

Submitted by: Chair of the Assembly  
at the Request of the Mayor  
Prepared by: Project Management &  
Engineering Department  
For Reading: November 18, 2008

CLERK'S OFFICE

APPROVED

Date: 11/16/09

ANCHORAGE, ALASKA  
AR NO. 2008-276

1 A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN AND  
2 ACCEPTANCE OF THE DECISIONAL DOCUMENT PART I AND PART II FOR THE  
3 CONSTRUCTION OF 100th AVENUE EXTENSION, PHASE I, C STREET TO KING  
4 STREET, PROJECT NO. 01-09  
5

6  
7 WHEREAS, the Municipality has engaged in negotiations regarding the  
8 acquisition of property rights for the parcel listed in Exhibit A; and  
9

10 WHEREAS, the Municipality has made every reasonable effort to acquire  
11 the property rights described in Exhibit A from the property owner by negotiated  
12 agreement in accordance with applicable law; and  
13

14 WHEREAS, further delay as a result of continued nonproductive  
15 negotiations would have a detrimental effect upon the cost and completion of the  
16 project; now therefore,  
17

18 THE ANCHORAGE ASSEMBLY RESOLVES:  
19

20 Section 1. The property interests described in Exhibit A are to be acquired for the  
21 road construction of the 100th Avenue Extension, Phase I project. The project  
22 represents a public project, the design of which has been determined to provide the  
23 greatest public good for the least private injury. The Municipality is hereby authorized  
24 to acquire necessary property rights in regard to the parcels described in Exhibit A for  
25 right of way for the 100th Avenue Extension project.  
26

27 Section 2. The Municipality is authorized to institute condemnation proceedings,  
28 including the use of a Declaration of Taking, against the property described in Exhibit A.  
29

30 Section 3. Decisional Document (Part I and II) have been reviewed and accepted by  
31 the Assembly and are approved for use in filing a Declaration of Taking for the property  
32 described in Exhibit A.  
33

34 Section 4. This resolution shall take effect immediately upon passage and approval  
35 by the Anchorage Assembly.

1  
2 PASSED AND APPROVED by the Anchorage Municipal Assembly this 6<sup>th</sup> day of  
3 January, 2009.  
4

5 Henri A. Drummond  
6  
7 Chair

8  
9 ATTEST:

10  
11 Bela S. Freund  
12  
13 Municipal Clerk



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 772-2008

**Meeting Date:** November 18, 2008

**FROM:** Mayor

**SUBJECT:** Authorization for the Use of Eminent Domain and Acceptance of the Decisional Documents for the Construction of 100th Avenue Extension, Phase I, C Street to King Street, Project No. 01-09.

The 100th Avenue Extension, Phase I, C Street to King Street project is scheduled for construction in 2009. The project design requires an extension of 100th Avenue from its existing terminus at King Street, west to C Street and intersection improvements to accommodate commercial vehicles. The extension of 100th Avenue has been in the Long Range Transportation Plan (LRTP) since 1991 and has remained an integral part of the Plan throughout its updates. The project is considered a short-term priority and it is currently ranked first in the MOA's Project Management & Engineering (PM&E) 2008-2013 Capital Improvement Program (CIP). PM&E initiated this project to improve traffic circulation and reduce overall vehicle miles traveled in South Anchorage. The extension of 100th Avenue will reduce congestion. In addition, it will increase the safety of people and property by reducing response times for both fire and emergency medical treatment services and the addition of sidewalks and pathways will provide safe and convenient access for pedestrians and bicyclists. The Municipality is purchasing a public use easement and temporary construction easement to allow construction of the necessary improvements. The Municipality has been engaged in negotiations with the property owner since January 2008 and has reached an impasse with the owner listed in Exhibit A (attached).

Pursuant to AMC 25.20.025, Assembly approval is hereby requested to authorize Eminent Domain Authority to acquire the land rights needed, from the single parcel which is the subject of this action, through the use of condemnation.

As part of the acquisition process, the Decisional Document (Parts I and II attached) summarizes the history of the alignment selection process and the history of negotiations with the individual property owner that remains at impasse which must be reviewed and approved by the Assembly. Project Management & Engineering will provide the affected property owner with certified notice of the Assembly public hearing date and time in accordance with AMC 25.20.025(B).

THE ADMINISTRATION RECOMMENDS APPROVAL OF THE RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN AND ACCEPTANCE OF THE DECISIONAL DOCUMENT FOR THE CONSTRUCTION OF 100th AVENUE EXTENSION, PHASE I, C STREET TO KING STREET, PROJECT NO. 01-09.

