

Submitted by: Chair of the Assembly at the
Request of the Acting Mayor
Prepared by: Anchorage Water and Wastewater
Utility
For reading: April 14, 2009

CLERK'S OFFICE
APPROVED

Date: 5/12/09 ANCHORAGE, ALASKA
AO No. 2009-45

1 AN ORDINANCE AUTHORIZING A LEASE, FOR THE USE AND MAINTENANCE
2 OF TELECOMMUNICATION FACILITIES, LOCATED ON A PORTION OF TRACT
3 B, ABBOTT ROAD SUBDIVISION BETWEEN ANCHORAGE WATER AND
4 WASTEWATER UTILITY, A PUBLIC CORPORATE AUTHORITY OF THE
5 MUNICIPALITY OF ANCHORAGE, AND ACS WIRELESS, INC.

6
7 WHEREAS, the Municipality of Anchorage owns property described as Tract B, Abbott
8 Road Subdivision; and,

9
10 WHEREAS, AMC section 25.10.050 states that the Mayor may in writing designate any
11 municipal agency as the managing authority of a specific parcel of municipal property;
12 and,

13
14 WHEREAS, Land management authority for this property was designated to Anchorage
15 Water and Wastewater Utility (AWWU) in March of 2000; and

16
17 WHEREAS, AMC section 25.30.020 states that disposal of Municipal land or interest
18 therein shall be by ordinance only; and,

19
20 WHEREAS, AMC section 25.30.040 states that, notwithstanding exceptions, all
21 disposals of municipal land shall be for fair market value of the interest disposed of, and
22 the municipality may accept in exchange for municipal land any consideration of
23 sufficient value not prohibited by law; and,

24
25 WHEREAS, at its December 3, 2008 meeting, the AWWU Authority Board supported
26 ACS Wireless, Inc.'s request for lease privileges within MOA-AWWU property; now,
27 therefore,

28
29 THE ANCHORAGE ASSEMBLY ORDAINS:

30
31 **Section 1.** AWWU is authorized to lease ground space on a portion of Tract B,
32 Abbott Road Subdivision; to ACS Wireless, Inc., upon the terms and conditions
33 summarized in the Assembly Memorandum submitted to the Assembly with this
34 ordinance.

35
36 **Section 2.** The lease shall be for a term of five years with three five year renewal
37 periods, subject to mutual consent of both parties. The annual lease payment for each of
38 the years for the first five years shall be \$9,900.

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

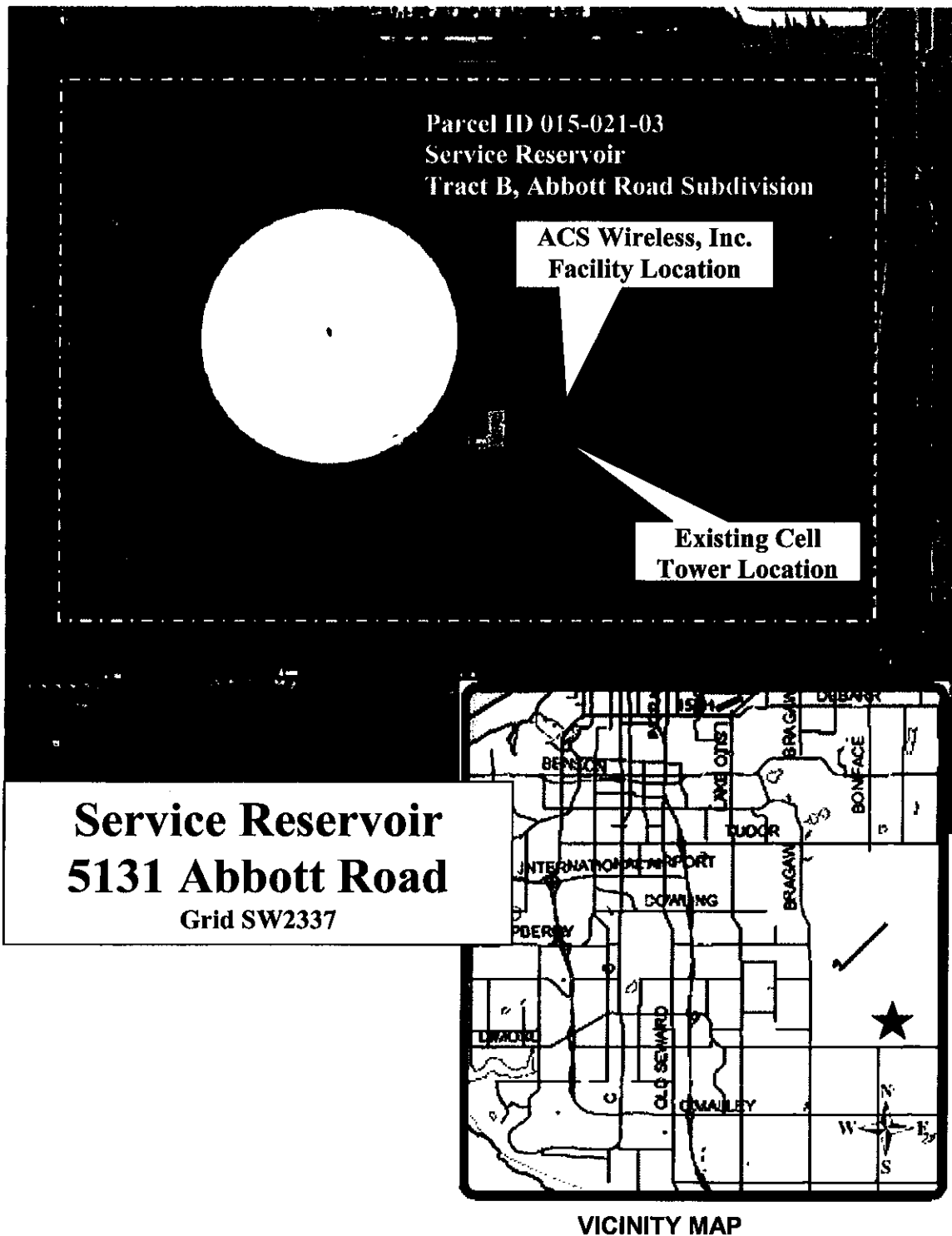
PASSED and APPROVED by the Anchorage Assembly this 12th day of May, 2009.

