

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

CITY CLERK'S OFFICE

APPROVED

Date: 1-8-08

ANCHORAGE, ALASKA

AO No. 2007- 171

AN ORDINANCE AUTHORIZING A LEASE, FOR THE CONTINUED USE AND MAINTENANCE OF TELECOMMUNICATION FACILITIES, ON A PORTION OF SECTION 4, T12N, R4W, LOT 7, NORTH OF KINCAID ROAD AND EAST OF JODHPUR ROAD BETWEEN ANCHORAGE WATER AND WASTEWATER UTILITY, A PUBLIC CORPORATE AUTHORITY OF THE MUNICIPALITY OF ANCHORAGE, AND ALASKA COMMUNICATIONS SYSTEMS WIRELESS INC.

WHEREAS, the Municipality of Anchorage owns property described as Section 4, T12N, R4W, Lot 7, located North of Kincaid Road and East of Jodhpur Road; and

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

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

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

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

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

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

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. AWWU is authorized to lease ground space on a portion of Section 4, T12N, R4W, Lot 7; to ACS Wireless, Inc. upon the terms and conditions summarized in the Assembly Memorandum submitted to the Assembly with this ordinance.

Section 2. The lease shall be for a term of five years with three five year renewal periods, subject to mutual consent of both parties. The annual lease payment for each of the years for the first five years shall be \$13,200 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

