

Submitted by: Chair of the Assembly at  
the Request of the Acting  
Mayor

Prepared by: Heritage Land Bank

For Reading: February 3, 2009

~~CLERK'S OFFICE~~

APPROVED

Date:

3-3-09

ANCHORAGE, ALASKA

AO No. 2009-20

1 AN ORDINANCE AUTHORIZING WITHDRAWAL OF PORTIONS OF  
2 PARCELS 3-030, 3-031, 3-032A, 3-032B, 3-033, AND 3-065 TOTALING  
3 APPROXIMATELY 39 ACRES, FROM HERITAGE LAND BANK  
4 INVENTORY FOR TRANSFER TO THE REAL ESTATE SERVICES  
5 DIVISION, AND ESTABLISHING A CONSERVATION EASEMENT ON THE  
6 WITHDRAWN PORTIONS OF THE PARCELS, WITH MITIGATION  
7 CREDITS TO BE MANAGED BY HERITAGE LAND BANK.

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8  
9 WHEREAS, the Heritage Land Bank inventory contains HLB Parcels 3-030, 3-031, 3-  
10 032A, 3-032B, 3-033, AND 3-065, located south of Tudor Road and abutting Far North  
11 Bicentennial Park The land is zoned Public Lands and Institutions; and

12  
13 WHEREAS, "It is the mission of the Heritage Land Bank to manage uncommitted  
14 municipal land and the Heritage Land Bank Fund in a manner designed to benefit the  
15 present and future citizens of Anchorage, promote orderly development, and achieve the  
16 goals of the Comprehensive Plan. The Heritage Land Bank shall acquire, inventory,  
17 manage, withdraw, transfer and dispose of municipal land which has not been dedicated  
18 or transferred to a specific municipal agency for one or more municipal uses." (AMC  
19 section 25.40.010); and

20  
21 WHEREAS, "The mayor, with Assembly approval, may withdraw land from the HLB  
22 inventory for any lawful municipal purpose, consistent with the Comprehensive Plan  
23 and implementing measures or applicable site specific land use studies. Such a  
24 withdrawal shall become effective only after at least 30 days' prior written notice to the  
25 HLB Advisory Commission, to the affected Community Council, and to the public as  
26 specified in AMC section 25.40.030, and after at least one public hearing regarding the  
27 proposed withdrawal" (AMC section 25.40.015); and

28  
29 WHEREAS, following a public hearing on October 11, 2007, the Heritage Land Bank  
30 Advisory Commission recommended, in Resolution 2007-12, authorizing a  
31 conservation easement to be recorded against Heritage Land Bank (HLB) portions of  
32 HLB Parcels 3-030, 3-031, 3-032A, 3-032B, 3-033, and 3-065, comprising  
33 approximately 34-40 acres, from the HLB inventory and transfer to the Real Estate  
34 Services Division, and establishing a conservation easement on the withdrawn portions  
35 of the parcels; and  
36

1 **WHEREAS**, "The mayor, with Assembly approval, may withdraw land from the  
2 Heritage Land Bank inventory for any lawful municipal purpose, consistent with the  
3 Comprehensive Plan and implementing measures or applicable site specific land use  
4 studies. Such a withdrawal shall become effective only after at least 30 days' prior  
5 written notice to the HLB Advisory Commission, to the affected Community Council,  
6 and to the public as specified in AMC section 25.40.030, and after at least one public  
7 hearing regarding the proposed withdrawal." (Section 25.40.015B); Now therefore,

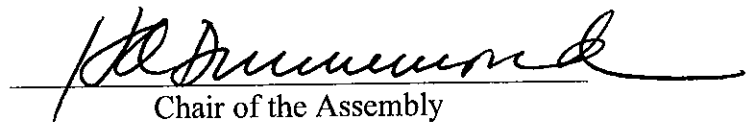
8  
9 **THE ANCHORAGE ASSEMBLY ORDAINS:**

10  
11 **Section 1.** Portions of HLB Parcels 3-030, 3-031, 3-032A, 3-032B, 3-033, AND 3-  
12 065, comprising approximately 39 acres, shall be withdrawn from Heritage Land Bank  
13 inventory and be transferred to the Real Estate Services Division.