Debbi Ossander
Chair of the Assembly

ATTEST:

Barbara E. Grunwaldt
Municipal Clerk

Exhibit A



Municipality of Anchorage
Summary of Economic Effects - Utilities

| | |
|------------|---|
| AO 2009-45 | An Ordinance Authorizing a Lease, for the use and maintenance of Telecommunication Facilities, on a portion of Tract B, Abbott Road Subdivision between AWWU and ACS Wireless, Inc. |
|------------|---|

Sponsor: **Acting Mayor**

Preparing Agency: Anchorage Water and Wastewater Utility Others Affected: None

CHANGES IN EXPENDITURES AND REVENUES (Thousands of Dollars)

| Operating Revenues: | | | | | | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 |
|--------------------------------------|--|--|--|--|--|----------------|----------------|----------------|----------------|----------------|
| Total Operating Revenues: | | | | | | | | | | |
| Operating Expenses: | | | | | | | | | | |
| Total Operating Expenses: | | | | | | | | | | |
| Non-Operating Revenues: | | | | | | | | | | |
| Total Non-Operating Revenues: | | | | | | | | | | |
| Non-Operating Expenses | | | | | | | | | | |
| Total Non-Operating Expenses: | | | | | | | | | | |
| NET INCOME | | | | | | | | | | |
| Positions: FT/PT/TEMP | | | | | | | | | | |

Impact on General Government: ~~YES~~ NO (If yes, attach SEE for General Government agency impacted.)

Public Sector Economic Effects: Exemption of \$30,000 limit: Effects are less than \$30,000 in this year and any of the next four years.

Private Sector Economic Effects: Exemption of \$30,000 limit: Effects are less than \$30,000 in this year and any of the next four years.

If further explanation is necessary, a separate page may be attached.

Prepared By: Paul Hatcher, Real Estate Coordinator 564-2721
(Name, Title) Telephone:

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 201-2009

Meeting Date: April 14, 2009

1 **From:** **Acting Mayor**

2
3 **Subject:** **An Ordinance Authorizing a Lease, for the use and maintenance of**
4 **Telecommunication Facilities, on a portion of Tract B, Abbott Road**
5 **Subdivision, between Anchorage Water and Wastewater Utility (AWWU)**
6 **a Public Corporate Authority of the Municipality of Anchorage (MOA),**
7 **and ACS Wireless, Inc.**
8

9 ACS Wireless, Inc. seeks permission to place a 10' x 10' communication facility at the Service
10 Reservoir site, Tract B, Abbott Road Subdivision. This ACS Wireless, Inc. infrastructure will
11 be used for telecommunication purposes. The attached ordinance seeks authorization for
12 AWWU to enter into a ground lease agreement with ACS Wireless, Inc. for ground space for
13 new communication facilities at this site.
14

15 The term of this lease is for five years, with three five-year renewal periods, subject to mutual
16 consent of both parties. The annual lease payment for each of the years for the first five-year
17 period shall be \$9,900. These annual rates are comparable with fees charged by the State of
18 Alaska for land use under similar circumstances. MOA Real Estate Services Division has
19 determined that the State's fees reflect fair market value.
20

21 ACS Wireless, Inc. shall be responsible for any and all utilities, taxes, assessments, license and
22 other charges. At the expiration or earlier termination of the lease, Lessee shall remove all
23 Lessee facilities from the premises at Lessee's sole cost.
24