Prepared by: J. W. Hansen, Acting Director, Project Management & Engineering Department

Concur: Michael K. Abbott, Municipal Manager

Respectfully submitted: Mark Begich, Mayor

**100<sup>TH</sup> AVENUE EXTENSION, PHASE I, C STREET TO KING STREET  
PROJECT #01-09**

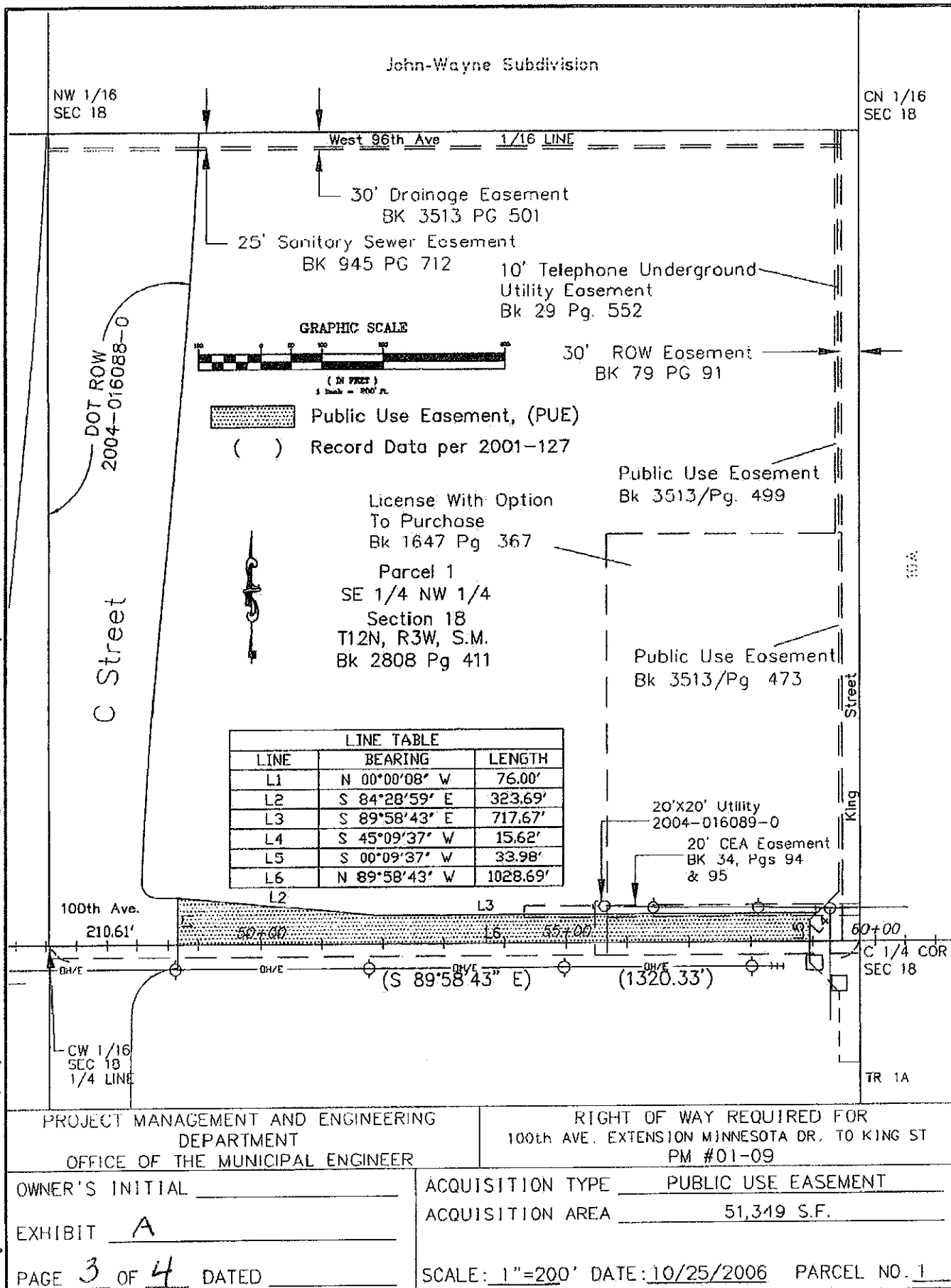
**EXHIBIT A**

<b><u>Parcel</u></b>	<b><u>Legal Description</u></b>	<b><u>Owner</u></b>	<b><u>Rights*</u></b>
1	<p>A Public Use Easement within the Southeast one-quarter (SE ¼) of the Northwest one-quarter (NW ¼) of Section 18, Township 12 North, Range 3 West, Seward Meridian, being within the Anchorage Recording District, Third Judicial District, State of Alaska, EXCEPTING THEREFROM that portion conveyed to State of Alaska, Department of Transportation and Public Facilities by Warranty Deed recorded March 12, 2004 under Serial No. 2004-016088-0, as described below:</p> <p>Beginning at the Center-West 1/16 (CW 1/16) of said Section 18 as shown on Plat 2001-127; Thence adjoining the Center ¼ line of said Section 18 S 89°58'43" E ,210.61 feet more or less to a point on the east Right-of-Way Line of C Street as conveyed to State of Alaska, Department of Transportation and Public Facilities by Warranty Deed recorded March 12, 2004 under Serial No. 2004-016088-0; thence adjoining said Right-of Way N 00°00'08" W ,76.00 feet; thence S 84°28'59" E ,323.69 feet; thence S 89°58'43" E ,717.67 feet more or less to a point on the westerly boundary of the Public Use Easement conveyed to Municipality of Anchorage in Book 3513 at Page 473; thence adjoining said Public Use Easement S 45°09'37" W ,15.62 feet; thence adjoining said Public Use Easement S 00°09'37" W ,33.98 feet more or less to a point on said Center ¼ Line; thence adjoining said Center ¼ Line N 89°58'43" W ,1028.69 feet more or less to the True Point of Beginning. Containing 51,349 square feet.</p>	AEL Anchorage LLC	PUE