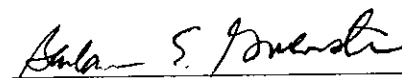
14  
15 **Section 2.** A conservation easement shall be recorded on the withdrawn portions of  
16 the HLB parcels, with resulting mitigation credits to be managed by the Heritage Land  
17 Bank.

18  
19 **Section 3.** This ordinance shall be effective immediately upon passage and  
20 approval.

21  
22 PASSED AND APPROVED by the Anchorage Assembly this 3<sup>rd</sup> day of  
23 March, 2009.

24  
25   
26 Chair of the Assembly

27 ATTEST:

28  
29   
30  
31 Municipal Clerk

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

AO Number: 2009-20 Title: **AN ORDINANCE AUTHORIZING WITHDRAWAL OF PORTIONS OF PARCELS 3-030, 3-031, 3-032A, 3-032B, 3-033, AND 3-065 FROM HERITAGE LAND BANK INVENTORY FOR TRANSFER TO THE REAL ESTATE SERVICES DIVISION, AND ESTABLISHING A CONSERVATION EASEMENT ON THE WITHDRAWN PORTIONS OF THE PARCELS, WITH MITIGATION CREDITS TO BE MANAGED BY HERITAGE LAND BANK.**

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

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**CHANGES IN EXPENDITURES AND REVENUES:** (Thousands of Dollars)

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	FY09	FY10	FY11	FY12	FY13
Operating Expenditures					
1000 Personal Services					
2000 Supplies					
3000 Other Services					
4000 Debt Service					
5000 Capital Outlay					
<b>TOTAL DIRECT COST</b>	0	0	0	0	0
6000 IGCs	0	0	0	0	0
<b>FUNCTION COST:</b>	0	0	0	0	0
<b>REVENUES:</b>	433	0	0	0	0
<b>CAPITAL:</b>	0	0	0	0	0
<b>POSITIONS: FT/PT and Temp.</b>	0	0	0	0	0

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**PUBLIC SECTOR ECONOMIC EFFECTS:** Revenue of at least \$433,000 in payment for mitigation credits is anticipated for Fund 221.

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**PRIVATE SECTOR ECONOMIC EFFECTS:** None; property remains in municipal inventory, with no impact to HLB or to Real Estate Services as a result of this transaction

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

Telephone: **343-4337**



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 78-2009

MEETING DATE: February 3, 2009

1 FROM: ACTING MAYOR

2  
3 SUBJECT: AN ORDINANCE AUTHORIZING WITHDRAWAL OF  
4 PORTIONS OF PARCELS 3-030, 3-031, 3-032A, 3-032B, 3-033,  
5 AND 3-065 TOTALING APPROXIMATELY 39 ACRES, FROM  
6 HERITAGE LAND BANK INVENTORY FOR TRANSFER TO  
7 THE REAL ESTATE SERVICES DIVISION, AND  
8 ESTABLISHING A CONSERVATION EASEMENT ON THE  
9 WITHDRAWN PORTIONS OF THE PARCELS, WITH  
10 MITIGATION CREDITS TO BE MANAGED BY HERITAGE  
11 LAND BANK.  
12

13 HLB Parcels 3-030, 3-031, 3-032A, 3-032B, 3-033, AND 3-065, (TIDs 008-091-13,  
14 008-121-06, 008-101-12, 008-101-14, 008-111-01, and 008-101-10) are located south  
15 of Tudor Road and abut Far North Bicentennial Park (See **Appendix A: Site Map.**)  
16 The land is zoned Public Lands and Institutions. It is predominantly Class "A" and "B"  
17 wetlands.  
18

