

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Planning Department  
For reading: July 29, 2008

**CLERK'S OFFICE**

**APPROVED**  
Date: 8-19-08 Anchorage, Alaska  
AO 2008-91

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING FROM PLI-p DISTRICT TO T DISTRICT FOR TRACTS 2 AND 3, EDMONDS LAKE PARK SUBDIVISION (PLAT 2008-59), CONSISTING OF APPROXIMATELY 20 ACRES; GENERALLY LOCATED NORTH OF THE GLENN HIGHWAY.

(Chugiak Community Council) (Planning and Zoning Commission Case 2008-087)

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** The zoning map shall be amended by designating the following described property as T (Transition District):

Tracts 2 and 3, Edmonds Lake Park Subdivision (Plat 2008-59), consisting of approximately 20 acres, generally located north of the Glenn Highway, as shown on Exhibit A.

**Section 2.** The ordinance shall be effective upon passage and approval. The Director of the Planning Department shall change the zoning map accordingly.

PASSED AND APPROVED by the Anchorage Assembly this 19th  
day of August 2008.

ATTEST:

  
Chair

  
Municipal Clerk

(Tax I.D. No. 051-011-68)

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2008-91

Title: An ordinance of the Anchorage Assembly amending the zoning map and providing for the rezoning from PLI-p to T for Tracts 2 and 3, Edmonds Lake Park Subdivision (Plat 2008-59), consisting of approximately 20 acres; generally located north of the Glenn Highway.

Sponsor:

Preparing Agency: Planning Department

Others Impacted:

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>					
<b>(In Thousands of Dollars)</b>					
	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>	<b>FY12</b>
<b>Operating Expenditures</b>					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
<b>TOTAL DIRECT COSTS:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
<b>FUNCTION COST:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>REVENUES:</b>					
<b>CAPITAL:</b>					
<b>POSITIONS: FT/PT and Temp</b>					

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Approval of this ordinance should have no significant impacts on the public sector.

Property Appraisal notes the rezoning should have no negative impact to the assessed valuations as the property is exempt.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

Approval of the rezoning should have no significant economic impact on the private sector.

Prepared by: Jerry T. Weaver Jr.

Telephone: 343-7939



# MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 492-2008

**Meeting Date:** July 29, 2008

**From:** Mayor

**Subject:** An ordinance of the Anchorage Assembly amending the zoning map and providing for the rezoning from PLI-p to T for Tracts 2 and 3, Edmonds Lake Park Subdivision (Plat 2008-59), consisting of approximately 20 acres; generally located north of the Glenn Highway.

1 On June 2, 2008, the Planning and Zoning Commission recommended approval to  
2 rezone the subject property owned by the Municipality of Anchorage, from PLI-p  
3 (Public Lands and Institutions-Park District) to T (Transition District).  
4

5 The purpose of the zoning amendment is to rezone properties that are being transferred  
6 from the Municipality of Anchorage to Eklutna, Inc. under the terms of a land exchange  
7 approved by the Anchorage Assembly with Assembly Ordinance 2006-19(S), and  
8 approved by Anchorage voters on April 6, 2006. This zoning amendment will rezone  
9 the parcel transferred to Eklutna, Inc. from PLI-p to T. This will make the zoning  
10 consistent with the other Eklutna, Inc. lands adjacent to this property.  
11

12 The subject property consists of two undeveloped lots containing approximately 20  
13 acres which are located north of the Glenn Highway. On May 7, 2008, the Platting  
14 Board approved the preliminary plat S-11665-1, Edmonds Lake Park Subdivision and  
15 was recorded as Plat 2008-59.  
16

17 The *Chugiak-Eagle River Comprehensive Plan Update* (December 2006) identifies this  
18 site as both *Development Reserve* and *Park and Natural Resource*. The rezone is  
19 compatible with the *Development Reserve* classification and the intent of that  
20 designation on the land use classification map.  
21

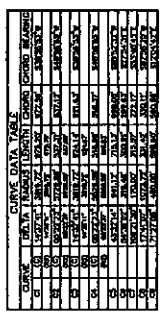
22 The Planning and Zoning Commission recommended APPROVAL of the rezone to T  
23 for the subject property by a vote of six yeas and zero nays.  
24

25 THE ADMINISTRATION RECOMMENDS ADOPTION OF THE PROPOSED  
26 ORDINANCE.  
27

28 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department  
29 Concur: Tom Nelson, Director, Planning Department  
30 Concur: Mary Jane Michael, Director, Office of Economic and Community  
31 Development  
32 Concur: Michael K. Abbott, Municipal Manager  
33 Respectfully submitted, Mark Begich, Mayor  
34  
35

(Case 2008-087; Tax I.D. No. 051-011-68)

## 001



**MUNICIPALITY OF ANCHORAGE**  
**PLANNING AND ZONING COMMISSION RESOLUTION NO. 2008-045**

A RESOLUTION APPROVING A REZONING FROM PLI-P (PUBLIC LANDS AND INSTITUTIONS - PARKS DISTRICT) TO T (TRANSITION DISTRICT) OF THAT PORTION OF SECTION 35, TOWNSHIP 16 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA, LYING NORTHWESTERLY OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE GLENN HIGHWAY, EXCEPTING ALL THE PORTION OF ASLS NO.91-106, PLAT 98-107, (PROPOSED EDMONDS LAKE PARK TRACTS 1, 2, AND 3 PER PLATTING CASE S-11665-1), CONSISTING OF APPROXIMATELY 20 ACRES; GENERALLY LOCATED NORTH OF THE GLENN HIGHWAY.

(Case 2008-087; Tax I.D. No. 051-011-68)

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WHEREAS, a request has been received from Eklutna, Inc. to rezone approximately 20 acres from PLI-p (Public Lands and Institutions – parks District) to T (Transition District), of that portion of Section 35, Township 16 North, Range 1 West, Seward Meridian, Alaska, lying northwesterly of the northwesterly right-of-way line of the Glenn Highway, excepting all the portion of the ASLS No. 91-106, Plat 98-107, (proposed Edmonds Lake Park Subdivision Tracts 1, 2, and 3 per platting case S-11665-1), consisting of approximately 20 acres, generally located north of the Glenn Highway.

WHEREAS, notices were published, posted, public hearing notices were mailed, and a public hearing was held on June 2, 2008.

WHEREAS, the Assembly authorized disposal of 20 acres of Mirror Lake/Edmonds Lake Park to Eklutna, Inc., in exchange for an 8-acre parcel of land located adjacent to Mt. Baldy for trail access to Chugach State Park under Assembly Ordinance 2006-19(S) and subsequently approved by Anchorage Voters on April 6, 2006.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:


A. The Commission makes the following findings of fact:

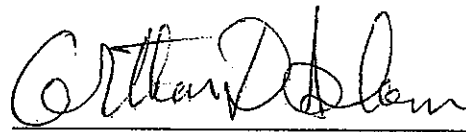
1. This is a request by the petitioner to rezone the subject property from PLI-p District to T District.
2. The Chugiak-Eagle River Comprehensive Plan Update (December 2006) identifies this site as both Development Reserve and Park and Natural Resource. The rezone is compatible with the Development Reserve classification and the intent of that designation on the land use classification map.

3. The rezone is consistent with the Exchange Agreement between Eklutna, Inc. and MOA approved under Assembly Ordinance 2006-19(S).
  4. Anchorage Voters approved the reversion from PLI-p to PLI on April 6, 2006.
  5. There are thousands of acres of T zoned property located north and west of the subject property.
  6. No development is currently being proposed by Eklutna, Inc. This zoning map amendment will make the public lands that are being transferred to Eklutna, Inc. consistent with the zoning of other Eklutna, Inc. owned property in the vicinity.
  7. The proposed rezoning is in compliance with the Comprehensive Plan and zoning standards of AMC 21.20.090 Zoning Standards for Approval.
  8. The Commission recommended approval of the request by a unanimous vote: 6-yes, 0-nay.
- B. The Commission recommends to the Anchorage Assembly that the subject property be rezoned to T.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 2nd day of June, 2008.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 25th day of June, 2008.

  
\_\_\_\_\_  
Tom Nelson  
Secretary

  
\_\_\_\_\_  
for Toni M. Jones  
Chair

(Case 2008-087; Tax I.D. No. 051-011-68)

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**F. REGULAR AGENDA – None**

**G. PUBLIC HEARINGS**

1.     **2008-081**           Municipality of Anchorage. An ordinance of the Anchorage Downtown Comprehensive Plan, To adjust Maps and Remove the Mixed-Use Residential Land Use Designation of East Addition, Block 36, Lot 2, from Downtown.

***POSTPONED TO JUNE 25, 2008***

2.     **2008-082**           Municipality of Anchorage. An ordinance of the Anchorage Municipal Assembly amending the Zoning Map, and providing for the rezoning of East Addition, Block 36, Lot 2 and East Addition, Block 35, from PLI (Public Lands and Institutions) To 1-2SL (Heavy Industrial with Special Limitations); generally located at the northeast corner of Eagle Street and East 3<sup>rd</sup> Avenue.

***POSTPONED TO JUNE 25, 2008***

COMMISSIONER WANG departed the meeting at 7:25 p.m. as he was excused from participation in case 2008-087.

3.     **2008-087**           Eklutna, Inc. A request to rezone approximately 20 acres (per proposed plat case S11665-1, Edmonds Lake Park Subdivision, Tracts 2 & 3) of a 339.6 acre parcel from PLI-p (Public Lands & Institutions-parks) to T (Transition) zoning district. That portion of Section, 35, T16N, R1W, S.M., Alaska, lying northwesterly of the northwesterly right of way line of the Glenn Highway, excepting all that portion of ASLS No. 91-106, Plat No. 98-107.

Staff member FRANCIS McLAUGHLIN explained that this request to rezone two tracts of land from PLI-p to T. These two tracts were transferred from the Municipality of Anchorage to Eklutna Inc. under

the terms of a land exchanged approved by the Assembly under AO 2006-19(S). Anchorage voters approved removal of the parkland designation for these tracts on April 6, 2006. The *Comprehensive Plan* land use map classifies these tracts as development reserve and parks and natural resource. The proposed rezone is consistent with the *Comprehensive Plan*. The intent of the development reserve designation was to provide for this rezone. There are thousands of acres of T zoned properties to the north and west of these tracts. The rezoning is necessary to give these properties the same zoning designation as the other properties owned by Eklutna Inc. The T district designation is meant for areas that are likely to be developed in the future when there is market demand. No development is currently proposed for these properties. In the T district residential, business, commercial, industrial, and public or quasi-public development is permitted, except as prohibited specified in section E and D of the T district regulations. Any development in the T district must be consistent with the *Comprehensive Plan* and that *Plan* calls for a master plan of the area before any development can occur. Of the 29 public hearing notices mailed, two were returned and one of those was in objection. No municipal agencies objected to the rezoning request. The Department favors the rezoning, finding that it meets the required standards.

COMMISSIONER PHELPS understood that the *Comprehensive Plan* calls for a master plan of the area at the time of development, but that is not included in the Staff recommendations. MR. McLAUGHLIN explained that Staff believes that a condition could be added that a master plan would be required. He suggested that discussion with the applicant on this point may be appropriate. COMMISSIONER PHELPS stated it would seem that if development were to occur in this area in the future, there is some argument that the area should be rezoned at that time. He was aware that a master development plan is a mechanism to that end, but there could be a residential or industrial development in this area under the T zone. MR. McLAUGHLIN responded that Eklutna Inc. has many years of remaining development in Powder Ridge and this property is beyond that site. There are thousands of acres to the north and west of the petition site that are Eklutna-owned and zoned T. There are no utilities in this area, and no roads. The Department supports the petitioner's requested rezoning with the presumption that a master plan would be required in the future.

The public hearing was opened.



TIM POTTER, representing the petitioner, stated this rezoning is housekeeping in nature. Through the trade involving Mt. Baldy access to Chugach State Park, 80 acres will go from Eklutna Inc. to the City and this 20 acres in the PLI-p area is the trade being received by Eklutna Inc. for that access to the Park. Jim Arneson with Eklutna Inc. and he identified the parcels for trade and the trade has gone forward as structured by the voters. A rezoning to T is now requested. Staff originally suggested a rezoning to PLI, but Eklutna Inc. feared that there could be a problem in terms of the public's perception of the use of the property. A rezoning to T would ensure that the public understands that these 20 acres are not part of the park. The property to the north and west of this site is owned by Eklutna Inc. and is zoned T. Future development is anticipated to occur from west to east, toward this property, and this property would be developed last. The T zone gives protection to the public and the City. Only single-family homes could be developed, but roads would have to be developed in order to effect such a development. Any development other than single-family residential will require a master plan and rezoning, so protection exists. He anticipated that a petition to rezone to the PC zone would come forward in the future for the T zoned property owned by Eklutna Inc. There was concern that the public could misunderstand a zoning of PLI to mean a public and/or park use. It is unlikely that Eklutna Inc. would choose to extend roads into this 20 acres in order to develop single-family homes at this time.

COMMISSIONER PALMER stated he is familiar with the conflict over Mt. Baldy and was aware that not rezoning this property would violate the terms of the agreement between the City and Eklutna Inc. MR. POTTER clarified that it would not violate the agreement, but the City has supported a rezoning of the property to an appropriate designation. Mr. Rodda with the ERP&RD signed off for DOWL Engineers to represent Eklutna Inc. and the City in this rezone. The plat is to be signed off no later than June 6, 2008; it is with the City for signature.

