

Submitted by: Chair of the Assembly
At the Request of the Mayor
Prepared by: Heritage Land Bank
For Reading: February 26, 2008

CLERK'S OFFICE

APPROVED

Date: 3-18-08

ANCHORAGE, ALASKA
AO No. 2008-38

**AN ORDINANCE AUTHORIZING A NON-EXCLUSIVE UTILITY EASEMENT
TO ACS CABLE SYSTEMS ACROSS HLB PARCELS 4-033A, 4-033B AND 4-034,
FOR INSTALLATION OF A FIBER OPTIC CABLE AND RELATED
FACILITIES.**

WHEREAS, the Heritage Land Bank (HLB) was established to...“manage uncommitted municipal land and the Heritage Land Bank Fund in a manner designed to benefit the present and future citizens of Anchorage, promote orderly development, and achieve the goals of the Comprehensive Plan. The Heritage Land Bank shall acquire, inventory, manage, withdraw, transfer and dispose of municipal land which has not been dedicated or transferred to a specific municipal agency for one or more municipal uses.” (AMC section 25.40.010); and

WHEREAS, “The disposal responsibility of the Heritage Land Bank is, at the direction of the mayor and Assembly, to convey from municipal ownership Heritage Land Bank land or interests in land which is not needed for specific public facilities or purposes. Each disposal shall be in the municipal interest, and based at or above appraised fair market value or for other equivalent municipal values or objectives, under the procedures specified in AMC Section 25.40.025.” (AMC section 25.40.010E.); and

WHEREAS, an appraisal of the 20 year use term is expected by April 1, 2008 to establish a fair market use fee; and

WHEREAS, HLB posted the properties and conducted an agency review by all potentially interested Municipal agencies to establish that the subject easement is in the best interest of the Municipality; and

WHEREAS, on February 14, 2008, the Heritage Land Bank Advisory Commission held a public meeting as specified in AMC 25.40.030 and approved Resolution 2008-02, recommending Assembly approval to issue the easement; and

WHEREAS, pursuant to the Charter, the Assembly must find this non-exclusive easement is without substantial value to the municipality; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. This non-exclusive easement over Heritage Land Bank parcels 4-033A, 4-033B, and 4-034, located near the Ted Stevens International Airport, does not prevent future use by the Municipality or impact the public use of the property, and it is the finding of the Assembly this easement is without substantial value to the municipality.

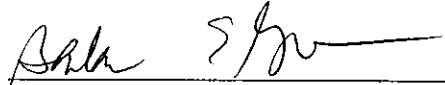
Section 2. Pursuant to the basic terms and conditions set out in the accompanying Assembly Memorandum, Heritage Land Bank may grant a non-exclusive easement over portions of Parcels 4-033A, 4-033B and 4-034 to ACS Cable Systems for installation of a fiber optic cable and related facilities for at least the appraised fair market use fee value.

Section 3. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 18th day of March, 2008.


Chair

ATTEST:


Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2008-38 Title: **AN ORDINANCE AUTHORIZING A NON-EXCLUSIVE UTILITY EASEMENT TO ACS CABLE SYSTEMS ACROSS HLB PARCELS 4-033A, 4-033B AND 4-034, FOR INSTALLATION OF A FIBER OPTIC CABLE AND RELATED FACILITIES.**

Sponsor: MAYOR
Preparing Agency: Heritage Land Bank
Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES: (Thousands of Dollars)					
	FY08	FY09	FY10	FY11	FY12
Operating Expenditures					
1000 Personal Services					
2000 Supplies					
3000 Other Services					
4000 Debt Service					
5000 Capital Outlay					
TOTAL DIRECT COSTS:	0	0	0	0	0
6000 IGCs	0	0	0	0	0
FUNCTION COST:	0	0	0	0	0
REVENUES:	(1)	0	0	0	
CAPITAL:	0	0	0	0	0
POSITIONS: FT/PT and Temp.	0	0	0	0	0

PUBLIC SECTOR ECONOMIC EFFECTS:

Disposal of easement for fiber optic cable installation; revenue generated from the purchase shall go to the Heritage Land Bank Fund (221).

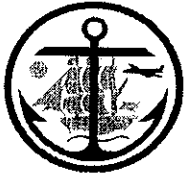
(1) Fair market use fee value is currently being determined by appraisal due April 1, 2008.

