

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Real Estate Services  
For Reading: December 2, 2008

CLERK'S OFFICE

APPROVED

Date: 12-17-08

ANCHORAGE, ALASKA

AO NO. 2008-132

1 AN ORDINANCE AUTHORIZING ACQUISITION OF A PORTION OF  
2 TRACT 9A, WESTPARK SUBDIVISION SCHOOL ADDITION, AT THE  
3 REQUEST OF AND FUNDED BY THE ANCHORAGE SCHOOL DISTRICT,  
4 FOR SIX MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS  
5 (\$6,250,000), AND AUTHORIZING ACQUISITION OF THE REMAINDER OF  
6 TRACT 9A, WESTPARK SUBDIVISION SCHOOL ADDITION AND TRACT 10,  
7 KINCAID ESTATES BY EXCHANGE FOR AN EXCLUSIVE LICENSE VALUED  
8 AT THREE MILLION DOLLARS (\$3,000,000) TO FILL AND CONTOUR  
9 MUNICIPALLY OWNED PARCEL 7A, WESTPARK SUBDIVISION SCHOOL  
10 ADDITION.  
11

12  
13 **WHEREAS**, the administration desires to acquire property in South Anchorage  
14 for a middle school site; and

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16 **WHEREAS**, the Municipality currently owns adjacent property described as  
17 Tract 7A, WestPark Subdivision School Addition; and

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19 **WHEREAS**, Anchorage Municipal Code sections 25.20.010 and .020 authorize  
20 the Municipality to acquire land for any public purpose, upon approval of the  
21 Assembly; and

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23 **WHEREAS**, the administration reached an agreement to purchase Tract 9A,  
24 WestPark Subdivision School Addition and Tract 10, Kincaid Estates; and

25  
26 **WHEREAS**, a 25-acre portion of Tract 9A is purchased at the request of, and  
27 funded by, the Anchorage School District, for a middle school for Six Million,  
28 Two Hundred Fifty Thousand (\$6,250,000) Dollars plus closing costs; and

29  
30 **WHEREAS**, the remainder of Tract 9A (approximately 12 acres) and Tract 10,  
31 Kincaid Estates are acquired by exchange for an exclusive license to fill and  
32 contour municipally-owned Tract 7A; the value of this exchange of land for an  
33 exclusive fill license is Three Million (\$3,000,000) Dollars; and

34  
35 **WHEREAS**, as a result of this transaction, twenty-five acres of Tract 9A shall  
36 be managed and platted by the Anchorage School District for the construction

of a middle school, with the remainder of Tract 9A, all of Tract 10, and the filled and contoured Tract 7A to be managed by the Municipality; now, therefore,

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** The purchase of a 25-acre portion of Tract 9A, WestPark Subdivision School Addition, at the request of and funded by the Anchorage School District, for SIX MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$6,250,000), plus closing costs, to include MOA administrative fees paid by Anchorage School District, is hereby approved.

**Section 2.** The acquisition of the remainder of Tract 9A, WestPark Subdivision School Addition and Tract 10, Kincaid Estates in exchange for an exclusive license, as detailed in the accompanying Assembly Memorandum, to fill municipally-owned Tract 7A, WestPark Subdivision School Addition, valued at THREE MILLION DOLLARS (\$3,000,000), is hereby approved.

**Section 3.** This ordinance shall take effect immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 17<sup>th</sup> day of December, 2008.

  
Chair of the Assembly

ATTEST:

  
Municipal Clerk

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

AO Number: 2008-132 Title: **AN ORDINANCE AUTHORIZING ACQUISITION OF A PORTION OF TRACT 9A, WESTPARK SUBDIVISION SCHOOL ADDITION, AT THE REQUEST OF AND FUNDED BY THE ANCHORAGE SCHOOL DISTRICT, FOR SIX MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$6,250,000), AND AUTHORIZING ACQUISITION OF THE REMAINDER OF TRACT 9A, WESTPARK SUBDIVISION SCHOOL ADDITION, AND TRACT 10, KINCAID ESTATES, BY EXCHANGE FOR AN EXCLUSIVE LICENSE VALUED AT THREE MILLION DOLLARS (\$3,000,000) TO FILL AND CONTOUR MUNICIPALLY OWNED PARCEL 7A, WESTPARK SUBDIVISION SCHOOL ADDITION.**

Sponsor: MAYOR  
Preparing Agency: Heritage Land Bank and Real Estate Services, on behalf of Anchorage School District  
Others Impacted: Anchorage School District

CHANGES IN EXPENDITURES AND REVENUES:		(Thousands of Dollars)				
	FY08	FY09	FY10	FY11	FY12	
Operating Expenditures						
1000 Personal Services						
2000 Supplies						
3000 Other Services						
4000 Debt Service						
5000 Capital Outlay	6,250					
TOTAL DIRECT COSTS:						
6000 IGCs						
FUNCTION COST:						
REVENUES:						
CAPITAL:						
POSITIONS: FT/PT and Temp.						