COMMISSIONER ISHAM asked if the area zoned PLI-p is owned by Eklutna Inc. MR. POTTER explained that the larger area zoned PLI-p is owned by the City and the two small areas totaling 20 acres are the subject of this rezoning to T and are the City's trade to Eklutna.

COMMISSIONER PHELPS believed Mr. Potter had stated that a master development plan is not necessary because the T zone provides protection and that, other than developing residentially, development of this land would require a rezoning. MR. POTTER believed the T zoning district would require a rezoning for other than large lot single-family residential development. The

T zone requires that nothing can be developed denser than what is developed within 1,000 feet, except through a master plan.

MR. McLAUGHLIN read from the *Chugiak-Eagle River Comprehensive Plan* regarding development reserve "Large lot single-family residential development is allowed as a by-right. a public master planning process with proposed rezonings to active development districts shall occur prior to other development." Eklutna Inc. is permitted to build single-family large lots; if they intend to rezone, a master plan would be required. If industrial property were developed within 1,000 feet of this property, the T zone has to comply with the *Comprehensive Plan* and it classifies this area as park and natural resource and development reserve.

COMMISSIONER ISHAM asked if Mr. McLaughlin was referring to the Powder Reserve. MR. McLAUGHLIN explained that his reference is to development reserve classification, not the Powder Reserve.

COMMISSIONER PHELPS believed the area owned by Eklutna Inc. that is zoned T would be developed from the west and moving eastward, thus Mr. Potter said it is unlikely that Eklutna Inc. would extend water and sewer to this 20 acres prior to the development in the more westerly area. MR. POTTER confirmed this is the case; Eklutna Inc. has land that is more likely to be developed in a nearer time frame than this property.

There was no public testimony.

In rebuttal, MR. POTTER noted that the public voted to approve the land transfer and the rezoning is intended to avoid confusion by the public in terms of the development permitted on this property. He did not believe the T rezone accelerates the development of the property and it does not remove the protection of a master plan development.

The public hearing was closed.

COMMISSIONER PHELPS moved to approve a rezoning from PLI-p (Public Lands & Institutions-parks) to T (Transition) zoning district for the area known as Section, 35, T16N, R1W, S.M., Alaska, lying northwesterly of the northwesterly right of way line of the Glenn Highway, excepting all that portion of ASLS No. 91-106, Plat No. 98-107. COMMISSIONER ISHAM seconded.

COMMISSIONER ISHAM believed the Municipality of Anchorage has committed to a trade of this 20 acres for access to Mt. Baldy. The two selected

**MUNICIPALITY OF ANCHORAGE  
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2008-045**

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(Case 2008-087; Tax I.D. No. 051-011-68)

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WHEREAS, a request has been received from Eklutna, Inc. to rezone approximately 20 acres from PLI-p (Public Lands and Institutions - parks District) to T (Transition District), of that portion of Section 35, Township 16 North, Range 1 West, Seward Meridian, Alaska, lying northwesterly of the northwesterly right-of-way line of the Glenn Highway, excepting all the portion of the ASLS No. 91-106, Plat 98-107, (proposed Edmonds Lake Park Subdivision Tracts 1, 2, and 3 per platting case S-11665-1), consisting of approximately 20 acres, generally located north of the Glenn Highway.

WHEREAS, notices were published, posted, public hearing notices were mailed, and a public hearing was held on June 2, 2008.

WHEREAS, the Assembly authorized disposal of 20 acres of Mirror Lake/Edmonds Lake Park to Eklutna, Inc., in exchange for an 8-acre parcel of land located adjacent to Mt. Baldy for trail access to Chugach State Park under Assembly Ordinance 2006-19(S) and subsequently approved by Anchorage Voters on April 6, 2006.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

A. The Commission makes the following findings of fact:

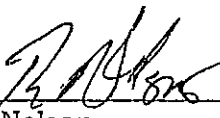
1. This is a request by the petitioner to rezone the subject property from PLI-p District to T District.
2. The Chugiak-Eagle River Comprehensive Plan Update (December 2006) identifies this site as both Development Reserve and Park and Natural Resource. The rezone is compatible with the Development Reserve classification and the intent of that designation on the land use classification map.


3. The rezone is consistent with the Exchange Agreement between Eklutna, Inc. and MOA approved under Assembly Ordinance 2006-19(S).
4. Anchorage Voters approved the reversion from PLI-p to PLI on April 6, 2006.
5. There are thousands of acres of T zoned property located north and west of the subject property.
6. No development is currently being proposed by Eklutna, Inc. This zoning map amendment will make the public lands that are being transferred to Eklutna, Inc. consistent with the zoning of other Eklutna, Inc. owned property in the vicinity.
7. The proposed rezoning is in compliance with the Comprehensive Plan and zoning standards of AMC 21.20.090 Zoning Standards for Approval.
8. The Commission recommended approval of the request by a unanimous vote: 6-yes, 0-nay.

B. The Commission recommends to the Anchorage Assembly that the subject property be rezoned to T.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 2nd day of June, 2008.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 25th day of June, 2008.

  
\_\_\_\_\_  
Tom Nelson  
Secretary

  
\_\_\_\_\_  
Toni M. Jones  
Chair

(Case 2008-087; Tax I.D. No. 051-011-68)

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## PLANNING DEPARTMENT PLANNING STAFF ANALYSIS REZONING

**DATE:** June 2, 2008

**CASE NUMBER:** 2008-087

**APPLICANT:** Eklutna Inc.

**REPRESENTATIVE:** DOWL Engineers

**REQUEST:** A request to rezone approximately 20 acres from PLI-p (Public Lands and Institutions - park) to T (Transition)

**LOCATION:** Section 35, Township 16 North, Range 1 West, Seward Meridian, Alaska, lying northwesterly of the northwesterly right of way line of the Glenn Highway, excepting all that portion of ASLS No. 91-106, Plat No. 98-107

**SITE ADDRESS:** N/A

**COMMUNITY COUNCIL:** Chugiak

**GRID NUMBERS:** NW1662, 1762, and 1763

**TAX NUMBER:** 051-011-68

### **ATTACHMENTS**

1. Zoning and Location Maps
2. Departmental Comments
3. Application
4. Posting Affidavit
5. Historical Information

### **RECOMMENDATION SUMMARY: Approval**

#### **SITE**

Acres: 20 acres  
Vegetation: Natural Vegetation  
Zoning: PLI-p  
Topography: Varied  
Existing Use: Undeveloped  
Soils: Public Water and Sewer nor available

# **COMPREHENSIVE PLAN**

Classification: Development Reserve and Park and Natural Resource per the 2006 Update to the *Chugiak-Eagle River Comprehensive Development Plan*

Density: Not Applicable

## **APPLICABLE LAND USE REGULATIONS**

	<u>Current PLI-p Zoning</u>	<u>Proposed T Zoning</u>
Height limitation:	Unrestricted; FAA	Unrestricted; FAA
Minimum lot size:	15,000 SF	7,000 SF
Maximum lot width:	100 feet	50 feet
Max lot coverage:	Unrestricted	Unrestricted
Density/acre:	Residential prohibited except housing for the elderly	Land contiguous to residential-zoned land shall be permitted to be used only in accordance with provisions and standards less intense or equal to provisions and standards allowed under this title for the least intensive land use zone within a 1,000 foot radius of the boundary of T-zoned property. It is intended that interim development comply with applicable comprehensive development for the property being developed.
Yard setback		There are no minimum yard requirements, except as provided in the Supplementary District Regulations.
Front	25 feet or that of the abutting district if residential, whichever is greater	N/A
Side	25 foot side or that of the abutting district if residential, whichever is greater	N/A
Rear	30 foot rear or that of the abutting district if residential, whichever is greater	N/A
Landscaping		All areas not devoted to buildings, structures, drives, walks, off street parking

		facilities, usable yard area or other authorized installations
Visual Enhancement	Visual Enhancement shall be planted along each lot line adjoining a right of way designated for collector or greater	N/A

### **SURROUNDING AREA**

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	T	R-6; PLI	T; PLI	T; PLI
Land Use:	Undeveloped	Thunderbird Fall Sub.	Mirror Lake	Mirror Lake Middle School; Undeveloped

### **PROPERTY HISTORY**

3/19/85	AO 84-254	Petition site zoned PLI (Public Lands and Institutions) zone during the North Peter's Creek Areawide Zoning.
7/18/00	AO 2005-115	Assembly adopted an ordinance dedicating certain lands for park and recreation purposes that included Mirror Lake/Edmonds Lake Park, which contains the current petition site.
2/14/06	AO 2006-20 (S)	Assembly authorized disposal of a 20 acres of Mirror Lake/Edmonds Lake Park to Eklutna, Inc., in exchange for an 8-acre parcel of land located adjacent to Mt. Baldy for trail access to Chugach State Park, if the ballot measure is approved by voters on April 4, 2006.
4/4/06		Voters approved Proposition 5 to allow the Municipality of Anchorage to trade municipal land for equivalent value located adjacent to Chugach State Park in Eagle River for a trail-head parking lot and trail corridor to Mount Baldy.
5/7/08	S-11665-1	Platting Board approved the preliminary plat for Edmonds Lake Park Subdivision Tracts 1, 2, and 3.

#### **RELATED CASE INFORMATION**

7/7/08	No case number assigned as of this writing	The <i>Final Draft of the Chugiak -Eagle River 2027 Long Range Transportation Plan</i> scheduled for public hearing before the Planning and Zoning Commission.
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#### **SITE DESCRIPTION, HISTORY, AND PROPOSAL**

This is a request by the property owner, Eklutna Inc., for a zoning map amendment. The purpose of the zoning amendment is to rezone properties that are being transferred from the Municipality of Anchorage (MOA) to Eklutna Inc. under the terms of a land exchange approved by the Anchorage Assembly under Assembly Ordinance 2006-19(S) and approved by Anchorage voters on April 6, 2006 (attached). This zoning amendment will rezone the parcel transferred to Eklutna Inc. from PLI-p to T. This will make the zoning consistent with the other Eklutna Inc.-owned lands adjacent to this property.

#### **COMMUNITY COMMENTS**

At the time this report was written, there was no returned public hearing notices received out of 29 public hearing notices mailed out. No response was received from the Chugiak Community Council.

#### **FINDINGS**

##### **Map Amendments, and 21.20.090 Standards for Approval**

##### **A. Conformance to the Comprehensive Plan.**

The *Chugiak-Eagle River Comprehensive Plan Update* (December 2006) identifies this site as both Development Reserve and Park and Natural Resource. The Development Reserve classification is applied to areas that are generally suitable for development but whose location and absence of public facilities are lack of project demand make near-term and intermediate development uncertain. Large-lot, single-family residential development is allowed by right. A public master planning process with proposed rezonings to active development districts shall occur prior to other development. The Park and Natural Resource classification provides for active and passive recreation, conservation of natural areas, and trail corridors connecting neighborhoods.

The tracts of land under consideration for this rezone are oddly shaped. This is because they were drawn to protect sensitive environmental features such as streams and hills. The rezone from PLI-p to T is compatible with the Development Reserve classification shown in the Land Use Plan.



**B. A zoning map amendment may be approved only if it is in the best interest of the public, considering the following factors:**

- 1. The effect of development under the amendment, and the cumulative effect of similar development, on the surrounding neighborhood, the general area and the community; including but not limited to the environment, transportation, public services and facilities, and land use patterns, and the degree to which special limitations will mitigate any adverse effects.**

**Environment**

**Noise:** All uses are subject to AMC 15.70 Noise Ordinance.

**Air:** All uses are subject to AMC 15.30 South Central Clean Air Ordinance, and AMC 15.35 South Central Clean Air Ordinance Regulations.

**Transportation/Drainage**

The property does not abut any roads. A portion of one of the tracts of land is located in classified as Development Reserve on the Land Use Map and the rest of the land in both tracts is classified for Park and Natural Resource.

Traffic Engineering and Transportation Planning have no objection to this rezone request.

**Public Services and Facilities**

**Roads:** See above.

**Utilities:** public sewer, water, gas and electrical utilities are available to this property.

**Schools:** The rezone from PLI-p to T does not appear to negatively impact the Mirror Lake Middle School.

**Public Safety:** The petition site is located outside of the Building Safety Area. The site is served by the Chugiak Volunteer Fire Department and the Anchorage Police Department.

**Land Use Patterns**

The current zoning, PLI-p, is dedicated parkland. Voters approved the reversion to PLI which is usually reserved for public and institutionally developed lands. The appropriate "holding" zone for this property is T because it is privately owned and will not be developed until such time as a development plan occurs. Also, surrounding privately owned undeveloped property is similarly zoned T.

2. **The supply of land in the economically relevant area that is in the use district to be applied by the zoning request or in similar use districts, in relationship to the demand for that land.**

There is a significant amount of T zoned property in the immediate vicinity. The rezoning is necessary to give this property the same zoning designation as other Eklutna owned property in the area. Also, the T District designation is meant for those areas which are likely to be developed in the future when there is market demand.

3. **The time when development probably would occur under the amendment, given the availability of public services and facilities and the relationship of supply to demand found under paragraph 2 above.**

No development is currently being proposed. This zoning map amendment is being requested to make the lands being transferred to Eklutna Inc. consistent with the zoning of Eklutna Inc.'s adjacent lands. This is consistent with the Exchange Agreement between Eklutna Inc. and MOA.

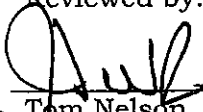
4. **The effect of the amendment on the distribution of land uses and residential densities specified in the Comprehensive Plan, and whether the proposed amendment furthers the allocation of uses and residential densities in accordance with the goals and policies of the Plan.**

The proposed zoning map amendment is consistent with the Comprehensive Plan. The designation of T matches the adjacent zoning to the west. In the T district, residential, business, commercial, industrial, public or quasi-public are permitted, except those prohibited uses specified in AMC 21.40.240.E and those permitted uses only by conditional use specified in AMC 21.40.240.D. In addition to the zoning regulations, any development within the T district must be consistent with the Comprehensive Plan.