PRIVATE SECTOR ECONOMIC EFFECTS:

Improvement in telecommunications connections to lower 48, ACS improves their competitiveness in the telecom market.

Prepared by: William M. Mehner
Heritage Land Bank Director

Telephone: 343-4337



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

AM No. 154-2008

Meeting Date: February 26, 2008

From: MAYOR

Subject: AN ORDINANCE AUTHORIZING A NON-EXCLUSIVE UTILITY EASEMENT TO ACS CABLE SYSTEMS ACROSS HLB PARCELS 4-033A, 4-033B AND 4-034, FOR INSTALLATION OF A FIBER OPTIC CABLE AND RELATED FACILITIES.

Action: Grant non-exclusive utility easement

Grantee: ACS Cable Systems

Valuation: Market value for a 20 year easement term, to be determined by appraisal due April 1, 2008

Term: 20 years; plus option upon mutual consent of the parties for 10 year extension, with additional use fee based on market value

This ordinance authorizes Heritage Land Bank (HLB) to grant a non-exclusive utility easement 2.34 acres in size near the western end of the east-west runway of Ted Stevens Anchorage International Airport. The subject parcels are vacant and legally described as HLB Parcel 4-033A, TID 01040127, HLB Parcel 4-033B, TID 01040137, and HLB Parcel 4-034, TID 01040109 (Appendix A). The easement runs for a distance of approximately 6,635.6 linear feet at a width of 15 feet. A beach manhole also to be installed is 50 feet by 50 feet for an area of 2,500 square feet. The purpose of the installation is to extend the life of existing cables in the Anchorage area and to increase available telecommunications capacity between Alaska and the contiguous states. The cable comes onto HLB property at Pt. Woronzof to onshore facilities consisting of an underground utility vault and small equipment shelter. The terrestrial cable then extends across HLB lands to airport property and beyond to tie into existing ACS facilities. The easement term is 20 years with an option to extend another 10 years with an additional market value use fee determined at that time. The fair market value of the easement use fee is to be established by appraisal due to the HLB by April 1, 2008.

Public Process. The HLB conducted an agency review and received no objection from other municipal agencies for disposal of the subject property. Municipal agencies requested construction activities not impact the Tony Knowles Coastal Trail and activities be screened from the trail corridor; stipulations governing the activities are included in the easement document. The HLB posted notice of public hearing on the property on January 21, 2008. The public hearing was advertised in the Anchorage Daily News January 21, and February 5 and 12, 2008. Neighborhood community councils were informed of the project and had no comments. The HLB Advisory Commission held a public hearing on February 14, 2008 and approved HLBAC Resolution No. 2008-02 (Appendix B).

Recommendation. Heritage Land Bank staff considers the proposed easement of the approximately 2.34 acres within the three parcels to be an appropriate use of HLB land. The proposed use is compatible with both the Comprehensive Plan designation and the zoning for this area. At its February 14, 2008 meeting, the HLB Advisory Commission found the grant of a non-exclusive easement is in the best interest of the Municipality of Anchorage. The HLB Advisory Commission therefore recommends Assembly approval of the grant of a non-exclusive easement (Appendix B).

**THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE
AUTHORIZING A NON-EXCLUSIVE UTILITY EASEMENT TO ACS CABLE
SYSTEMS ACROSS HLB PARCELS 4-033A, 4-033B AND 4-034, FOR
INSTALLATION OF A FIBER OPTIC CABLE AND RELATED FACILITIES.**

Prepared by:	Heritage Land Bank
Approved by:	William M. Mehner, Director
	Heritage Land Bank
Concur:	Mary Jane Michael, Executive Director
	Department of Economic and Community Development
Concur:	James N. Reeves, Municipal Attorney
Concur:	Michael Abbott, Municipal Manager
Respectfully submitted,	Mark Begich, Mayor

Appendices:

Appendix A—Site Map

Appendix B—HLB Advisory Commission Resolution 2008-02

[illegible][illegible]

Appendix B

MUNICIPALITY OF ANCHORAGE HERITAGE LAND BANK ADVISORY COMMISSION

RESOLUTION No. 2008-02

A RESOLUTION OF THE HERITAGE LAND BANK ADVISORY COMMISSION (HLBAC) RECOMMENDING ASSEMBLY APPROVAL FOR DISPOSAL OF AN EASEMENT TO ACS CABLE SYSTEMS INC. OF A PORTION OF HLB PARCELS NO. 4-033A, 4-033B AND 4-034, FOR INSTALLATION OF A FIBER OPTIC CABLE AND RELATED FACILITIES.