25 At its regular meeting of December 3, 2008, the AWWU Board of Directors endorsed this
26 lease.
27

28 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**
29 **AUTHORIZING A LEASE, FOR THE USE AND MAINTENANCE OF**
30 **TELECOMMUNICATION FACILITIES, ON A PORTION OF TRACT B, ABBOTT**
31 **ROAD SUBDIVISION, BETWEEN ANCHORAGE WATER AND WASTEWATER**
32 **UTILITY A PUBLIC CORPORATE AUTHORITY OF THE MUNICIPALITY OF**
33 **ANCHORAGE AND ACS WIRELESS, INC.**
34

35 Prepared by: Anchorage Water and Wastewater Utility
36 Recommended by: Mark Premo, P.E., General Manager, AWWU
37 Recommended by: William M. Mehner, Executive Director, Heritage Land Bank
38 Concur: Mary Jane Michael, Executive Director,
39 Office of Economic and Community Development
40 Concur: James N. Reeves, Municipal Attorney
41 Concur: Michael K. Abbott, Municipal Manager
42 Respectfully submitted: Matt Claman, Acting Mayor



ANCHORAGE WATER AND WASTEWATER UTILITY
BOARD MEMORANDUM
No. 2008-120

Meeting Date: December 3, 2008

**AUTHORITY BOARD
AMENDED AND APPROVED**

1 From: Mark Premo, P.E., General Manager

Date: December 3, 2008

2
3 Subject: Proposed Lease for Telecommunication Purpose with ACS Wireless,
4 Inc. at the Service Reservoir located within a portion of Tract B,
5 Abbott Road Subdivision
6

7 Pursuant to Anchorage Municipal Code 31.10.030, Board support is recommended of the
8 lease to ACS Wireless, Inc., for placement of a 10'x10' communication facility at the
9 Service Reservoir site, Tract B, Abbott Road Subdivision. This ACS Wireless, Inc.
10 infrastructure will be used for telecommunication purposes.
11

12 On December 3, 2008, the AWWU Authority Board requested a provision to be included
13 amending the lease to provide for the communication facility to be painted to blend in
14 with the adjacent reservoir, and the paint scheme to be approved by AWWU staff.
15

16 The lease shall be for a term of five years, with three five-year renewal periods, subject to
17 mutual consent of both parties. The annual lease payment for each of the years for the
18 first five years shall be \$9,900.
19

20 ACS Wireless, Inc. will be responsible for all permits and zoning requirements for this site.
21

22 With the Board's support of the lease, AWWU will present the attached Anchorage
23 Memorandum and Ordinance to the Assembly seeking its approval of the lease pursuant
24 to AMC Title 25.
25

26 Approval by the AWWU Board of this recommendation is requested at its regular meeting
27 December 3, 2008.
28

29 Prepared by: Paul A. Hatcher, Real Estate Coordinator
30 Respectfully submitted: Mark Premo, P.E., General Manager
31

32 Approved:
33

34 Sharon B. Weddleton
35 Sharon B. Weddleton
36 Chair, AWWU Board of Directors
37
38
39

12/3/08
Date

40 Attachments: Assembly Memorandum
41 Anchorage Ordinance

Content ID: 007509

Type: Ordinance - AO

AN ORDINANCE AUTHORIZING A LEASE, FOR THE USE AND MAINTENANCE OF TELECOMMUNICATION FACILITIES, LOCATED ON A PORTION OF TRACT

Title: B, ABBOTT ROAD SUBDIVISION BETWEEN ANCHORAGE WATER AND WASTEWATER UTILITY, A PUBLIC CORPORATE AUTHORITY OF THE MUNICIPALITY OF ANCHORAGE, AND ACS WIRELESS, INC.

Author: gibsonam

Initiating Dept: AWWU

Review Depts: HLB

Date Prepared: 3/11/09 4:52 PM

Director Name: Mark Premo

Assembly Meeting Date: 4/14/09

Public Hearing Date: 4/28/09

| Workflow Name | Action Date | Action | User | Security Group | Content ID |
|--------------------------|--------------------|---------------|--------------------|-----------------------|-------------------|
| Clerk_Admin_SubWorkflow | 4/3/09 11:53 AM | Exit | Michael Abbott | Public | 007509 |
| MuniMgrCoord_SubWorkflow | 4/3/09 11:53 AM | Approve | Michael Abbott | Public | 007509 |
| MuniManager_SubWorkflow | 4/3/09 11:53 AM | Approve | Michael Abbott | Public | 007509 |
| Legal_SubWorkflow | 3/17/09 4:47 PM | Approve | Rhonda Westover | Public | 007509 |
| Finance_SubWorkflow | 3/12/09 1:39 PM | Approve | Teresa Peterson | Public | 007509 |
| OMB_SubWorkflow | 3/12/09 10:14 AM | Approve | Marilyn T. Banzhaf | Public | 007509 |
| HLB_SubWorkflow | 3/12/09 8:06 AM | Approve | Tammy Oswald | Public | 007509 |
| AWWU_SubWorkflow | 3/11/09 4:59 PM | Approve | Mark Premo | Public | 007509 |
| AllOrdinanceWorkflow | 3/11/09 4:57 PM | Checkin | Alyssa Gibson | Public | 007509 |