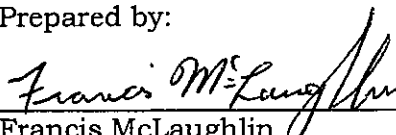
### **RECOMMENDATION**

The Department finds that the requested rezoning from PLI-p to T for that portion of Section 35, Township 16 North, Range 1 West, Seward Meridian, Alaska, lying northwesterly of the northwesterly right of way line of the Glenn Highway, excepting all that portion of ASLS No. 91-106, Plat No. 98-107 meets with the standards of the Comprehensive Plan and therefore recommends APPROVAL of the rezoning.

Reviewed by:

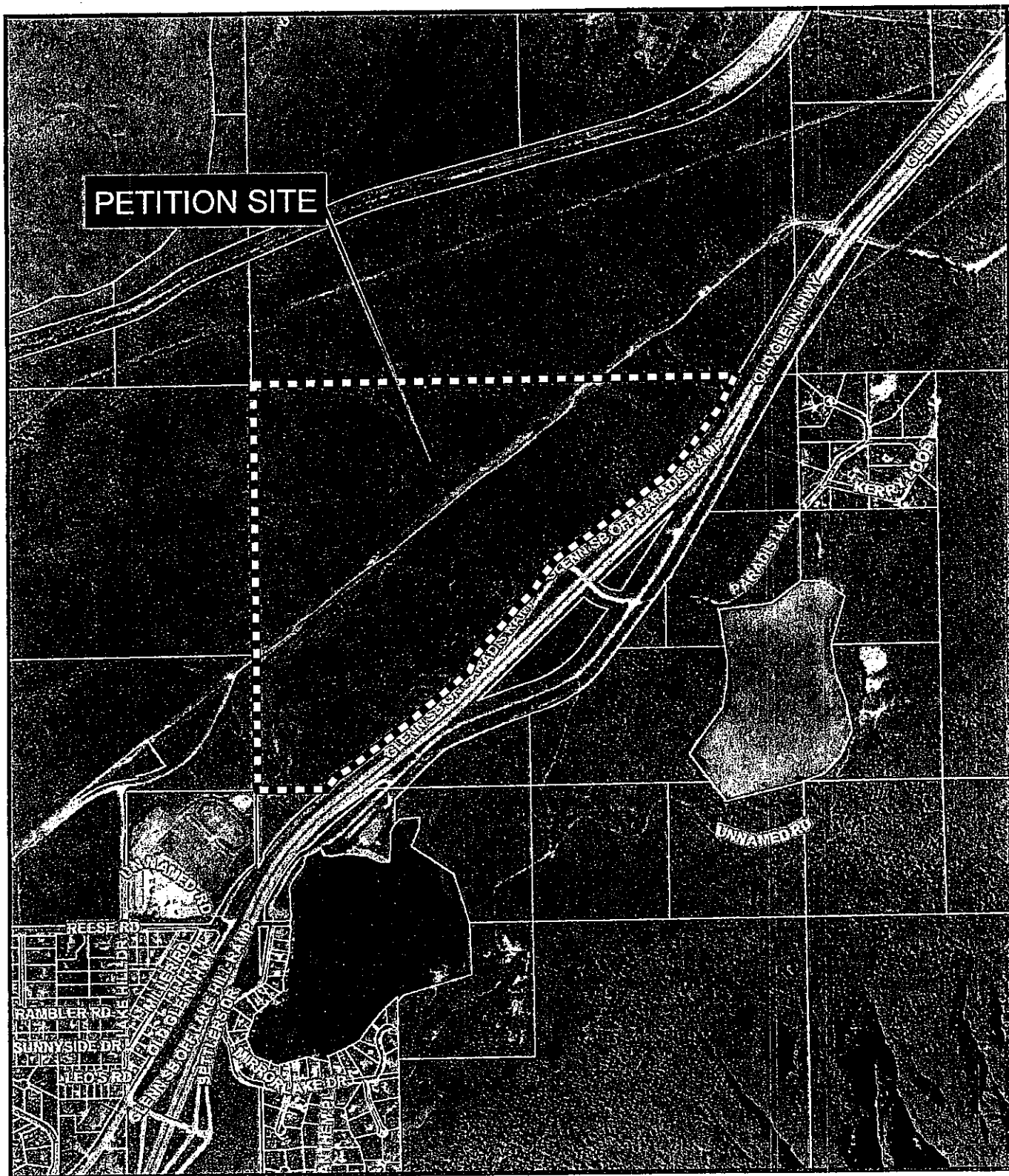
  
Tom Nelson  
Director

Prepared by:

  
Francis McLaughlin  
Associate Planner

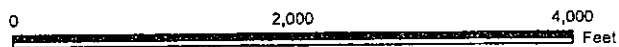
(Case 2008-087, Tax ID 051-011-68)

**2008-087**

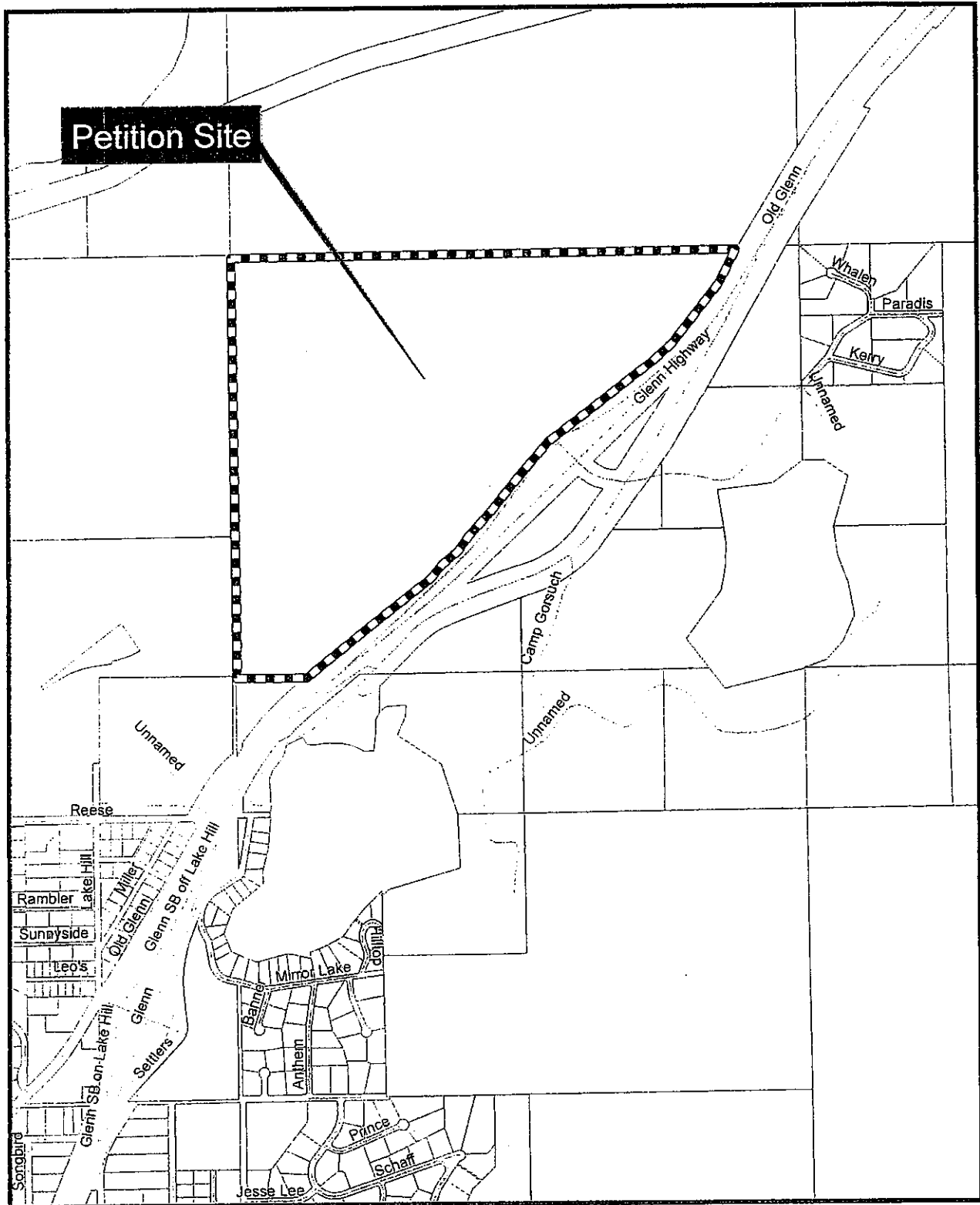


Municipality of Anchorage  
Planning Department

Date: April 16, 2008






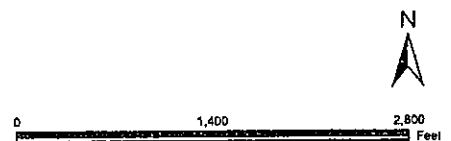
# 2008-087



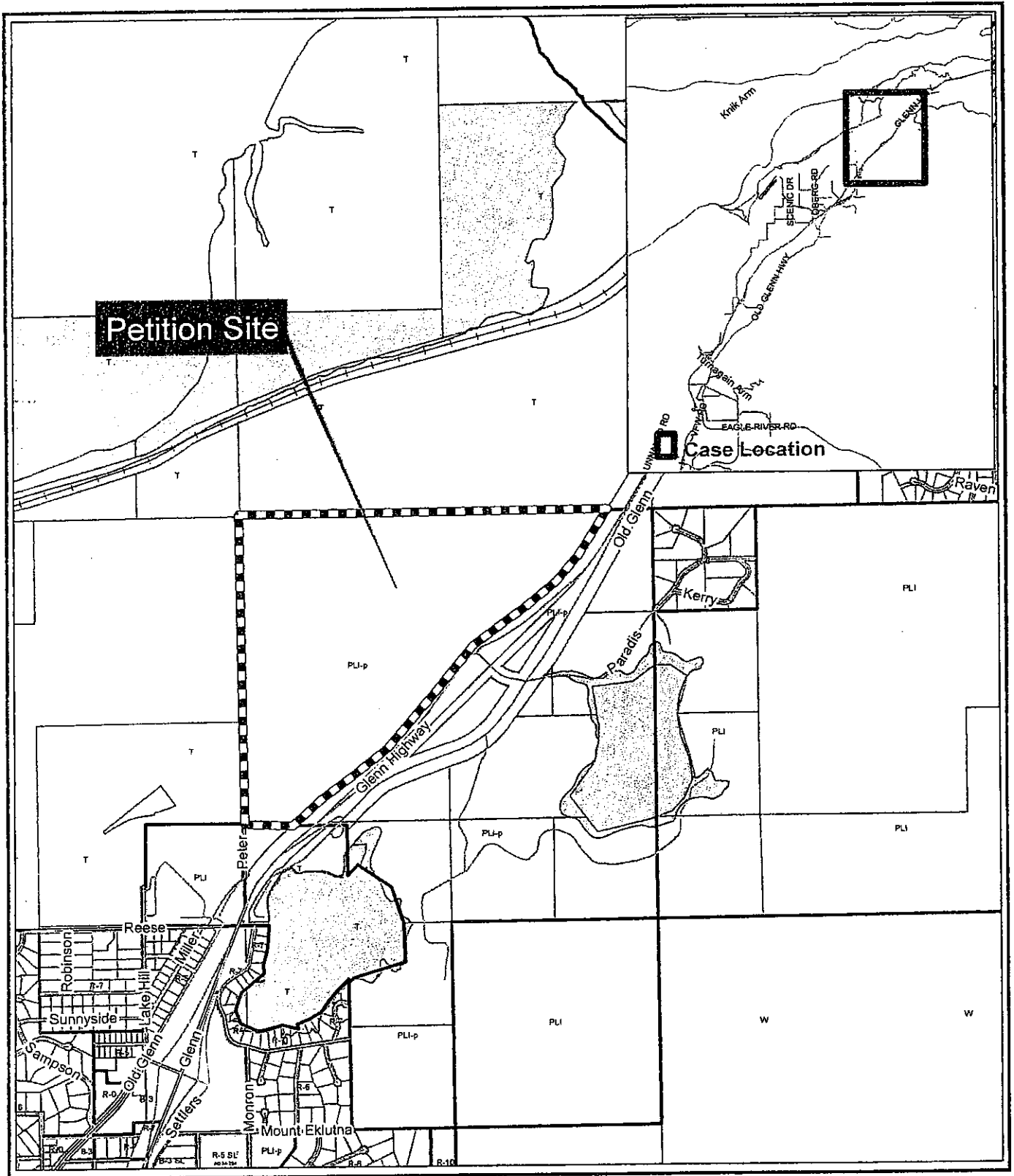
Municipality of Anchorage  
Planning Department

Date: April 16, 2008

-  Single Family
-  Multi-Family
-  Mobile Home Park



# 2008-087



Municipality of Anchorage  
Planning Department

Date: April 16, 2008

## Flood Limits

- 100 Year
- 500 Year
- Floodway

0 1,000 2,000 4,000 Feet



019

Site

tidal  
flats

EKLUTNA Road

EKLUTNA

Rd

Thunderbird  
Creek

Elutna







NORTH BIRCHWOOD  
Peters Creek  
OBERG Rd  
VOYLES Rd  
HOMESTEAD Road  
Ski Rd


CHUGACH STATE PARK

YHAWK Drive  
Highway  
Little Peters Creek





CHUGACH STATE PARK

## Land Use Classifications

-  Residential, <1 - 1 dwelling per acre
-  Residential, 1 - 2 dwellings per acre
-  Residential, 3 - 6 dwellings per acre
-  Residential, 7 - 10 dwellings per acre
-  Residential, 11 - 15 dwellings per acre
-  Residential, 16 - 30 dwellings per acre

-  Commercial
-  Town Center
-  Industrial
-  Transportation Facility
-  Community Facility
-  Park and Natural Resource
-  Development Reserve

## Map Symbols

-  Eklutna 770 / Powder Reserve
-  Environmentally Sensitive Area
-  Special Study Area
-  Intermodal Transit

### Notes:

1. Refer to the Land Use Plan Chapter of the Chuglak - Eagle River Comprehensive Plan Update for information about each Land Use Classification.
2. Residential density measurement is defined in the Land Use Plan Chapter.
3. Areas for Commercial and Industrial in the Eklutna 770 and for Commercial and Community Facility in the Powder Reserve are noted for conceptual planning purposes only. The exact size and location of these land uses will be determined through area-specific master planning processes.