19 These parcels are affected by federal and state reversionary interest clauses. Both the  
20 federal and state patents provide if, among other things, the lands are devoted to a use  
21 other than public parks and recreational purposes and other compatible public purposes,  
22 the land could revert back to either the state or federal government.  
23

24 The MOA plans to extend Dr. Martin Luther King, Jr. Avenue (formerly East 48th  
25 Extension) to parallel Tudor Road and provide access to future development in the 3500  
26 Tudor area. This road connects Boniface Parkway to Bragaw Street and provides  
27 improved connectivity to Elmore Road. Pursuant to the U.S. Army Corps of Engineers  
28 (COE) Permit, POA-2004-281-4 Campbell Creek, the Municipality of Anchorage (the  
29 applicant) must accomplish compensatory mitigation for impacts to wetlands associated  
30 with the road project. The COE permit includes the following Special Condition:  
31

32 15. Compensatory Mitigation:

33 The applicant shall purchase conservation easements from the Heritage  
34 Land Bank (HLB) or donate a fee-in-lieu of mitigation to the Great Land  
35 Trust or other qualified non-profit conservation organization for use in  
36 wetland restoration, enhancement, reservation, or acquisition in the  
37 Municipality of Anchorage. . .  
38

39 The portions of the HLB parcels which are proposed for the conservation easement are  
40 depicted on the attached Appendix A. The COE has indicated a willingness to allow

1 any excess mitigation credits to be applied to the proposed state crime lab to be located  
2 in the area.

3  
4 The lands used for mitigation will remain in municipal ownership. Although existing  
5 and planned trails are allowed, other activities permitted on these lands are severely  
6 restricted by the terms of the conservation easement, which will be retained by HLB.

7  
8 Pursuant section 25.40.015, the mayor, with Assembly approval, may withdraw land  
9 from the HLB inventory for any lawful municipal purpose, consistent with the  
10 Comprehensive Plan and implementing measures or applicable site specific land use  
11 studies. Such a withdrawal shall become effective only after at least 30 days' prior  
12 written notice to the HLB Advisory Commission, to the affected Community Council,  
13 and to the public as specified in AMC section 25.40.030, and after at least one public  
14 hearing regarding the proposed withdrawal.

15  
16 HLB staff satisfied the public notice requirements of section 25.40.015.

17  
18 On September 25, 2007, HLB staff distributed notice to municipal agencies of the  
19 proposed action. There were no objections to the proposal. Agency comments are  
20 attached as **Appendix B**.

21  
22 Due to the reversionary interest clauses in the parcel patents, concurrence with this  
23 action is required from the Alaska Department of Natural Resources and the U.S.  
24 Bureau of Land Management.

25  
26 Following a public hearing on October 11, 2007, the Heritage Land Bank Advisory  
27 Commission approved Resolution 2007-12, recommending authorization of this action  
28 (**Appendix C**).

29  
30 The proposed conservation easement includes portions of land within the Chuck  
31 Albrecht Ball Fields (Tract A, East Anchorage Ballfields Subdivision) and an adjoining  
32 10-acre parcel. These lands were transferred to Parks and Recreation management for  
33 the ball field development, and a portion of this area was included as part of Far North  
34 Bicentennial Park dedicated by Assembly Ordinance in 1984 for permanent park  
35 purposes. However, Municipal records indicate that the land was retained in the  
36 Heritage Land Bank inventory. On June 12, 2008, Memorandum PRC 08-39 supporting  
37 this action was presented to the Parks and Recreation Commission (**Appendix D**,  
38 without attachments). No objection was expressed.