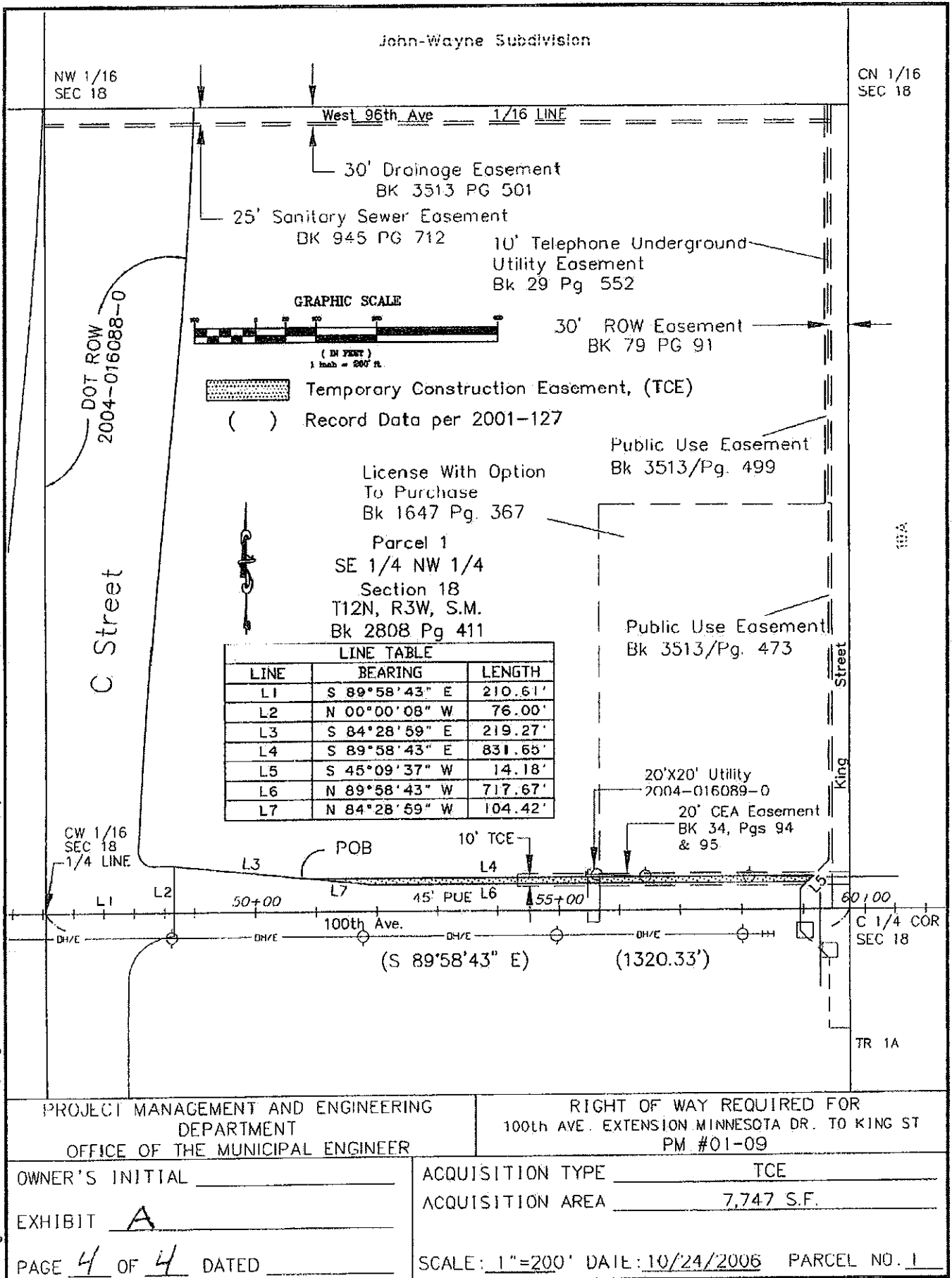
1	<p>A Temporary Construction Easement within the Southeast one-quarter (SE ¼) of the Northwest one-quarter (NW ¼) of Section 18, Township 12 North, Range 3 West, Seward Meridian, being within the Anchorage Recording District, Third Judicial District, State of Alaska, EXCEPTING THEREFROM that portion conveyed to State of Alaska, Department of Transportation and Public Facilities by Warranty Deed recorded March 12, 2004 under Serial No. 2004-016088-0, as described below:</p> <p>Beginning at the Center-West 1/16 (CW 1/16) of said Section 18 as shown on Plat 2001-127; Thence adjoining the Center ¼ line of said Section 18 S 89°58'43" E ,210.61 feet more or less to a point on the east Right-of-Way Line of C Street as conveyed to State of Alaska, Department of Transportation and Public Facilities by Warranty Deed recorded March 12, 2004 under Serial No. 2004-016088-0; thence along said Right-of Way N 00°00'08" W ,76.00 feet; thence S 84°28'59" E ,219.27 feet, Also being the True Point of Beginning; thence S 89°58'43" E ,831.65 feet more or less to a point on the westerly boundary of the Public Use Easement conveyed to Municipality of Anchorage in Book 3513 at Page 473; thence adjoining said Public Use Easement S 45°09'37" W ,14.18 feet; thence N 89°58'43" W ,717.67; thence N 84°28'59" W ,104.42 feet more or less to the True Point of Beginning. Containing 7,747 square feet.</p>	AEL Anchorage LLC	TCE
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\* PUE = Public Use Easement  
TCE = Temporary Construction Easement