**DEPARTMENTAL  
COMMENTS**



PM&E

**Case No. 2008-084** – Site plan review for an airport

Advisory Comments:

PM&E notes that the Petitioner is listed as Greg Frosberg of ECI Hyer and questions if the petitioner should more correctly be listed as the Ted Stevens International Airport, with Mr. Frosberg petitioning on the Airport's behalf.

It is presumed that civil design review and construction of this project will be under the jurisdiction of the State of Alaska Dept. of Transportation and Public Facilities. However, the petitioner is alerted that additional comments may be forthcoming from PM&E under a subsequent review which will be triggered by Building Permit processes.

*PM&E has no objection to the proposed conceptual site plan.*

**Case No. 2008-087** – Rezoning to T Transition district

*PM&E has no objection to the proposed rezoning.*

AWWU

**08-083 DOUBLETREE CENTER #1 BLK 2 TR A, Rezoning to B-3SL General business district with special limitations, Grid SW1830**

1. AWWU water main located in Arctic Blvd and Business Park Blvd currently serves this parcel,
2. AWWU sanitary sewer located in Arctic Blvd and Business Park Blvd currently serves this parcel.
3. AWWU has no objection to this rezoning to B-3SL.

**08-084 TED STEVEN INTERNATIONAL AIRPORT, Site plan review for an airport, Grid SW1824**

1. AWWU water and sanitary sewer located on property.
2. Resolve movement of existing water lines to new location and encasing with AWWU Planning.

**08-087 T16N R1W SEC 35, Rezoning to T Transition district, Grid NW1762**

1. AWWU water transmission main crossing parcel.
2. AWWU sanitary sewer not currently available to this parcel.
3. AWWU has no objection to this rezoning to T.

If you have any questions pertinent to public water and sanitary sewer, you may call me at 564-2721 or the AWWU planning section at 564-2739, or e-mail [paul.hatcher@awwu.biz](mailto:paul.hatcher@awwu.biz).

08-087

Portions of Sec 35 & ASLS No. 91-106; Rezone from PLI-p to T;  
Grids NW1662, 1762, 1763

Traffic

Traffic Engineering and Transportation Planning have no comment.

Graves, Jill A.

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From: Staff, Alton R.  
Sent: Friday, April 18, 2008 3:28 PM  
To: McLaughlin, Francis D.; Graves, Jill A.; Stewart, Gloria I.  
Subject: Zoning Case Comments

APR 21 2008

Case No. 2008-083 People Mover has an existing bus stop as noted on the plans adjacent to the development. The exact location of the bus stop may move slightly with the reconstruction of Arctic. Thank you for including pedestrian connections to the bus stop from the development.

Case No. 2008-084 People Mover has an existing bus stop at the North International Airport Terminal that will be remain.

The Public Transportation Department has no comment on the following Zoning Cases:

Case No. 2008-086  
2008-087

Thank you for the opportunity to review.

Alton R. Staff  
Planning Manager  
Public Transportation Department  
3650A East Tudor Road  
Anchorage, AK 99507  
907-343-8230



**Municipality of Anchorage  
Development Services Department  
Building Safety Division**



**MEMORANDUM**

**DATE:** April 28, 2008  
**TO:** Jerry Weaver, Jr., Platting Officer, CPD  
**FROM:** *DR* Daniel Roth, Program Manager, On-Site Water and Wastewater Program  
**SUBJECT:** Comments on Cases due May 5, 2008

APR 29 2008  
CITY OF ANCHORAGE  
CLERK

The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

2008 - 079 Site plan review for a public facility

No objection

2008 - 081 Plan Amendment for the Anchorage Downtown Comprehensive Plan

No objection

2008 - 082 Rezoning to I-2SL Heavy industrial district with special limitations

No objection

2008 - 083 Rezoning to B-3SL General business district with special limitations

No objection

2008 - 084 Site plan review for an airport

No objection

2008 - 086 Zoning conditional use for a medical center

No objection

2008 - 087 Rezoning to T Transition district

No objection



## FLOOD HAZARD REVIEW SHEET

Date: 05/01/08

MAY 02 2008

Case: 2008-087

Flood Hazard Zone: C

Map Number: 0020B

☐ Portions of this lot are located in the floodplain as determined by the Federal Emergency Management Agency.

☐ Flood Hazard requests that the following be added as a condition of approval:

"Portions of this subdivision are situated within the flood hazard district as it exists on the date hereof. The boundaries of the flood hazard district may be altered from time to time in accordance with the provisions of Section 21.60.020 (Anchorage Municipal Code). All construction activities and any land use within the flood hazard district shall conform to the requirements of Chapter 21.60 (Anchorage Municipal Code)."

☐ A Flood Hazard permit is required for any construction in the floodplain.

☐ Other:

☒ I have no comments on this case.

Reviewer: Jeffrey Urbanus

Graves, Jill A.

---

From: Inglis, Jillanne M.  
Sent: Monday, May 05, 2008 7:20 PM  
To: Autor, Mary P.; Chambers, Angela C.; Barrett, Al W. (Zoning); Graves, Jill A.; Stewart, Gloria  
Subject: 2008-087

Land Use Review has no comment concerning this case.

Jillanne M. Inglis  
Land Use Plan Reviewer  
Municipality of Anchorage, Planning Department  
907-343-8353

MAY 06 2008

**3**

# **APPLICATION**



# Application for Zoning Map Amendment

Municipality of Anchorage  
Planning Department  
PO Box 196650  
Anchorage, AK 99519-6650



Please fill in the information asked for below.

PETITIONER*		PETITIONER REPRESENTATIVE (IF ANY)	
Name (last name first) Eklutna Inc.		Name (last name first) DOWL Engineers	
Mailing Address 16515 Centerfield Drive, Suite 201 Eagle River, AK 99577		Mailing Address 4041 B Street Anchorage, AK 99503	
Contact Phone: Day: 696-2828      Night:		Contact Phone: Day: 562-2000      Night:	
FAX: 696-2845		FAX: 563-3953	
E-mail:		E-mail: TSHickok@dowl.com	

\*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.

PROPERTY INFORMATION		
Property Tax #(000-000-00-000): 051-011-68-000		
Site Street Address:		
Current legal description: (use additional sheet if necessary) THAT PORTION OF SECTION 35, TOWNSHIP 16 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA, LYING NORTHWESTERLY OF THE NORTHWESTERLY RIGHT OF WAY LINE OF THE GLENN HIGHWAY, EXCEPTING ALL THAT PORTION OF ASLS No. 91-106, PLAT No. 98-107		
Zoning: PLI-P	Acreage: App. 20 acres	Grid # NW1662, 1762, 1763

I hereby certify that (I am)/(I have been authorized to act for) owner of the property described above and that I petition to rezone it in conformance with Title 21 of the Anchorage Municipal Code of Ordinances. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the rezoning. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff, the Planning and Zoning Commission or the Assembly for administrative reasons.

Date 04/10/2008	Signature <i>Jay S. Hills</i> (Agents must provide written proof of authorization)
--------------------	--

Accepted by:

Poster & Affidavit:

Fee

Case Number

Application for Zoning Map Amendment continued

**COMPREHENSIVE PLAN INFORMATION**

Anchorage 2020 Urban/Rural Services: ☐ Urban ☒ Rural  
 Anchorage 2020 West Anchorage Planning Area: ☐ Inside ☒ Outside  
 Anchorage 2020 Major Urban Elements: Site is within or abuts: N/A  
☐ Major Employment Center ☐ Redevelopment/Mixed Use Area ☐ Town Center  
☐ Neighborhood Commercial Center ☐ Industrial Center  
☐ Transit - Supportive Development Corridor

Eagle River-Chugiak-Peters Creek Land Use Classification:  
☐ Commercial ☐ Industrial ☒ Parks/opens space ☐ Public Land Institutions  
☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study  
☐ Residential at \_\_\_\_\_ dwelling units per acre

Girdwood-Tumagain Arm N/A  
☐ Commercial ☐ Industrial ☐ Parks/opens space ☐ Public Land Institutions  
☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study  
☐ Residential at \_\_\_\_\_ dwelling units per acre

**ENVIRONMENTAL INFORMATION** (All or portion of site affected)

Wetland Classification: ☒ None ☐ "C" ☐ "B" ☐ "A"  
 Avalanche Zone: ☒ None ☐ Blue Zone ☐ Red Zone  
 Floodplain: ☒ None ☐ 100 year ☐ 500 year  
 Seismic Zone (Harding/Lawson): ☐ "1" ☒ "2" ☒ "3" ☐ "4" ☐ "5"

**RECENT REGULATORY INFORMATION** (Events that have occurred in last 5 years for all or portion of site)

☐ Rezoning - Case Number:  
☒ Preliminary Plat ☐ Final Plat - Case Number(s): S11665-1  
☐ Conditional Use - Case Number(s):  
☐ Zoning variance - Case Number(s):  
☐ Land Use Enforcement Action for  
☐ Building or Land Use Permit for  
☐ Wetland permit: ☐ Army Corp of Engineers ☐ Municipality of Anchorage

**APPLICATION ATTACHMENTS**

Required: ☒ Area to be rezoned location map ☒ Signatures of other petitioners (if any)  
☒ Narrative statement explaining need and justification for the rezoning; the proposed land use and development; and the probable timeframe for development.  
☒ Draft Assembly ordinance to effect rezoning.  
 Optional: ☐ Building floor plans to scale ☐ Site plans to scale ☐ Building elevations  
☐ Special limitations ☐ Traffic impact analysis ☐ Site soils analysis  
☐ Photographs

**APPLICATION CHECKLIST**

1. Zoning map amendments require a minimum of 1.75 acres of land excluding right-of-way or a boundary common to the requested zone district.
2. The petitioning property owner(s) must have ownership in at least 51% of property to be rezoned.



16515 Centerfield Dr, Ste 201  
Eagle River, AK 99577  
Phone: 907-696-2828  
Fax: 907-696-2845  
www.eklutnainc.com

April 8, 2008

Mr. Jerry Weaver  
Platting Officer  
Municipality of Anchorage  
4700 Elmore Street  
Anchorage, AK 99508

Subject: Edmonds Lake Park Zoning Map Amendment  
Letter of Authorization

Dear Mr. Weaver:

Eklutna Incorporated is the future owner of the property described as:

THAT PORTION OF SECTION 35, TOWNSHIP 16 NORTH, RANGE 1  
WEST, SEWARD MERIDIAN, ALASKA, LYING NORTHWESTERLY  
OF THE NORTHWESTERLY RIGHT OF WAY LINE OF THE GLENN  
HIGHWAY.

Eklutna Incorporated authorizes DOWL Engineers to act on our behalf regarding any  
land use actions associated with the property referenced above. If you have any question,  
please feel free to call me at 696-2828.

Sincerely,

Curtis J. McQueen  
Eklutna Incorporated  
Chief Executive Officer



# Municipality of Anchorage

11901 Business Blvd., Ste. 209 • Eagle River, Alaska 99577 • (907) 694-2011 <http://www.muni.org>



Mayor Mark Begich

## Eagle River/Chugiak Parks & Recreation

February 21, 2008

Mr. Jerry Weaver  
Zoning Division Administrator  
MOA Planning Department  
PO Box 196650  
Anchorage, AK 99519-6650

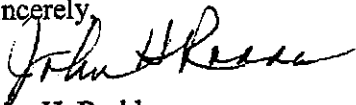
RE: Letter of Authorization  
Section 35, Township 16 North, Range 1 West, Seward Meridian

Dear Mr. Weaver,

The Municipality of Anchorage is the owner of the parcel identified as SEC 35, T16N, RIW, S.M.; parcel I.D number 0501142000.

We authorize DOWL Engineers (DOWL) in accordance with Anchorage Municipal Code 21.20.050.A.7 to act on our behalf for all platting actions related to the proposed subdivision of this parcel.

Sincerely,

  
John H. Rodda  
Manager

Cc: Susan A. Paine, Land Use Planner, DOWL Engineers

*Community, Security, Prosperity*

**EKLUTNA INC.**  
**ZONING MAP AMENDMENT APPLICATION**  
**OVERVIEW**

DOWL Engineers (DOWL) is submitting this application on behalf of Eklutna Inc. for a zoning map amendment. The purpose of this zoning amendment is to rezone properties that are being transferred from the Municipality of Anchorage (MOA) to Eklutna, Inc. under the terms of a land exchange approved by the Anchorage Assembly under AO 2006-19(S) and approved by Anchorage voters on April 6, 2006. This zoning amendment will rezone the parcel transferred to Eklutna Inc. from PLI-p (Public Lands and Institutions – Parks) to T (Transition). This will make the zoning consistent with the other Eklutna Inc.-owned lands adjacent to this property.