39  
40 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**  
41 **AUTHORIZING WITHDRAWAL OF PORTIONS OF PARCELS 3-030, 3-031,**  
42 **3-032A, 3-032B, 3-033, AND 3-065 TOTALING APPROXIMATELY 39 ACRES,**  
43 **FROM HERITAGE LAND BANK INVENTORY FOR TRANSFER TO THE**  
44 **REAL ESTATE SERVICES DIVISION, AND ESTABLISHING A**  
45 **CONSERVATION EASEMENT ON THE WITHDRAWN PORTIONS OF THE**  
46 **PARCELS, WITH MITIGATION CREDITS TO BE MANAGED BY**  
47 **HERITAGE LAND BANK.**

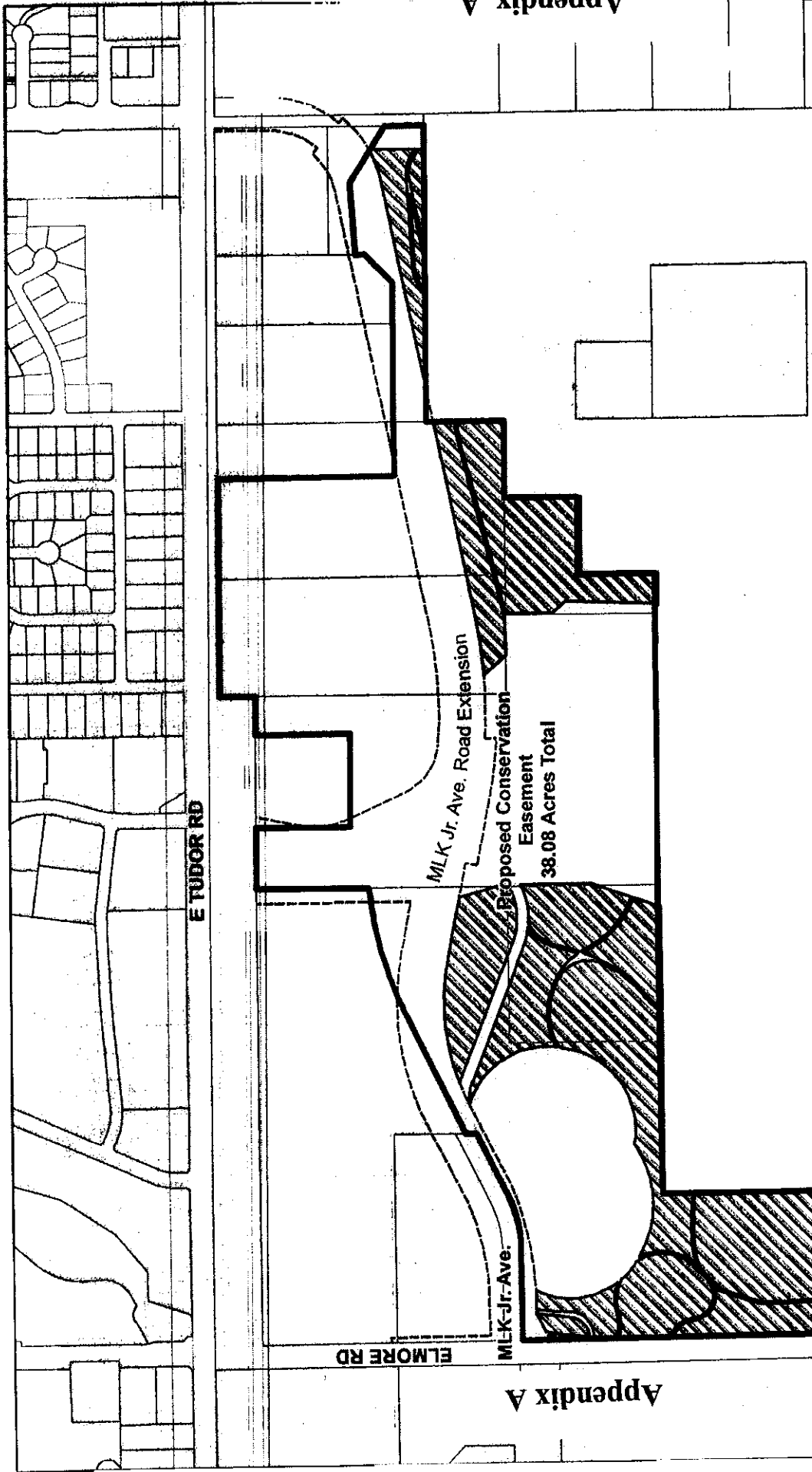
1  
2 Prepared by: Heritage Land Bank  
3 Approved by: William M. Mehner, Executive Director  
4 Heritage Land Bank  
5 Concur: Mary Jane Michael, Executive Director  
6 Economic and Community Development  
7 Concur: James N. Reeves, Municipal Attorney  
8 Concur: Michael K. Abbott, Municipal Manager  
9 Respectfully submitted: Matt Claman, Acting Mayor