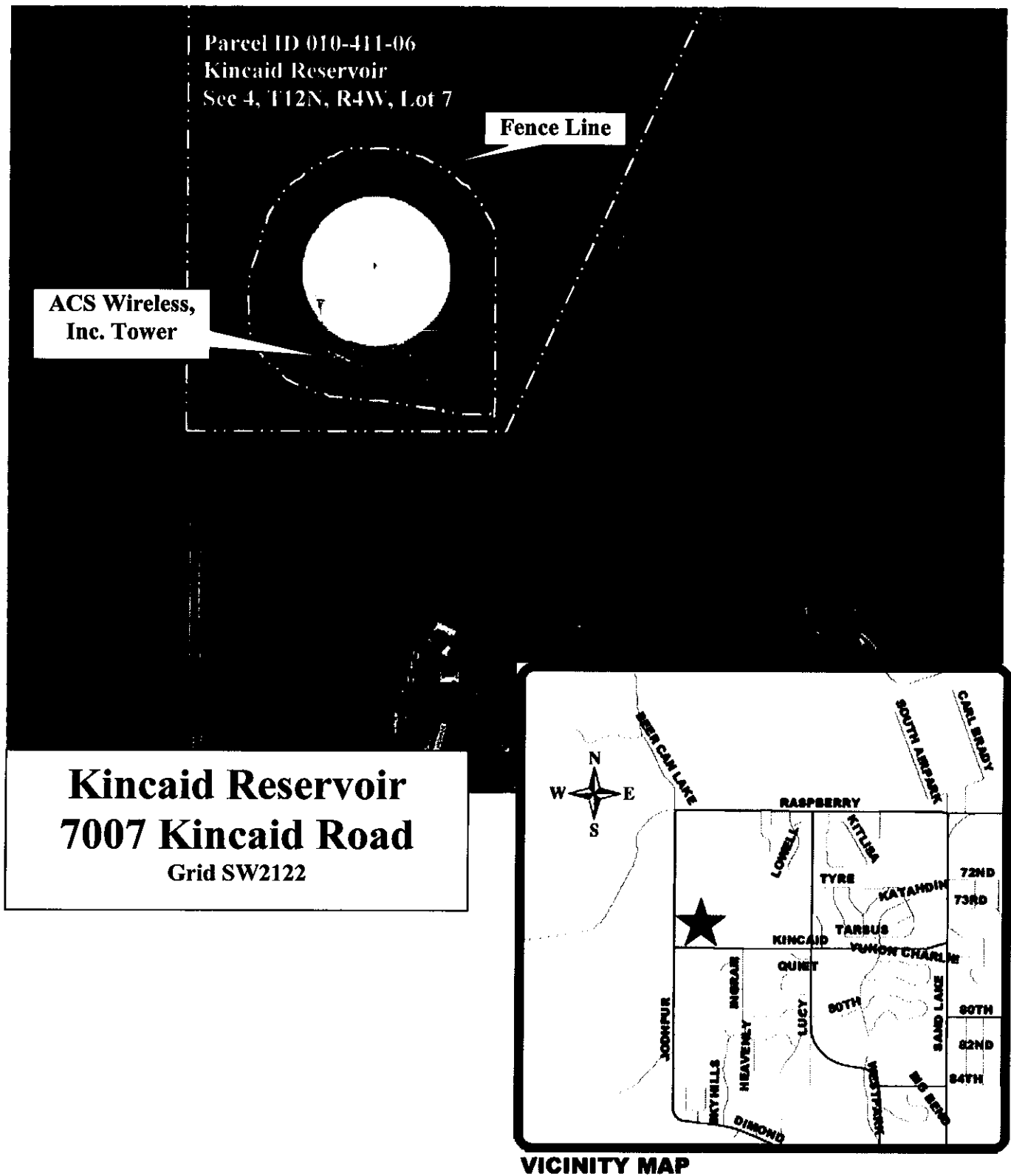
January, 2008

Debbi Ossander
Vice Chair

ATTEST:

Brian S. Owens
Municipal Clerk

Exhibit A



Municipality of Anchorage
Summary of Economic Effects - Utilities

AO 2007- 171

Title: An Ordinance Authorizing a Lease, for the continued use and maintenance of Telecommunication Facilities, on a portion of Section 4, T12N, R4W, Lot 7, North of Kincaid Road and East of Jodhpur Road 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:	\$13.2	\$13.2	\$13.2	\$13.2	\$13.2
Non-Operating Expenses					
Total Non-Operating Expenses:	\$1.0	\$1.0	\$1.0	\$1.0	\$1.0
NET INCOME	\$12.2	\$12.2	\$12.2	\$12.2	\$12.2
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 \$12,200 for each of the next five years

Private Sector Economic Effects: Cumulative expense to ASC Wireless, Inc. of \$13,200 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 748 -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 4, T12N, R4W,**
5 **Lot 7, located North of Kincaid Road and East of Jodhpur Road between**
6 **Anchorage Water and Wastewater Utility (AWWU) a Public Corporate**
7 **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 \$13,200 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 ON A PORTION OF SECTION 4, T12N, R4W, LOT 7.**
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 :** 005702**Type:** Ordinance - AO

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TELECOMMUNICATION FACILITIES, ON A PORTION OF SECTION 4,
T12N, R4W, LOT 7, NORTH OF KINCAID ROAD AND EAST OF
JODHPUR ROAD

Author: gibsonam

Initiating Dept: AWWU

Review Depts: HLB, ECD

Date Prepared: 11/9/07 1:07 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 1:07 PM	Checkin	gibsonam	Public	005702
AWWU_SubWorkflow	11/9/07 2:04 PM	Approve	premomc	Public	005702
HLB_SubWorkflow	11/13/07 9:09 AM	Approve	oswaldtr	Public	005702
ECD_SubWorkflow	11/13/07 9:13 AM	Approve	villareallm	Public	005702
AllOrdinanceWorkflow	11/14/07 1:10 PM	Reject	mitsonjl	Public	005702
AllOrdinanceWorkflow	11/14/07 8:03 PM	Checkin	gibsonam	Public	005702
AWWU_SubWorkflow	11/15/07 9:18 AM	Approve	premomc	Public	005702
HLB_SubWorkflow	11/15/07 5:21 PM	Approve	mehnerwm	Public	005702
ECD_SubWorkflow	11/16/07 7:11 AM	Approve	villareallm	Public	005702
OMB_SubWorkflow	11/19/07 8:17 AM	Approve	mitsonjl	Public	005702
Legal_SubWorkflow	11/21/07 11:22 AM	Approve	gatesdt	Public	005702
MuniManager_SubWorkflow	11/29/07 6:37 PM	Approve	leblancdc	Public	005702
MuniMgrCoord_SubWorkflow	11/30/07 9:19 AM	Approve	abbottmk	Public	005702