The parcels being transferred to Eklutna, Inc. consist of 20 acres of undeveloped parkland located in the northwest corner of Mirror Lake/Edmonds Lake Park and are a portion of Section 35, Township 16 North, Range 1 West, Seward Meridian. This zoning amendment is being brought forward concurrently with the replatting of this area (Case S11665-1), which will result in the subject properties being legally know as Tracts 2 and 3, Edmonds Lake Park Subdivision.

**1.20.090 Standards for Approval**

- 1. The effect of development under the amendment and the cumulative effect of similar development, on the surrounding neighborhood, the general area and the community, including but not limited to the environment, transportation, public services and facilities, and land use patterns, and the degree to which special limitations will mitigate any adverse effects.***

This zoning amendment is being brought forward under the terms of the Exchange Agreement between Eklutna, Inc. and MOA, dated November 17, 2007 (attached). Section 8.b.iv. of this agreement states that Eklutna, Inc. may rezone the property pursuant to Title 21 of the Anchorage Municipal Code.

Presently, there are no development plans for this parcel. This zoning amendment will result in the lands transferred to Eklutna, Inc. having the same zoning designation (T) as the adjacent lands owned by Eklutna, Inc. The T zoning district is intended for areas which are not developing or expected to develop in the immediate future. The permitted uses in these districts are intended to be as flexible as possible consistent with protection from noxious, injurious, hazardous or incompatible uses. Interim development of these areas is allowed to proceed in accordance with the comprehensive plan.

The Chugiak-Eagle River Comprehensive Plan classifies the land use on this property and the surrounding area as Park and Natural Resource, as it was part of a municipal park when the Comprehensive Plan was developed. The adjacent Eklutna Inc. lands are designated as Development Reserve and it is assumed that the new parcels would be designated similarly. Development Reserve areas are considered to be generally suitable for development, but the lack of projected demand and public facilities make near-term development uncertain. The Comprehensive Plan states that large-lot single-family development in these areas is allowed by right, but that a master plan is required prior to any other proposed development.

Development of the area in large-lot single-family development would be compatible with the existing low-density residential development in the area and would not be expected to have substantive adverse effects on the environment, transportation, public services and facilities or land use patterns.

***2. The supply of land in the economically relevant area that is in the use district to be applied by the amendment or in similar use districts, in relation to the demand for that land.***

Much of the land in the surrounding area is zoned T or PLI. This zoning designation is designed for those areas, which are not likely to be developed in the near term due to a lack of projected demand.

- 3. The time when development probably would occur under the amendment, given the availability of public services and facilities, and the relationship of supply to demand found under subsection 2 of this subsection.***

No development is currently being proposed. This zoning map amendment is being requested to make the lands being transferred to Eklutna Inc. consistent with the zoning of Eklutna Inc.'s adjacent lands. This is consistent with Exchange Agreement between Eklutna, Inc. and MOA, dated November 17, 2007 (attached).

- 4. The effect of the amendment on the distribution of land uses and residential densities specified in the comprehensive plan, and whether the proposed amendment furthers the allocation of uses and residential densities in accordance with the goals and policies of the plan.***

This amendment is not expected to have any substantive effect on the distribution of land uses and residential intensities specified in the comprehensive plan. The proposed designation of T is consistent with adjacent zoning designations for this area and only allows low-density residential uses consistent with the comprehensive plan without a master plan being developed. Therefore, this zoning map amendment is consistent with the allocation of uses and residential densities identified in the comprehensive plan and in accordance with the goals and policies of the plan.

D59989.Rezone Narrative.MET.040808.mas

**EXCHANGE AGREEMENT  
BETWEEN  
EKLUTNA, INC.  
and  
MUNICIPALITY OF ANCHORAGE**

THIS EXCHANGE AGREEMENT ("Agreement") dated November 17, 2007, is entered into by and between EKLUTNA, INC., an Alaska corporation ("Eklutna"); and the MUNICIPALITY OF ANCHORAGE, a home rule municipality ("Anchorage");

WHEREAS Eklutna owns the surface estate in the following described real property:

Lot 4, Section 5, and Lot 1, Section 6, Township 14 North, Range 1 West,  
Seward Meridian;

situated in the Anchorage Recording District, Third Judicial District, State of Alaska, together with all improvements thereon and appurtenances thereto (the "Eklutna Property");

WHEREAS Anchorage owns twenty (20) acres of undeveloped park land located in the north west corner of Mirror Lake/Edmonds Lake Park, which is a portion of the following described real property:

Section 35, Township 16 North, Range 1 West, Seward Meridian;

situated in the aforementioned recording district, together with all appurtenances thereto, subject to all restrictions and reservations of record (the aforementioned twenty (20) acres, with appurtenances, is hereinafter referred to as the "Anchorage Park Property"), and which is currently zoned PLI;

WHEREAS Cook Inlet Region Inc. ("CIRI") owns the subsurface estate in the Eklutna Property;

WHEREAS the State of Alaska owns the mineral rights in the Anchorage Park Property;

WHEREAS Eklutna and CIRI received title to their respective interests in the Eklutna Property pursuant to the provisions of the Alaska Native Claims Settlement Act, 43 USC 1601 *et seq.* ("ANCSA");

WHEREAS on April 4, 2006, the Anchorage municipal voters approved Proposition No. 5 authorizing disposition of the Anchorage Park Property in exchange for the Eklutna Property, *see* Anchorage Ordinance 2006-19(S);



WHEREAS the parties desire to exchange the Eklutna Property for the Anchorage Park Property, all according to the terms and conditions set forth herein; and

WHEREAS Eklutna wishes to transfer the Eklutna Property and the Lease (as such term is defined below) in exchange for its simultaneous receipt of the Anchorage Park Property, the Easement (as such term is defined below) and cash from Anchorage in a transaction which Eklutna intends to qualify as a partially deferred like-kind exchange transaction under section 1031 of the Internal Revenue Code of 1986, as amended (the "Code");

ACCORDINGLY, FOR VALUABLE CONSIDERATION RECITED HEREIN, IT IS HEREBY AGREED AS FOLLOWS:

**1. Exchange of the Eklutna Property; Assignment of Lease.**

a. **Eklutna Property.** Eklutna shall exchange and convey the Eklutna Property to Anchorage, at a market value deemed for purposes of this Agreement to be ONE MILLION THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$1,375,000), free and clear of all liens, leases, and encumbrances, EXCEPT the Lease, as defined below.

b. **Lease.** Eklutna shall exchange and assign its entire right, title and interest in that certain Lease dated November 29, 2001, by and between Eklutna, as Lessor, and South Fork Construction Company, as Lessee (the "Lease"), to Anchorage, at a market value deemed for purposes of this Agreement to be FIFTY-TWO THOUSAND DOLLARS (\$52,000), free and clear of all encumbrances, security interests, restrictions, and limitations, at Closing.

**2. Exchange of the Anchorage Park Property and Easement.**

a. **Anchorage Park Property.** Anchorage shall exchange and convey the Anchorage Park Property to Eklutna, at a market value deemed for purposes of this Agreement to be FIVE HUNDRED EIGHTY-THREE THOUSAND THREE HUNDRED FORTY DOLLARS (\$583,340), free and clear of all liens, leases, and encumbrances.

b. **Easement.** Anchorage shall grant a public use easement for access to and from the Anchorage Park Property in accordance with paragraph 8 (the "Easement"), at a market value deemed for purposes of this Agreement to be TWO HUNDRED THIRTY-ONE THOUSAND EIGHT HUNDRED SEVENTY-EIGHT DOLLARS (\$231,878).

**3. Cash Payment at Closing.** Anchorage shall pay SIX HUNDRED ELEVEN THOUSAND SEVEN HUNDRED EIGHTY-TWO DOLLARS (\$611,782) (the market

values of the Ekluma Property and Lease, less the market values of the Anchorage Park Property and Easement) to the Escrow Agent in immediately available funds at Closing, as defined in paragraph 10.

4. **Right of Entry Prior to Closing.** Prior to Closing, each party and its employees, consultants and agents shall have reasonable access to the other party's property for the purpose of conducting such geotechnical and environmental examinations as it deems necessary or appropriate; PROVIDED such party shall give the other party not less than forty-eight (48) hours notice prior to entry; PROVIDED, FURTHER, such party shall indemnify and hold the other party harmless from all loss or damage arising from any acts or omissions of such party or its employees, contractors and agents while on the other party's property.

5. **Environmental Indemnity.**

a. Each party ("Indemnitor") shall indemnify, defend, and hold the other party ("Indemnitee") harmless from and against any and all claims, losses, liabilities, damages, costs, and expenses arising out of or related to an Environmental Event. For purposes of this paragraph, the following terms have the following meanings:

i. "Environmental Event" means any Release of Hazardous Substances on or in connection with the Property (as each such term is defined below) occurring before Closing, as well as any personal injury or loss caused by (a) the presence of Hazardous Substances on or under the Property resulting from events, actions or inactions occurring before Closing, or (b) the migration to adjacent properties, either before or after Closing, of a Release of Hazardous Substances on or in connection with the Property occurring before Closing.

ii. "Hazardous Substance" includes pollutants or substances defined as "hazardous waste," "hazardous substances," "hazardous materials," "pollutants," "contaminants," or "toxic substances," which are or become regulated under any federal, state or local statute, ordinance, rule, regulation or other law now or hereafter in effect pertaining to environmental protection, contamination or cleanup, including the Comprehensive Environmental Response and Liability Act of 1980 ("CERCLA"), 42 U.S.C. Sections 9601 *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986 (PL 99-499); the Hazardous Materials Transportation Act, 49 U.S.C. Sections 1801 *et seq.*; the Toxic Substance Control Act, 15 U.S.C. Sections 2601 *et seq.*; the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. Sections 6901 *et seq.*; the Federal Water Pollution Control Act, 33 U.S.C. Sections 1251 *et seq.*;

Page 2 of 14

substances controlled by the laws of the state of Alaska as hazardous substances, petroleum products, waste or materials, including those defined in AS 46.03.826(5) and AS 46.03.900(9); asbestos containing materials or any petroleum products or derivatives; and in the rules and regulations adopted and guidelines promulgated pursuant to such provisions.

iii. "Property" means the property of Indemnitor.

iv. "Release" means releasing, spilling, leaking, pumping, pouring, flooding, emitting, emptying, discharging, injecting, escaping, leaching, disposing, or dumping onto the Property.

b. Indemnitor's obligations to defend and indemnify shall include the obligation to undertake any remediation, and to undertake the defense of any and all costs of all removal or remedial actions, other "response costs" (as that term is defined under applicable federal, state, and local law), reasonable attorney's fees, penalties, fines, damages, interest, and administrative/court costs incurred by Indemnitee in response thereto and defense thereof, regardless of the basis of liability alleged by or against any party, including strict liability under AS 46.03.822 or federal law. In the event Indemnitee is required to undertake any action to remedy any environmental contamination or Release of Hazardous Substances on the Property as a result of actions described above occurring before Closing, then Indemnitor shall reimburse and indemnify Indemnitee for all costs and expenses incurred in doing so, including legal fees, costs of consultants and contractors, civil penalties, and other costs incurred as a result of the remediation or response to any action, proceeding, or other claim.

6. **Exchange of Properties AS IS.** Prior to Closing, the parties shall have made such inspections of the respective properties being acquired by them under this Agreement, or shall have had the opportunity to make such inspections, as they deem appropriate, and neither of them will be relying upon any representation or warranty of the other as to the condition or any intended use of such properties. Except as expressly otherwise provided in this Agreement, each party accepts such properties in their current condition AS IS, WHERE IS, without any representation or warranty of the other party as to their condition or any intended use, including without limitation (a) the condition of the soils, (b) the sufficiency of drainage, (c) whether located in a flood plain or a flood hazard boundary or similar area, (d) any other matter affecting the stability or integrity of the land, or any buildings or improvements situated thereon, (e) the availability of public utilities and services, (f) the fitness or suitability for any intended use, (g) the potential for further development, and (h) the existence of vested land use, zoning or building entitlements, all of which representations and warranties are hereby DISCLAIMED.

7. **Title Insurance and Deed.** Within ten (10) days after survey and subdivision of the Anchorage Park Property, as evidenced by the recordation of a plat creating the Anchorage Park Property, each party shall deliver to the other preliminary commitments for title insurance, together with copies of all underlying documents for the exceptions listed thereon, for the properties currently owned by that party. At Closing, the parties shall convey marketable fee simple title to their respective properties, free and clear of any and all liens, leases and encumbrances other than the Lease and those that the acquiring party specifies in writing to be acceptable ("**Permitted Exceptions**"), by warranty deed, in form and substance acceptable to the acquiring party; PROVIDED title to the Anchorage Park Property shall be conveyed further subject to all plat notes on the subdivision plat thereof. Each party shall provide, at its expense, a standard form owner's title insurance policy ("**Policy**"), insuring marketable fee simple title of each property in the name of the acquiring party in the full amount of the aforementioned fair market value thereof, containing no exceptions or conditions other than Permitted Exceptions and the aforementioned plat notes.