10  
11  
12 Appendix A: Site Map

13 Appendix B: Agency comments and responses to proposed action

14 Appendix C: HLBAC Resolution 2007-12

15 Appendix D: Parks and Recreation Commission Memorandum PRC 08-39, without  
16 attachments



Appendix A

ELMORE RD

MLK Jr. Ave.

MLK Jr. Ave. Road Extension

Proposed Conservation  
Easement  
38.08 Acres Total

E TUDOR RD



Proposed Conservation Easement

Martin Luther King Junior Avenue

MOA# 05-30

Jan 7, 2009

Scale: 1"=600'

Proposed Conservation  
Easement.mxd

Appendix A

## **APPENDIX B**

### **Agency comments on proposed action**

#### **Planning Department**

The Physical Planning Division of the Planning Department commented: "As proposed, this disposal is consistent with the Anchorage Wetlands Management Plan's site specific management strategies for the subject wetland units, with relevant policies in the recently-adopted Anchorage Bowl Parks, Natural Resources, and Recreation Facility Plan, the Anchorage 2020-Anchorage Bowl Comprehensive Plan, and the original Tudor Road PLI Plan. It does not appear to conflict with the draft 3500 Tudor Road Master Plan. Given that these HLB parcels include "A" and "B" wetlands with peat soils, their probability for development is relatively low, while associated conservation and natural resource values are high. This transfer would further the goals of the above plans and the Physical Planning Division supports passage of this action."

#### **Parks & Recreation Department**

Parks & Recreation Department commented: "Some of the subject lands are considered part of the Chuck Albrecht Ball Field Complex managed by Parks and Recreation. Other portions are adjacent to Far North Bicentennial Park. Portions may include existing and planned trails. The Parks and Recreation Department understands that some or all of the subject lands, as well as some adjoining areas including upland portions may be transferred to this department for management as park lands, and that portions may be subject to conservation easement(s)."

Parks and Recreation anticipates working with the Heritage Land Bank in the designation of lands for conservation and other park purposes, including review of proposed conservation easement(s)."



Appendix C  
Heritage Land Bank Advisory Commission

Resolution 2007-12

A RESOLUTION OF THE HERITAGE LAND BANK ADVISORY COMMISSION RECOMMENDING WITHDRAWAL OF PORTIONS OF HLB PARCELS 3-030, 3-031, 3-032A, 3-032B, 3-033, AND 3-065, COMPRISING APPROXIMATELY 34-40 ACRES, FROM THE HLB INVENTORY AND TRANSFER TO THE REAL ESTATE SERVICES DIVISION, AND ESTABLISHING A CONSERVATION EASEMENT ON THE WITHDRAWN PORTIONS OF THE PARCELS

---

**WHEREAS**, the Heritage Land Bank inventory contains HLB Parcels 3-030, 3-031, 3-032A, 3-032B, 3-033, and 3-065, (TIDs 008-091-13, 008-121-06, 008-101-12, 008-101-14, 008-111-01, 008-101-10); and

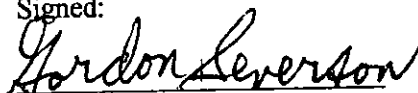
**WHEREAS**, "It is the mission of the Heritage Land Bank to manage uncommitted municipal land and the Heritage Land Bank Fund in a manner designed to benefit the present and future citizens of Anchorage, promote orderly development, and achieve the goals of the Comprehensive Plan. The Heritage Land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

