

Submitted by: ASSEMBLY CHAIR COFFEY

Prepared by: Assembly Counsel

For reading: June 26, 2007

CLERK'S OFFICE

APPROVED

ANCHORAGE, ALASKA

Date: 6-26-07

AR NO. 2007- 163

1 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY SCHEDULING A
2 PUBLIC HEARING ON AN APPEAL UNDER AMC 12.35.010, ON HAMILTON
3 HOMESTEAD, LLC APPLICATION FOR DETERIORATED PROPERTY TAX EXEMPTION
4 INVOLVING A MULTI-USE DEVELOPMENT.
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6 WHEREAS, Alaska Statute 29.45.050 and Anchorage Municipal Code chapter
7 12.35 provide that real property determined to be "deteriorated" may be eligible to
8 receive a partial or total property tax exemption for up to 10 years and a tax deferral
9 for up to 5 years; and
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11 WHEREAS, the Municipality of Anchorage, Chief Fiscal Officer received an
12 application on behalf of Hamilton Homestead, LLC for a multi-use development project
13 to include an adult condominium facility, office space, loft apartment complex, self-
14 storage facility, covered parking and additional space for future development; and
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16 WHEREAS, the Chief Fiscal Officer in review of the application has determined
17 that the project specific data contained in the application is preliminary and conceptual
18 in nature, and as such is considered unreliable for analytical purposes; and
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20 WHEREAS, the Chief Fiscal Officer's determination dated June 8, 2007, finds
21 that without project financial data in a more final state, it is not possible to verify with
22 any degree of certainty that the project needs special tax treatment or that community
23 benefits are commensurate with the tax exemption and deferral being requested; and
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25 WHEREAS, the Municipal Attorney's summary of legal requirements under
26 Anchorage Municipal Code chapter 12.35 dated June 8, 2007, provides that the Chief
27 Fiscal Officer must first determine the data and representations made by the applicant
28 to be concrete and reliable; and
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30 WHEREAS, the Chief Fiscal Officer has determined that concept plans and
31 preliminary estimates do not meet the standard of concrete and reliable; and
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33 WHEREAS, Anchorage Municipal Code subsection 12.35.010C provides that
34 the applicant may place the matter before the Assembly on appeal, and under
35 subsection 12.35.010D, the Assembly has the option of accepting the appeal and
36 conducting a public hearing; and

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2 WHEREAS, applicant has requested public hearing before the Assembly on
3 July 24, 2007 to appeal the determinations of the Chief Fiscal Officer on this
4 application;

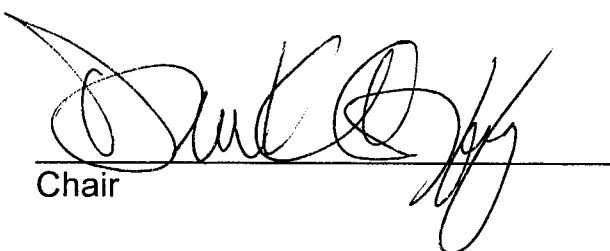
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6 NOW, THEREFORE, the Anchorage Assembly resolves:

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8 **Section 1.** Public hearing on this appeal will be heard by the Assembly on July
9 24, 2007, provided that applicant shall submit the appeal to the Municipal Clerk,
10 with a copy to the Municipal Attorney's Office by close of business on Tuesday,
11 July 3, 2007, along with any briefing and written presentation to be heard by the
12 Assembly.

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14 **Section 2.** This is an appeal of a municipal decision to the assembly and upon
15 passage of this resolution accepting the appeal for public hearing, neither
16 appellant nor its representatives shall engage in *ex parte* contact with Assembly
17 members on the merits of this appeal.

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19 **Section 3.** In the sole discretion of the Municipal Attorney upon receipt of
20 appellant's appeal, briefing, and written presentation materials, the Municipal
21 Attorney's Office may respond to the appeal.

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23 PASSED AND APPROVED by the Anchorage Assembly this 26th day of
24 June, 2007.

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Chair

ATTEST:



Municipal Clerk