8. **Obligations of the Parties.**

a. Anchorage covenants and agrees, at its sole cost and expense, as follows:

i. At or before Closing, Anchorage shall survey, subdivide and record a plat of Section 35, Township 16 North, Range 1 West, Seward Meridian that creates the Anchorage Park Property as a separate legal parcel satisfactory to Eklutna; and

ii. Upon commencement of construction of the Mirror Lake Interchange as identified in Chugiak-Eagle River 2027 Long-Range Transportation Plan, as may be finally approved by the Anchorage Assembly, or upon mutual agreement of the parties, Anchorage shall survey and subdivide other real property located near the Anchorage Park Property as necessary to create the Easement, more specifically described as a public use easement at least one hundred (100) feet wide, including slope easements, at a location to be determined by Anchorage satisfactory to Eklutna for access to and from the Glenn Highway and the Anchorage Park Property and property adjacent thereto, in perpetuity. Anchorage's obligations described herein regarding the Easement shall be evidenced by a note on the plat creating the Anchorage Park Property. A diagram setting forth possible (but not required) locations for the Easement is attached hereto as Exhibit A, and the parties agree that the actual location of the Easement shall be determined in the future as provided above.

b. Eklutna covenants and agrees, at its sole cost and expense, as follows:

i. **Public Use Easement.** At or before Closing, Eklutna shall survey, stake and grant to Anchorage a public use easement sixty (60) feet wide, lying thirty (30) feet each side of a centerline, plus slope easements, across the Eklutna Property for the construction, reconstruction, maintenance, repair, operation and improvement of a public road, street, walkway, trail and corridor for all utilities, meeting all applicable standard municipal specifications. The location of the centerline shall be agreed upon by the parties, generally following the location of the existing road improvements on the Eklutna Property. Anchorage acknowledges Eklutna has no requirement under this Agreement to construct any such road, street, walkway, trail or utility improvements; PROVIDED Eklutna acknowledges Anchorage will take no responsibility or liability for the existing road improvements until such time as the Eklutna Property is established in a service area for such improvements, at which time Anchorage's responsibility and liability will be limited to only those services and improvements approved for the service area; PROVIDED, FURTHER, all existing road improvements within the easement are the property of Anchorage;

ii. **Satisfaction of Judgment.** Eklutna shall (i) record a satisfaction and release of Judgment and Decree dated August 4, 1978, recorded May 4, 1978, in book 888 at page 124 in the Anchorage Recording District, Third Judicial District, State of Alaska ("Judgment and Decree"), as to the Eklutna Property, signed by Eklutna, Thillman F. Wallace and Michael Menzies Wallace, or, if either is deceased, the heirs, successors and assigns of such deceased person, and all current owners of real property located in the SWISS ALP SUBDIVISION, according to Plat No. 74-154, or located in the WALLACE BROTHERS MOUNTAIN SUBDIVISION, according to Plat No. 83-239, both recorded in the aforementioned recording district, both as may have been amended or re-subdivided;

iii. **Indemnification.** Eklutna shall indemnify, defend and hold Anchorage harmless from and for all claims, loss, liability, damage and expense, including attorney fees, arising out of or related to (a) the Judgment and Decree, and (b) that certain Agreement dated January 18, 1977, between the Secretary of the Interior, Cook Inlet Region, Inc., Eklutna, and certain village corporations, copies of which are recorded on March 14, 1978, in book 279 at page 373, and on March 22, 1978, in book 281 at page 942, both in the aforementioned recording district;

iv. **Re-Zone Anchorage Park Property.** Eklutna may, at its option, re-zone the Anchorage Park Property pursuant to Title 21 of the Anchorage Municipal Code, as may be amended, and Anchorage agrees to reasonably cooperate if Eklutna elects to undertake such re-zoning prior to Closing; and

v. **Perform Subdivision Agreement(s).** Prior to construction of any improvements on the Anchorage Park Property or the Easement, Eklutna shall enter into and perform one or more subdivision agreement(s), and provide such guarantees as may be required under applicable ordinances at such time, for construction of all improvements required by Anchorage as a condition to such development pursuant to Anchorage Municipal Code Title 21, as may be amended. Anchorage shall accept ownership of improvements constructed in accordance with such subdivision agreements if so required by the Anchorage Municipal Code Title 21 at such time.

9. **Conditions to Closing.** The obligations of the parties for Closing are contingent on satisfaction of the following conditions ("Conditions to Closing"):

a. The Eklutna Property and the Anchorage Park Property are in the same physical condition at time of Closing as they are at the time of execution of this Agreement;

b. There is no legal action pending or known to be threatened in writing against either party arising out of or related to this Agreement, the Anchorage Park Property, or the Eklutna Property;

c. CIRI has executed and delivered to the escrow agent a Non-Development Covenant ("NDC") for the Eklutna Property in favor of Anchorage or Eklutna; PROVIDED if the NDC is in favor of Eklutna, then such NDC shall be assigned, without cost, to Anchorage and shall not require the property owner to indemnify CIRI. Any amount payable to CIRI for such NDC, not exceeding THIRTEEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$13,750), shall be paid by Anchorage.

d. The Anchorage Assembly has approved appropriation of all necessary funds to perform this Agreement.

Upon failure of any of the foregoing Conditions to Closing, either party may, within its sole discretion, either waive such Condition, in which event the parties shall proceed to Closing, or terminate this Agreement by notice to the other party, with a copy to the Escrow Agent, in which event all obligations of the parties hereunder shall become null and void, each party to bear its own costs and attorneys fees.

10. **Closing; Possession.** Closing of the exchange transaction contemplated herein ("Closing") shall be at Fidelity Title Agency of Alaska ("Escrow Agent") in Anchorage, Alaska, within sixty (60) days after (a) performance of both parties' obligations set forth in subsections 8.a.i and b.i and ii; and (b) satisfaction of all Conditions to Closing (the "Closing Date"); PROVIDED either party shall have the right to extend the Closing Date for an additional thirty (30) days by providing the other party with written notice of its election to do so on or before Closing Date; PROVIDED FURTHER, Closing shall be no later than June 30, 2008. TIME IS OF THE ESSENCE. At Closing, the parties shall execute escrow instructions providing, *inter alia*, the following:

- a. The subdivision plat for the Anchorage Park Property shall have been recorded;
- b. The public use easement referred to in paragraph 8.b.i shall be recorded;
- c. The parties shall exchange warranty deeds and Policies as provided in paragraph 7;
- d. Eklutna shall deliver to Anchorage an assignment of Lease in a form satisfactory to Anchorage; and
- e. Anchorage shall pay SIX HUNDRED ELEVEN THOUSAND SEVEN HUNDRED EIGHTY-TWO DOLLARS (\$611,782) to Eklutna.

Possession to all properties shall be delivered at Closing.

11. **Closing Costs.** Except as provided in paragraph 8, customary closing costs shall be divided equally between Eklutna and Anchorage; PROVIDED each party shall pay its own attorney and consultant fees and costs of any inspections or other due diligence. Real property taxes related to the Lease shall be prorated as of the Closing Date; there are currently no other real property taxes assessed or due on the Anchorage Park Property or on the Eklutna Property, except as to the Lease, due to each such parcel's status as municipally owned or undeveloped within the meaning of ANCSA, respectively.

12. **Representations and Warranties.** Eklutna represents and warrants as of the Closing Date as follows:

- a. **Organization.** Eklutna is duly organized, validly existing and in good standing under the laws of the state of Alaska;
- b. **Authorization.** Eklutna has taken all necessary corporate action to authorize the execution, delivery, and performance of this Agreement, and each

person signing this Agreement on behalf of Eklutna has the full right, power and authority to do so;

c. **Valid, Binding and Enforceable.** This Agreement is valid and binding on Eklutna, and enforceable in accordance with its terms, except as limited by bankruptcy and similar laws affecting creditors generally; and

d. **Anchorage Park Property Real Property Taxes.** Eklutna acknowledges that under current law the Anchorage Park Property will not be exempt from real property taxes under ANCSA after Closing, but Eklutna may seek a legislative resolution of this issue.

13. **Code Section 1031; Indemnification.** Anchorage agrees to reasonably cooperate with Eklutna so as to cause the exchange of properties hereunder to qualify as an exchange pursuant to section 1031 of the Code. Notwithstanding the foregoing, Eklutna acknowledges that it is solely responsible for determining whether such exchange qualifies as a transaction within the scope of Code section 1031 and agrees to indemnify, defend and hold Anchorage harmless for any deficiency, penalty, interest or other expense, including attorney's fees, arising out of or related to Eklutna's tax treatment of such exchange.

14. **Brokerage Fees.** Each party represents and warrants it has not retained any real estate broker or agent acting on its behalf in connection with the transaction contemplated by this Agreement. Each party agrees to indemnify and hold each other harmless from and against any claims by any real estate broker or agent claiming a commission or other form of compensation for representing or acting on behalf of the indemnifying party with regard to such transaction.

15. **Survival.** All representations, warranties, obligations and indemnities of the parties set forth in this Agreement or in the Closing documents shall survive Closing and shall not be deemed to have merged into the Closing documents nor in any way terminated, released or waived by reason of Closing or execution of the Closing documents.

16. **Default; Termination.** If Eklutna defaults in the performance of any of its obligations under this Agreement, Anchorage may, at its option, either terminate this Agreement, or bring an action and be entitled to a judgment for specific performance without posting a bond. If Anchorage defaults in the performance of any of its obligations under this Agreement, Eklutna may, as its exclusive remedy, terminate this Agreement. If Closing does not occur as provided in paragraph 10 on or before June 30, 2008, for any reason other than the default of either party, then this Agreement shall terminate. Upon any termination of this Agreement, all obligations of the parties shall become null and void, each party to bear its own costs and attorneys fees.

Page 9 of 14

Exchange Agreement  
Eklutna, Inc and Municipality of Anchorage

17. **Notices.** All notices required or permitted under this Agreement shall be in writing, sent by certified mail, return receipt requested, to the appropriate party at the address(es) specified in paragraph 18. It is the responsibility of each party to promptly provide any changes of address to the other party for notice purposes; in the event a properly sent notice is returned undelivered, the notice shall nonetheless be effective.

18. **Addresses.** For the purpose of notice under this Agreement, the addresses of the parties shall be as follows, unless changed by either party by notice hereunder to the other party:

**EKLUTNA:**  
Eklutna, Inc.  
16515 Centerfield Drive, Suite 201  
Anchorage, Alaska 99577  
ATTN: President

with copy to:  
Barbara Simpson Kraft  
Davis Wright Tremaine LLP  
701 W. 8<sup>th</sup> Avenue, Suite 800  
Anchorage, AK 99501

**ANCHORAGE:**  
Municipality of Anchorage  
P.O. Box 196650  
Anchorage, AK 99519-6650  
ATTN: Municipal Manager

with copies to:  
Municipality of Anchorage  
Heritage Land Bank and Real Estate Services  
P.O. Box 196650  
Anchorage, Alaska 99519-6650  
ATTN: Executive Director

Municipality of Anchorage  
Department of Law  
P.O. Box 196650  
Anchorage, Alaska 99519-6550  
ATTN: Municipal Attorney

19. **Costs and Attorney's Fees.** If either party brings any action against the other, declaratory or otherwise, arising out of this Agreement, the losing party shall be responsible for the costs and attorneys' fees of the prevailing party.

Exchange Agreement  
Eklutna, Inc and Municipality of Anchorage

Page 10 of 14

044

20. **Time of the Essence.** Time is of the essence for performance by the parties under this Agreement.

21. **Governing Law; Venue.** This Agreement shall be construed and enforced according to the laws of the State of Alaska. Exclusive venue for any action pertaining to this Agreement shall be in the superior court for the Third Judicial District at Anchorage, Alaska.

22. **Integration; Modification.** This Agreement sets forth the entire agreement and understanding of the parties with respect to the exchange transaction contemplated herein, and supersedes all prior agreements, understandings, representations, and negotiations relating thereto. No modification of this Agreement shall be effective unless in writing and signed by Anchorage and Eklutna.

23. **Binding Effect.** This Agreement inures to the benefit of and is binding upon the parties and their respective departments, authorities, affiliates, officials, managers, representatives, agents, members, successors and assigns.

MUNICIPALITY OF ANCHORAGE

By: 

Mark Begich, Mayor

EKLUTNA, INC.

By: 

Michael E. Curry, President

By: 

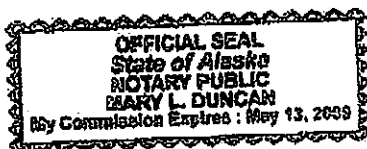
Maria D.L. Coleman, Corporate Secretary


STATE OF ALASKA )

THIRD JUDICIAL DISTRICT )

ss

The above document was acknowledged before me this 17 day of November, 2007 by MARK BEGICH, Mayor of the Municipality of Anchorage, an Alaska municipal corporation, on its behalf.



  
Notary Public in and for Alaska  
My commission expires: 05/13/2009

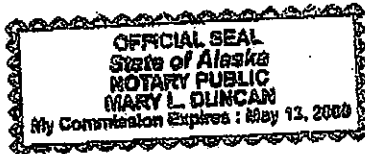
Exchange Agreement  
Eklutna, Inc and Municipality of Anchorage

Page 11 of 14



STATE OF ALASKA )  
 ) ss  
 THIRD JUDICIAL DISTRICT )

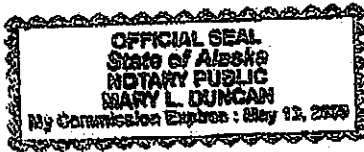
The above document was acknowledged before me this 17 day of November, 2007, by MICHAEL E. CURRY, President of Eklutna, Inc., an Alaska corporation, on behalf of the corporation.