**WHEREAS**, "The mayor, with Assembly approval, may withdraw land from the HLB inventory for any lawful municipal purpose, consistent with the Comprehensive Plan and implementing measures or applicable site specific land use studies. Such a withdrawal shall become effective only after at least 30 days' prior written notice to the HLB Advisory Commission, to the affected Community Council, and to the public as specified in AMC section 25.40.030, and after at least one public hearing regarding the proposed withdrawal. If land is withdrawn from the Heritage Land Bank inventory for use and management by a public agency which is not supported by municipal taxes, compensation shall be paid to the Heritage Land Bank for at least the current appraised fair market value of the land. . ." (AMC Section 25.40.015B);


NOW THEREFORE BE IT RESOLVED the Heritage Land Bank Advisory Commission recommends authorizing withdrawal of portions of HLB Parcels 3-030, 3-031, 3-032A, 3-032B, 3-033, and 3-065, comprising approximately 34-40 acres, from the HLB inventory and transfer to the Real Estate Services Division, and establishing a conservation easement on the withdrawn portions of the parcels.

Approved on the 11<sup>th</sup> day of October, 2007, by the Heritage Land Bank Advisory Commission.

Signed:

  
GORDON JEFFERSON, Chair  
Heritage Land Bank Advisory Commission

Attest:

  
William M. Mehner, Executive Director  
Heritage Land Bank

## Appendix D



# MUNICIPALITY OF ANCHORAGE

## PARKS & RECREATION DEPARTMENT



### MEMORANDUM

PRC 08-39

**DATE:** June 12, 2008

**TO:** Parks and Recreation Commission

**FROM:** Tom Korosei, Park Planner

**SUBJECT:** Proposal to Establish a Conservation Easement on Certain Park Lands for Mitigation of Proposed E. 48<sup>th</sup> Ave. and AWWU Waterline Extension Projects

The MOA Heritage Land Bank proposes to establish a conservation easement including wetland portions of land within the Chuck Albrecht Ball Fields tract (Tract A, East Anchorage Ballfields Subdivision) and on an adjoining 10-acre parcel. The subject area contains approximately 25-30 acres out of a total of approximately 39 acres to be included in the conservation easement. This subject area is characterized predominantly by Class A and Class B wetlands under the MOA Wetlands Management Plan, and includes a segment of the North Fork of Campbell Creek as well as segments of existing and planned trails. The area was transferred to Parks and Recreation management for the ball field development, and a portion of this area was included as part of Far North Bicentennial Park dedicated by Assembly Ordinance in 1984 for permanent park purposes. However, Municipal records indicate that the land was retained in the Heritage Land Bank inventory.

The proposed conservation easement would have a "wetland credit" value determined by the U.S. Army Corps of Engineers, most of which is intended to offset impacts to wetlands caused by the East 48<sup>th</sup> Avenue and/or AWWU water line extensions. These projects cross a portion of park lands northeast of the Chuck Albrecht Ball Field Complex and cross other MOA lands managed by the Heritage Land Bank. This road project is consistent with the Far North Bicentennial Park Plan and related plans. The recently adopted 3500 Tudor Road Master Plan designates the use of the subject area for open space, wetlands and recreation.

The wetland credits from the proposed conservation easement on the subject area would be combined with credits earned from other mitigation efforts. After application of these credits as a contribution to the E. 48<sup>th</sup> Ave. and/or AWWU projects, excess credits may be used for other public projects in the vicinity. One such project is the proposed State of Alaska Crime Laboratory, to be located between the E. 48<sup>th</sup> extension and Tudor Rd., which may trigger the purchase of these credits. It is possible that AWWU may purchase some credits to offset the impacts of its waterline.

The Municipal Planning Department, in comments submitted to the Heritage Land Bank, found that the proposed conservation easement is consistent with applicable plans, including the *Anchorage 2020—Anchorage Bowl Comprehensive Plan* and *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan*. The Planning Department noted the relatively high resource values of the area and physical limitations that would make most development of the area difficult or unlikely.