WHEREAS, the Heritage Land Bank (HLB) was established to... "Manage uncommitted municipal land and the Heritage Land Bank Fund in a manner designed to benefit the present and future citizens of Anchorage, promote orderly development, and achieve the goals of the Comprehensive Plan" (AMC 25.40.010); and

WHEREAS, AMC 25.40.025.A states, "The Heritage Land Bank Advisory Commission shall hold a public hearing, with public notice as specified in this chapter, prior to making a recommendation to the Mayor and Assembly regarding the disposal of Heritage Land Bank land or an interest in land."; and

WHEREAS, the subject parcels are vacant and legally described as HLB Parcel 4-033A, TID 01040127, HLB Parcel 4-033B, TID 01040137, and HLB Parcel 4-034, TID 01040109; and

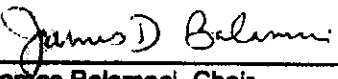
WHEREAS, the disposal of this parcel is in the best interest of the Municipality and improves telecommunications in the Anchorage area; and

WHEREAS, HLB posted the property and conducted public notice and an agency review by all potentially interested Municipal agencies to establish no objections to the easement encumbrance; and

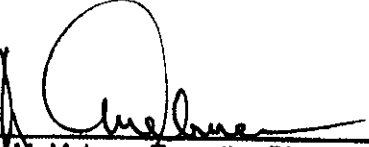
NOW, THEREFORE, THE HERITAGE LAND BANK ADVISORY COMMISSION RECOMMENDS ASSEMBLY APPROVAL FOR DISPOSAL OF AN EASEMENT TO ACS CABLE SYSTEMS INC. OF A PORTION OF HLB PARCELS NO. 4-033A, 4-033B AND 4-034, FOR INSTALLATION OF A FIBER OPTIC CABLE AND RELATED FACILITIES.

PASSED AND APPROVED the 15TH day of February 2008.

Approved:


James Balama, Chair
Heritage Land Bank Advisory Commission


Attest:


William M. Mehner, Executive Director
Heritage Land Bank

Content ID: 006049**Type:** Ordinance-InvolvingFunds - AO**Title:** Utility Easement Through HLB Parcels in Pt. Woronzof Vicinity**Author:** vanhornlr**Initiating Dept:** HLB**Description:** Telecommunication (cable) utility easement through HLB Parcels #4-033A & B, and 4-034, Located at Pt. Woronzof**Date Prepared:** 2/15/08 4:34 PM**Director Name:** Mehner**Assembly Meeting Date:** 2/26/08**Public Hearing Date:** 3/18/08

2008 FEB 27 AM 10:10
 CLERK'S OFFICE
 M.O.A

Workflow Name	Action Date	Action	User	Security Group	Content ID	Revision
Clerk_Admin_SubWorkflow	2/27/08 9:59 AM	Exit	Joy Maglaqui	Public	006049	0
MuniMgrCoord_SubWorkflow	2/27/08 9:59 AM	Approve	Joy Maglaqui	Public	006049	0
MuniManager_SubWorkflow	2/27/08 9:59 AM	Approve	Joy Maglaqui	Public	006049	0
Legal_SubWorkflow	2/25/08 3:27 PM	Approve	Rhonda Westover	Public	006049	0
CFO_SubWorkflow	2/25/08 2:51 PM	Approve	Sharon Weddleton	Public	006049	0
OMB_SubWorkflow	2/21/08 4:15 PM	Approve	Wanda Phillips	Public	006049	0
ECD_SubWorkflow	2/19/08 4:44 PM	Approve	Lisa Villareal	Public	006049	0
HLB_SubWorkflow	2/19/08 4:43 PM	Approve	William Mehner	Public	006049	0
AllFundOrdinanceWorkflow	2/15/08 4:38 PM	Checkin	Lynn Roderick Van Horn	Public	006049	0



CONSSENT AGENDA - INTRODUCTION