Mary L. Duncan  
 Notary Public in and for Alaska  
 My commission expires: 05/13/2009

STATE OF ALASKA )  
 ) ss  
 THIRD JUDICIAL DISTRICT )

The above document was acknowledged before me this 17 day of November, 2007, by MARIA D.L. COLEMAN, Corporate Secretary of Eklutna, Inc., an Alaska corporation, on behalf of the corporation.



Mary L. Duncan  
 Notary Public in and for Alaska  
 My commission expires: 05/13/2009

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Planning Department  
For reading: , 2008

ANCHORAGE, ALASKA  
AO No. 2008-\_\_\_\_\_

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING THE ZONING MAP, AND PROVIDING FOR THE REZONING OF A PORTION OF SECTION 35, TOWNSHIP 16 NORTH, RANGE 1 WEST, SEWARD MERIDIAN LOCATED IN THE NORTHWEST CORNER OF MIRROR LAKE/EDMONDS LAKE PARK, PER PLATTING CASE S11665-1, FROM PLI-p TO T; GENERALLY LOCATED AT MIRROR LAKE/EDMONDS LAKE PARK, LYING NORTHWEST OF THE NORTHWEST RIGHT-OF-WAY LINE OF THE GLENN HIGHWAY.**

**(Chugiak Community Council) (Planning and Zoning Case 2008-0xx)**

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** The zoning map shall be amended by designating the following described property as T (Transition District):

That portion of Section 35, Township 16 North, Range 1 West, Seward Meridian, lying northwest of the northwesterly right-of-way line of the Glenn Highway, excepting all that portion of ASLS No. 91-106, Plat No. 98-107, containing approximately 20 acres, as shown on Exhibit "A".

**Section 2.** The Director of Planning shall change the zoning map accordingly.

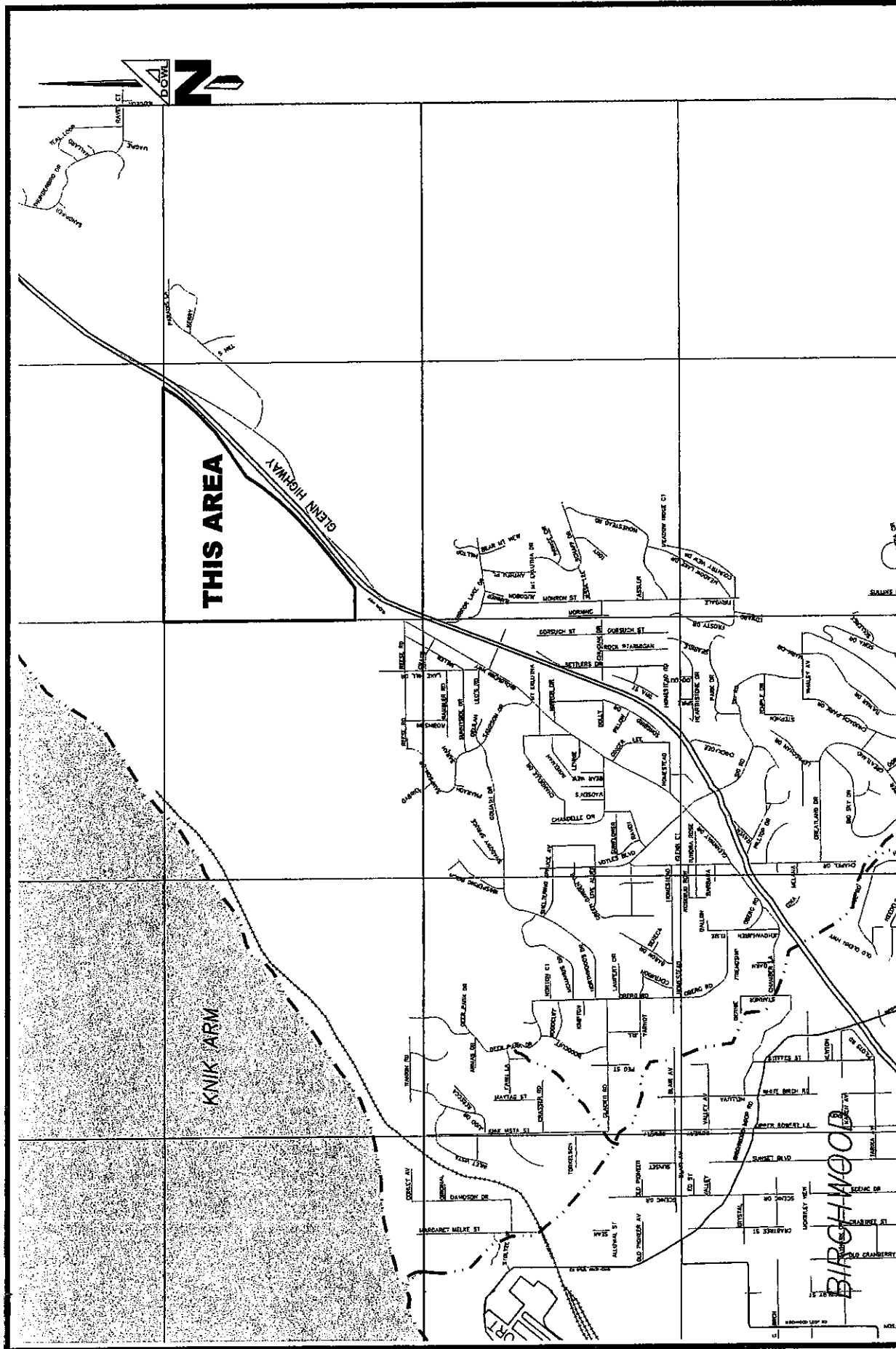
**Section 3.** This ordinance shall become effective immediately upon approval and passage of this ordinance.

PASSED AND APPROVED by the Anchorage assembly this \_\_\_\_ day of \_\_\_\_\_ 2008.

\_\_\_\_\_  
Chair of the Assembly

ATTEST:

\_\_\_\_\_  
Municipal Clerk



MOA GRID: NW1672, 1762, 1763  
SCALE: NTS

**4 DOWL**  
ENGINEERS

VICINITY MAP  
PROPOSED TRACTS 1, 2 AND 3; EDMONDS LAKE PARK SUBDIVISION  
CHUGIAK, ALASKA

**FIGURE 1**





AREA TO BE  
REZONED



SCALE: NTS

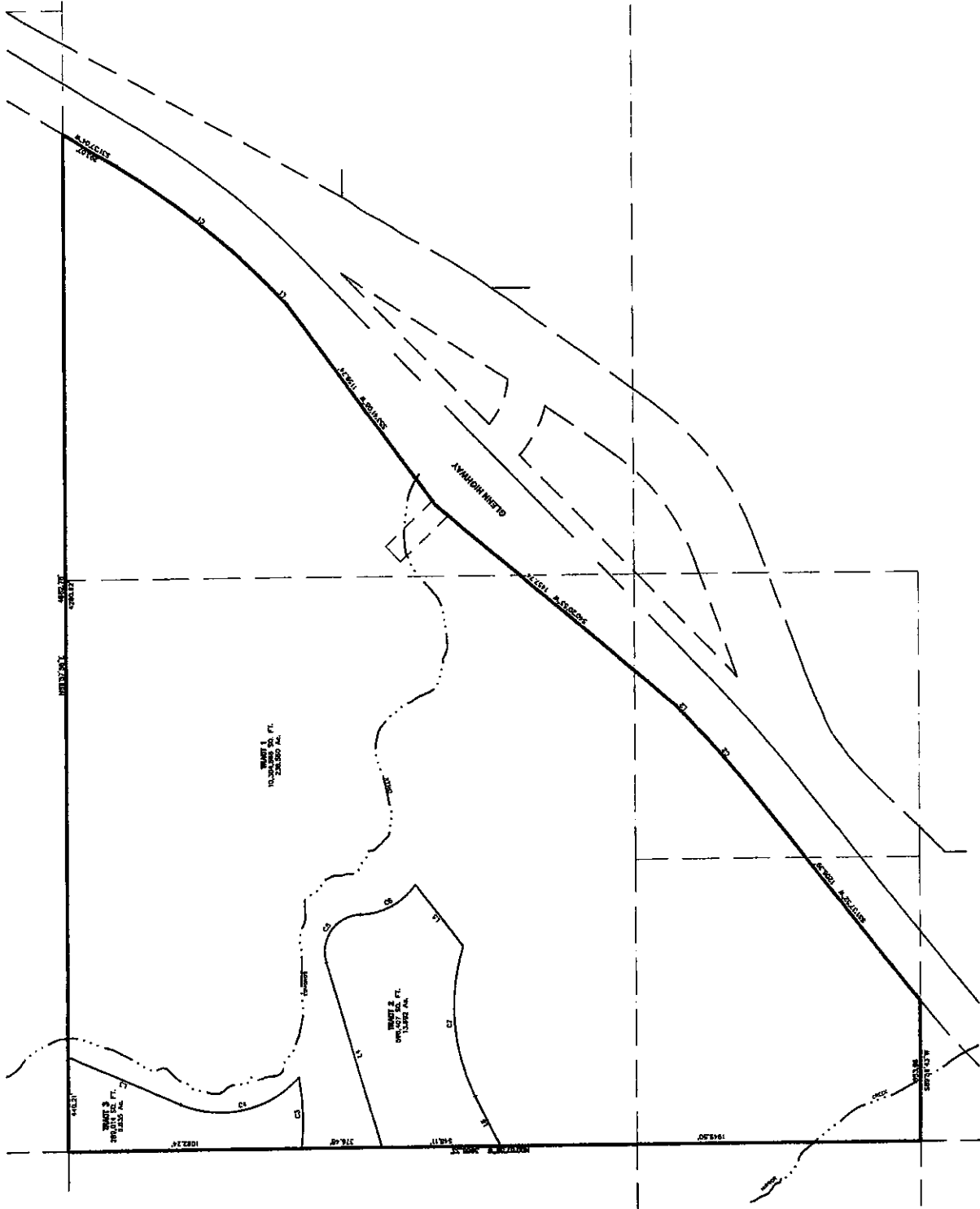
MOA GRID: NW1672, 1782, 1783

P:\Projects\059827\REZONE\REZONE-EDMONDS.dwg 2008-2-25



AREA TO BE REZONED  
PROPOSED TRACTS 1, 2 AND 3; EDMONDS LAKE PARK SUBDIVISION  
CHUGIAK, ALASKA

**FIGURE 3**



SCALE: NTS

MOA GRID: NW1872, 1762, 1763

P:\Projects\059927\REZONE\REZONE-EDMONDS.dwg 2008-2-25

**DOWL**  
ENGINEERS

CASE S-11665  
PROPOSED TRACTS 1, 2 AND 3; EDMONDS LAKE PARK SUBDIVISION  
CHUGIAK, ALASKA

**FIGURE 4**

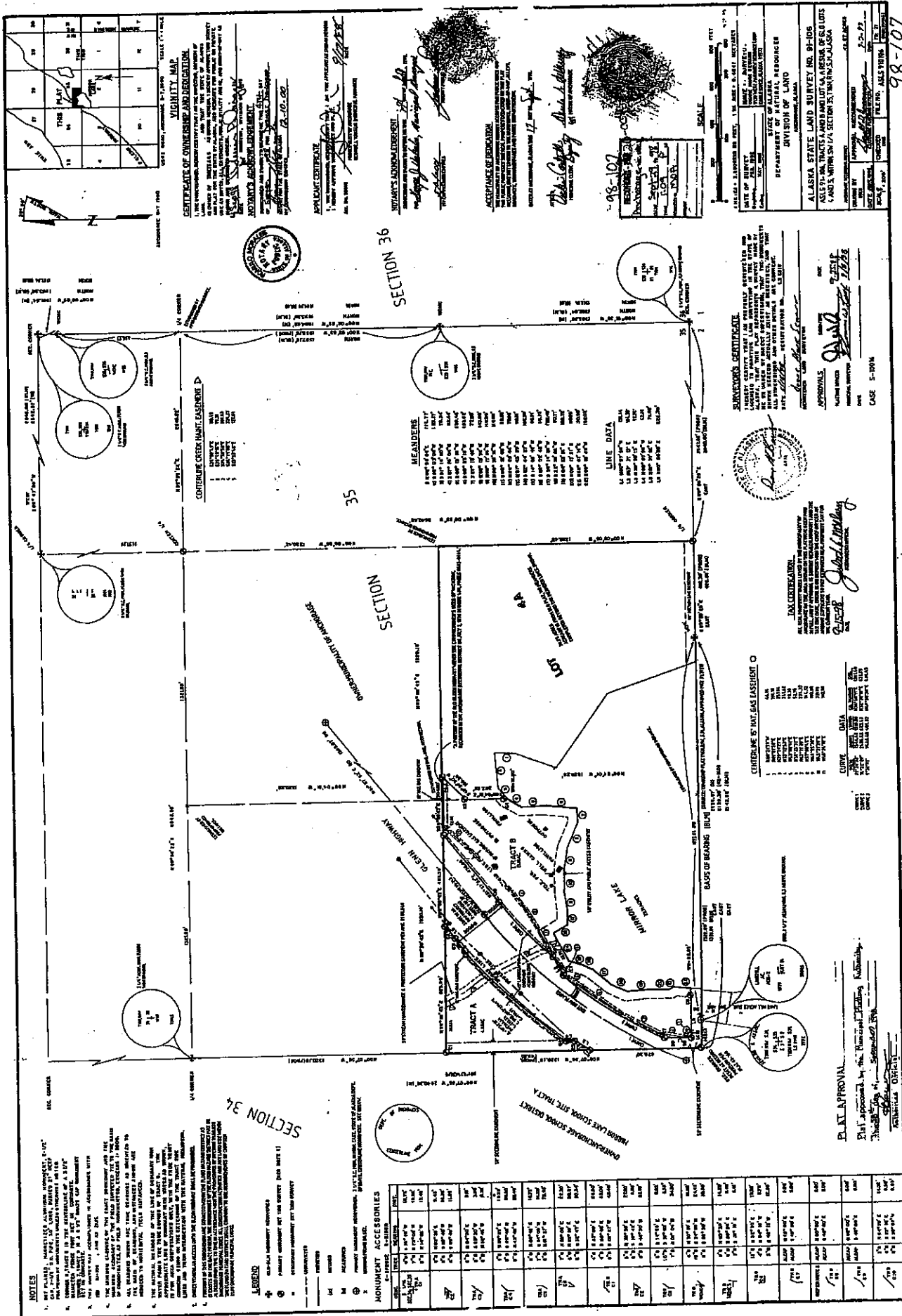
**POSTING**

**AFFIDAVIT**

**5**

# **HISTORICAL INFORMATION**





**NOTES**

1. THE PLAT, MAP, AND SURVEY, HEREIN, IS A TRUE AND CORRECT REPRESENTATION OF THE LAND, AS SHOWN ON THE PLAT, MAP, AND SURVEY, HEREIN, AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
2. THE PLAT, MAP, AND SURVEY, HEREIN, IS A TRUE AND CORRECT REPRESENTATION OF THE LAND, AS SHOWN ON THE PLAT, MAP, AND SURVEY, HEREIN, AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
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**LEGEND**