An attached map shows the area to be subject to the conservation easement as well as the road and utility project corridor, wetland boundary, and wetland evaluation information.

The Heritage Land Bank indicates that the proposed conservation easement is likely to be similar to other conservation easements attached to lands in the area used for mitigation of the Abbott Loop Extension project and Abbott Loop Community Park development. Those easements preserve corridors for existing trails and planned trails, but would prohibit or restrict other development that would diminish the conservation values.

Parks and Recreation Department has no objection to the proposed easement, pending review of final documents. Subject to the conservation easement, the subject area, including existing ball fields, would be removed from HLB inventory and continue in Parks and Recreation Department management.

Cc: Kailee Gaskill, Heritage Land Bank

PRC 08-39-E 48th conservation easement.doc

## Appendix D

**Content ID:** 007358**Revision:** 0**Type:** Ordinance - AO

**Title:** AN ORDINANCE AUTHORIZING WITHDRAWAL OF PORTIONS OF PARCELS 3-030, 3-031, 3-032A, 3-032B, 3-033, AND 3-065 TOTALING APPROXIMATELY 39 ACRES, FROM HERITAGE LAND BANK INVENTORY FOR TRANSFER TO THE REAL ESTATE SERVICES DIVISION, AND ESTABLISHING A CONSERVATION EASEMENT ON THE WITHDRAWN PORTIONS OF THE PARCELS, WITH MITIGATION CREDITS TO BE MANAGED BY HERITAGE LAND BANK

**Author:** vanhornlr

**Initiating Dept:** HLB

**Description:** Withdrawal of portions of HLB parcels totaling 39 acres from the inventory and transfer to Real Estate Services, establishing a conservation easement on the withdrawn portions and mitigation credits to be managed by HLB Withdrawal of portions of HLB parcels for a conservation easement, and management of mitigation credits by HLB

**Date Prepared:** 1/26/09 4:54 PM

**Director Name:** Wm M Mehner

**Assembly Meeting Date:** 2/3/09

**Public Hearing Date:** 2/24/09

<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	1/30/09 10:07 AM	Exit	Joy Maglaqui	Public	007358
MuniMgrCoord_SubWorkflow	1/30/09 10:07 AM	Approve	Joy Maglaqui	Public	007358
MuniManager_SubWorkflow	1/30/09 10:01 AM	Approve	Joy Maglaqui	Public	007358
Legal_SubWorkflow	1/29/09 2:33 PM	Approve	Rhonda Westover	Public	007358
Finance_SubWorkflow	1/29/09 2:07 PM	Approve	Nina Pruitt	Public	007358
OMB_SubWorkflow	1/29/09 12:21 PM	Approve	Wanda Phillips	Public	007358
ECD_SubWorkflow	1/28/09 1:49 PM	Approve	Tawny Klebesadel	Public	007358
HLB_SubWorkflow	1/28/09 1:28 PM	Approve	William Mehner	Public	007358
AllOrdinanceWorkflow	1/28/09 1:27 PM	Checkin	Lynn Roderick Van Horn	Public	007358
OMB_SubWorkflow	1/28/09 1:01 PM	Reject	Wanda Phillips	Public	007358
ECD_SubWorkflow	1/27/09 9:17 AM	Approve	Tawny Klebesadel	Public	007358
HLB_SubWorkflow	1/27/09 8:44 AM	Approve	William Mehner	Public	007358
AllOrdinanceWorkflow	1/27/09 8:43 AM	Checkin	Lynn Roderick Van Horn	Public	007358
ECD_SubWorkflow	1/26/09 5:20 PM	Reject	Tawny Klebesadel	Public	007358
HLB_SubWorkflow	1/26/09 5:01 PM	Approve	William Mehner	Public	007358
AllOrdinanceWorkflow	1/26/09 4:58 PM	Checkin	Lynn Roderick Van Horn	Public	007358

*Adoption* - **CONSENT AGENDA - INTRODUCTION**