Drawing Name: J:\636700\Survey\Drawings\100th Ave Extension\Easement.dwg 636700-Parcel 1\_PUE.dwg PLOTTED: Oct 25, 2006 - 9:49am



Drawing Name: J:\636700\Survey\Draws\100th Ave Extension\Ext dws-dwg\636700-Parcel 1\_TCE.dwg PLOTTED: Oct 24, 2006 - 1:33pm



**Content ID:** 007076**Type:** AR\_AllOther - All Other Resolutions

A Resolution authorizing the use of Eminent Domain and acceptance of the

**Title:** decisional document Part I & II for the construction of 100th Avenue Extension, Phase I, C Street to King Street, Project No. 01-09**Author:** bascometj**Initiating Dept:** PME\_Projects

A Resolution authorizing the use of Eminent Domain and acceptance of the

**Description:** decisional document Part I & II for the construction of 100th Avenue Extension, Phase I, C Street to King Street, Project No. 01-09**Keywords:** Eminent Domain, 100th Avenue, Project No. 01-09**Date Prepared:** 11/6/08 11:40 AM**Assembly Meeting Date:** 11/18/08**Public Hearing Date:** 12/2/08

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
Clerk_Admin_SubWorkflow	11/7/08 11:18 AM	Exit	Heather Handyside	Public	007076
MuniMgrCoord_SubWorkflow	11/7/08 11:18 AM	Approve	Heather Handyside	Public	007076
MuniManager_SubWorkflow	11/7/08 10:57 AM	Approve	Michael Abbott	Public	007076
PME_Projects_SubWorkflow	11/6/08 1:52 PM	Approve	Jerry Hansen	Public	007076
AllOtherARWorkflow	11/6/08 11:47 AM	Checkin	Tammy Bascome	Public	007076