- 1. BOUNDARY LINE
- 2. CENTERLINE
- 3. EASEMENT
- 4. MONUMENT
- 5. ACCESSORY

**MONUMENT ACCESSORIES**

NO.	DESCRIPTION	DATE
1	BOUNDARY LINE	1980
2	CENTERLINE	1980
3	EASEMENT	1980
4	MONUMENT	1980
5	ACCESSORY	1980

**APPROVALS**

STATE OF ALASKA  
DIVISION OF LAND  
1980

**NOTICE**

98-107

**PLANNING & ZONING  
COMMISSION  
MEETING**

**June 2, 2008**

**Supplemental Comments**

**G.3. Case 2008-087  
Rezoning to T Transition District.**

Double-sided

Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-7943



051-411-19-000  
KELLEY LEONARD T  
821 N STREET #206  
ANCHORAGE, AK 99501

RECEIVED

MAY 21 2008

PLANNING DEPARTMENT

995 N7E 1 A07I 01 05/10/08  
NOTIFY SENDER OF NEW ADDRESS  
KELLEY  
821 N ST STE 205  
ANCHORAGE AK 99501-3285  
BC: 99501328555 \*1989-00527-09-43

NOTICE OF PUBLIC HEARING

Planning Dept Case Number: 2008-087

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

CASE: 2008-087  
PETITIONER: Eklutna, Inc.  
REQUEST: Rezoning to T Transition district  
TOTAL AREA: 339.6 acres  
SITE ADDRESS: N/A  
CURRENT ZONE: PLI, PLI-p  
COM COUNCIL(S): 1---Chugiak

LEGAL/DETAILS: A request to rezone approximately 20 acres (per proposed plat case S11665-1, Edmonds Lake Park Subdivision, Tracts 2 & 3) of a 339.6 acre parcel from PLI-p (Public Lands & Institutions-parks) to T (Transition) zoning district. That portion of Section, 35, T16N, R1W, S.M., Alaska, lying northwesterly of the northwesterly right of way line of the Glenn Highway, excepting all that portion of ASLS No. 91-106, Plat No. 98-107.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, June 02, 2008 in the Assembly Chambers of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for your comments. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call 343-7943; FAX 343-7927. Case information may be viewed at [www.muni.org](http://www.muni.org) by selecting Departments/Planning/Zoning and Platting Cases.

Name:

Address:

Legal Description:

Comments:

REZONING/RESIDENTS--PLANNING COMMISSION  
2008-087

056

Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-7943

051-411-22-000  
KELLEY LEONARD T  
821 N ST STE 205  
ANCHORAGE, AK 99501



RECEIVED

MAY 21 2008

PLANNING DEPARTMENT

## NOTICE OF PUBLIC HEARING Monday, June 02, 2008

Planning Dept Case Number: 2008-087

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

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COM COUNCIL(S): 1--Chugiak

LEGAL/DETAILS: A request to rezone approximately 20 acres (per proposed plat case S11665-1, Edmonds Lake Park Subdivision, Tracts 2 & 3) of a 339.6 acre parcel from PLI-p (Public Lands & Institutions-parks) to T (Transition) zoning district. That portion of Section, 35, T16N, R1W, S.M., Alaska, lying northwesterly of the northwesterly right of way line of the Glenn Highway, excepting all that portion of ASLS No. 91-106, Plat No. 98-107.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, June 02, 2008 in the Assembly Chambers of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for your comment. Commenting Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call 343-7943; FAX 343-7927. Case information may be viewed at [www.muni.org](http://www.muni.org) by selecting Departments/Planning/Zoning and Platting Cases.

Name: Kelley Leonard  
Address: 821 N ST STE 205  
Legal Description: 051-411-22-000  
Comments: No need to subdivide unless there is a planned use. Community NOT advised rezone request

REZONING/RESIDENTS-PLANNING COMMISSION  
2008-087

057

Submitted by: Anna Fairclough, Assembly Chair  
Debbie Ossiander, Assembly Member  
Mark Begich, Mayor  
Prepared By: Dept. of Law  
For Reading: February 14, 2006

MUNICIPAL OFFICE

APPROVED

2-14-06

**ANCHORAGE, ALASKA**  
**AO NO. 2006 - 19 (S)**

1  
2 AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE  
3 MUNICIPALITY OF ANCHORAGE AT THE REGULAR MUNICIPAL ELECTION  
4 APRIL 4, 2006, A BALLOT PROPOSITION AUTHORIZING DISPOSAL OF A  
5 PORTION OF THE NORTHWEST CORNER OF MIRROR LAKE/EDMONDS LAKE  
6 PARK TO EKLUTNA, INC., BASED ON FAIR MARKET VALUE, BY EXCHANGE  
7 FOR A PARCEL OF LAND ADJACENT TO CHUGACH STATE PARK FOR A  
8 TRAIL-HEAD PARKING LOT AND TRAIL CORRIDOR TO MT. BALDY.

9  
10  
11 WHEREAS, [THE NORTHWEST CORNER OF] Mirror Lake/Edmonds Lake Park is  
12 owned by the Municipality of Anchorage and, pursuant to AO 2000-115, is dedicated for  
13 public park and recreational purposes; and

14  
15 WHEREAS, the exchange of these parcels provides a location for a trail-head parking lot  
16 and corridor for trail access to Mt. Baldy in the Chugach State Park; and

17  
18 WHEREAS, Anchorage Municipal Charter § 10.02(8) and Anchorage Municipal Code  
19 section 25.30.020 require a disposal of land dedicated for public park or recreational  
20 purposes to be approved at a regular or special election by a majority of those voting on  
21 the question; and

22  
23 WHEREAS, a companion ordinance, AO 2006-20, authorizing disposal of  
24 approximately 20 acres, described as a portion of Section 35, Township 16 North, Range  
25 1 West, Seward Meridian, Alaska, located in the northwest corner of Mirror  
26 Lake/Edmonds Lake Park for fair market value by exchange for a parcel of land  
27 containing approximately 80 acres, owned by Eklutna, Inc., legally described as Lot 4,  
28 Section 5, and Lot 1, Section 6, both located in Township 14 North, Range 1 West,  
29 Seward Meridian, Alaska, [S1/2, SW1/4, SEC. 32, T15N, R1W, SM, THIRD JUDICIAL  
30 DISTRICT, STATE OF ALASKA] must be approved by the Assembly prior to placing  
31 the ballot proposition before the voters; now, therefore,

32  
33 **THE ANCHORAGE ASSEMBLY HEREBY ORDAINS:**

34  
35 **Section 1.** Submission of this ballot proposition to the voters is subject to the adoption  
36 of Anchorage Ordinance 2006-20, approving disposal of approximately 20 acres legally

described as a portion of Section 35, Township 16 North, Range 1 West, Seward Meridian, Alaska, located in the northwest corner of Mirror Lake/Edmonds Lake Park, based on fair market value by exchange for a parcel of land described as Lot 4, Section 5, and Lot 1, Section 6, both located in Township 14 North, Range 1 West, Seward Meridian, Alaska, [S1/2, SW1/4, SEC. 32, T15N, R1W, SM, THIRD JUDICIAL DISTRICT, STATE OF ALASKA] and located adjacent to Chugach State Park.

**Section 2.** Pursuant to the Anchorage Municipal Charter §10.02(8), a ballot proposition in substantially the following form and substance shall be submitted to the qualified voters of the Municipality at the next regular Municipal election to be held April 4, 2006:

**PROPOSITION NO. \_\_\_\_\_**

**A DISPOSAL OF [A PORTION OF] DEDICATED MUNICIPAL PARK LAND DESCRIBED AS A PORTION OF THE NORTHWEST CORNER OF MIRROR LAKE/EDMONDS LAKE PARK, CONTAINING 20 ACRES MORE OR LESS, FOR FAIR MARKET VALUE BY EXCHANGE FOR A PARCEL OF LAND CONTAINING 80 ACRES MORE OR LESS, FOR A TRAIL-HEAD PARKING LOT AND TRAIL CORRIDOR TO MT. BALDY, LOCATED ADJACENT TO CHUGACH STATE PARK, TO EKLUTNA, INC.**

Shall the Municipality of Anchorage dispose of 20 acres more or less of land dedicated to park and recreational uses, to Eklutna, Inc. in exchange for a parcel of land described as Lot 4, Section 5, and Lot 1, Section 6, both located in Township 14 North, Range 1 West, Seward Meridian, Alaska [S1/2, SW1/4, SEC. 32, T15N, R1W, SM, THIRD JUDICIAL DISTRICT, STATE OF ALASKA], containing approximately 80 acres m/l, based upon fair market value for a trail-head parking lot and trail corridor to Mt. Baldy and located adjacent to Chugach State Park?

Municipal park land affected by this proposition is located in the northwest corner of Mirror Lake/Edmonds Lake Park and described as a portion of Section 35, Township 16 North, Range 1 West, Seward Meridian, Alaska [NW ¼, SW1/4, SE1/4, SW1/4PTN, NE1/4PTN, T16N, R1W, SECTION 35, PLAT NO. \_\_\_\_\_, ANCHORAGE RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA].

The taxpayers of the Municipality do not incur an increase in property taxes as a result of the disposal and the Municipality receives approximately 80 acres adjacent to Chugach State Park.

**Section 3.** Section 1 shall become effective if, and only if, the companion ordinance authorizing the disposal by exchange, AO 2006 - 20, is adopted by the Assembly.

**Section 4.** Section 2 of this ordinance shall become effective if, and only if, said proposition is passed by a majority of the Municipality of Anchorage voters voting on the proposition on April 4, 2006.

PASSED AND APPROVED by the Anchorage Assembly this 14<sup>th</sup> day of February, 2006.

Anna J. Fairclough  
Chair

ATTEST:

Barbara S. Duerst  
Municipal Clerk

**Content ID:** 006583**Type:** Ordinance - AO

**Title:** An ordinance of the Anchorage Assembly amending the zoning map and providing for the rezoning from PLI-p to T for Tracts 2 and 3, Edmonds Lake Park Subdivision (Plat 2008-59), consisting of approximately 20 acres; generally located north of the Glenn Highway.

**Author:** weaverjt

**Initiating Dept:** Planning

**Description:** An ordinance of the Anchorage Assembly amending the zoning map and providing for the rezoning from PLI-p to T for Tracts 2 and 3, Edmonds Lake Park Subdivision (Plat 2008-59), generally located north of the Glenn Highway.

**Date Prepared:** 7/9/08 11:30 AM**Director Name:** Tom Nelson

**Assembly Meeting Date:** 7/25/08

**Public Hearing Date:** 8/19/08

<b>Workflow Name</b>	<b>Action Date</b>	<b>Action</b>	<b>User</b>	<b>Security Group</b>	<b>Content ID</b>
Clerk_Admin_SubWorkflow	7/18/08 9:50 AM	Exit	Heather Handyside	Public	006583
MuniMgrCoord_SubWorkflow	7/18/08 9:50 AM	Approve	Heather Handyside	Public	006583
MuniManager_SubWorkflow	7/18/08 8:53 AM	Approve	Michael Abbott	Public	006583
Legal_SubWorkflow	7/17/08 2:20 PM	Approve	Rhonda Westover	Public	006583
OMB_SubWorkflow	7/17/08 10:50 AM	Approve	Wanda Phillips	Public	006583
ECD_SubWorkflow	7/16/08 2:13 PM	Approve	Lisa Villareal	Public	006583
Planning_SubWorkflow	7/16/08 12:29 PM	Approve	Tom Nelson	Public	006583
AllOrdinanceWorkflow	7/15/08 5:34 PM	Checkin	Jerry Weaver Jr.	Public	006583
OMB_SubWorkflow	7/15/08 11:37 AM	Reject	Wanda Phillips	Public	006583
ECD_SubWorkflow	7/14/08 8:06 AM	Approve	Lisa Villareal	Public	006583
Planning_SubWorkflow	7/11/08 5:21 PM	Approve	Tom Nelson	Public	006583
AllOrdinanceWorkflow	7/9/08 11:32 AM	Checkin	Jerry Weaver Jr.	Public	006583

2008 JUL 0 4:10:37  
CITY OF ANCHORAGE