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Capital outlay is paid from approved and appropriated ASD land acquisition bond monies. Fill and contour of municipally-owned Tract 7A allows recreational public use of the property; construction of middle school on subject properties provides educational resources in southwest Anchorage.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

Construction of middle school and development of adjacent recreational land provides direct educational and recreational benefits to residents in southwest Anchorage.

Prepared by: **William M. Mehner**  
Director, Heritage Land Bank and Real Estate Services

Telephone: **343-4337**



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

AM No. 837-2008

Meeting Date: December 2, 2008

**From:** MAYOR

**Subject:** AN ORDINANCE AUTHORIZING ACQUISITION OF A PORTION OF TRACT 9A, WESTPARK SUBDIVISION SCHOOL ADDITION, AT THE REQUEST OF AND FUNDED BY THE ANCHORAGE SCHOOL DISTRICT, FOR SIX MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$6,250,000), AND AUTHORIZING ACQUISITION OF THE REMAINDER OF TRACT 9A, WESTPARK SUBDIVISION SCHOOL ADDITION AND TRACT 10, KINCAID ESTATES BY EXCHANGE FOR AN EXCLUSIVE LICENSE VALUED AT THREE MILLION DOLLARS (\$3,000,000) TO FILL AND CONTOUR MUNICIPALLY OWNED PARCEL 7A, WESTPARK SUBDIVISION SCHOOL ADDITION.

This ordinance seeks approval for the Anchorage School District (ASD) and the Municipality of Anchorage (MOA) to purchase real property for a future middle school site. The two parcels are legally described as Tract 9A, WestPark Subdivision School Addition, and Tract 10, Kincaid Estates. The ASD requested acquisition of a portion of Tract 9A, totally approximately 25 acres, for a middle school site; the purchase of these 25 acres is funded by ASD Land Acquisition Bond monies. Tract 9A comprises the preferred site for a middle school for the Sand Lake area of Anchorage, and has been approved by both the Planning and Zoning Commission and the ASD School Board. In addition, the Sand Lake Community Council has recommended this site for a middle school.

In April 2003, Anchorage voters approved funding to acquire additional school sites to meet the future needs of the community; ASD then proceeded to search for sites to locate elementary and middle school sites in the southwest Anchorage area. On May 31, 2005, the Assembly approved AR 2005-112/AM 330-2005, identifying the need to acquire sites for a new elementary school and a new middle school in southwest Anchorage.

On August 7, 2008, the MOA signed a Purchase and Sale Agreement, where the MOA agrees to purchase the two parcels. The 25 acres on Tract 9A is purchased, with ASD Land Acquisition Bond monies, for Six Million Two Hundred Fifty Thousand Dollars (\$6,250,000); in addition, ASD is responsible for closing costs, including MOA administrative fees.

The remnant of Tract 9A, and Tract 10, Kincaid Estates, are acquired by the MOA by exchange, for an exclusive license to fill and contour municipally-owned Tract 7A, valued at \$3,000,000. The exclusive license grants the holder the right to fill and contour Tract 7A, WestPark Subdivision School Addition, currently owned by the MOA and known as Lucy Pit (the "Fill License").

The material terms of the Fill License include:

- a. An exclusive license to fill and contour Lucy Pit within a five (5)-year period, subject to extension for an additional two (2) years.
- b. The Fill License is subject to issuance of a conditional use permit (CUP) approved by the Planning & Zoning Commission. A CUP sets the specific requirements for any commercial fill operations conducted at Lucy Pit, including hours of operation, noise levels, access to public roads, permitted fill material(s), air quality and other environmental matters.
- c. The Fill License terminates either upon expiration of its term or upon final grading and landscaping in accordance with plans to be reviewed by the Municipal Parks and Recreation Department and approved by the Planning & Zoning Commission. Upon completion of the fill and contour work, the Municipality plans to use the (now former) Lucy Pit for ball fields and other active recreational purposes.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE AUTHORIZING ACQUISITION OF A PORTION OF TRACT 9A, WESTPARK SUBDIVISION SCHOOL ADDITION, AT THE REQUEST OF AND FUNDED BY THE ANCHORAGE SCHOOL DISTRICT, FOR SIX MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$6,250,000), AND AUTHORIZING ACQUISITION OF THE REMAINDER OF TRACT 9A, WESTPARK SUBDIVISION SCHOOL ADDITION, AND TRACT 10, KINCAID ESTATES, BY EXCHANGE FOR AN EXCLUSIVE LICENSE VALUED AT THREE MILLION DOLLARS (\$3,000,000) TO FILL AND CONTOUR MUNICIPALLY OWNED PARCEL 7A, WESTPARK SUBDIVISION SCHOOL ADDITION.**

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

ref. A0 2108-132  
ARZ 2108-304

Kincaid Road

Lucy Street

Tract 8A

Tract 9A

Tract 10

Sand Lake Road

West Dimond Boulevard

