | 11/29/07 6:38 PM | Approve | leblancdc | Public | 005701 |
| MuniMgrCoord_SubWorkflow | 11/30/07 9:18 AM | Approve | abbottmk | Public | 005701 |