

CLERK'S OFFICE

**APPROVED**

Date: 12-1-09

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Anchorage Water and  
Wastewater Utility  
For reading: November 17, 2009

**ANCHORAGE, ALASKA  
AO No. 2009-131**

**AN ORDINANCE AUTHORIZING A LEASE, FOR THE USE AND  
MAINTENANCE OF TELECOMMUNICATION FACILITIES, LOCATED ON A  
PORTION OF TRACT A-2, BRENDLWOOD SUBDIVISION BETWEEN  
ANCHORAGE WATER AND WASTEWATER UTILITY, AND ACS WIRELESS,  
INC.**

**WHEREAS**, the Municipality of Anchorage owns property described as Tract A-2, Brendlwood Subdivision; and

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

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

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

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

**WHEREAS**, at its October 7, 2009 meeting, the AWWU Authority Board supported ACS Wireless, Inc.'s request for lease privileges within MOA-AWWU property; now therefore,

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** AWWU is authorized to lease ground space on a portion of Tract A-2, Brendlwood Subdivision; to ACS Wireless, Inc., upon the terms and conditions summarized in the Assembly Memorandum submitted to the Assembly with this ordinance.

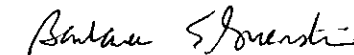
**Section 2.** The lease shall be for a term of five years with three five year renewal periods, subject to mutual consent of both parties. The annual lease payment for each of the years for the first five years shall be \$9,900.

1  
2 **Section 3.** This ordinance shall be effective immediately upon passage and  
3 approval by the Assembly.  
4

5  
6 PASSED and APPROVED by the Anchorage Assembly this 1<sup>st</sup> day of  
7 December, 2009.  
8

9  
10   
11 \_\_\_\_\_  
12 Chair of the Assembly  
13

14  
15 ATTEST:

16  
17   
18 \_\_\_\_\_  
19 Municipal Clerk  
20

**Municipality of Anchorage**  
Summary of Economic Effects - Utilities

AO 2009-131      An Ordinance Authorizing a Lease, for the use and maintenance of  
Telecommunication Facilities, on a portion of Tract A-2,  
Brendlwood Subdivision between AWWU and ACS Wireless, Inc.

Sponsor:      Mayor

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

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

<b>Operating Revenues:</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
<b>Total Operating Revenues:</b>					
<b>Operating Expenses:</b>					
<b>Total Operating Expenses:</b>					
<b>Non-Operating Revenues:</b>					
<b>Total Non-Operating Revenues:</b>					
<b>Non-Operating Expenses</b>					
<b>Total Non-Operating Expenses:</b>					
<b>NET INCOME</b>					
<b>Positions: FT/PT/TEMP</b>					

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 661-2009

Meeting Date: November 17, 2009

**From: MAYOR**

**Subject: An Ordinance Authorizing a Lease, for the use and maintenance of Telecommunication Facilities, on a portion of Tract A-2, Brendlwood Subdivision, between Anchorage Water and Wastewater Utility and ACS Wireless, Inc.**

ACS Wireless, Inc. seeks permission to place a 10' x 10' communication facility at the Meadowcreek Reservoir site, Tract A-2, Brendlwood Subdivision. This ACS Wireless, Inc. infrastructure will be used for telecommunication purposes. The attached ordinance seeks authorization for AWWU to enter into a ground lease agreement with ACS Wireless, Inc. for ground space for new communication facilities at this site.

The term of this lease is for (5) five years with (3) three (5) five-year renewal periods, subject to mutual consent of both parties. The annual lease payment for each of the years for the first five year period shall be \$9,900. These annual rates are comparable with fees charged by the State of Alaska for land use under similar circumstances. MOA Real Estate Services Division has determined that the State's fees reflect fair market value.

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

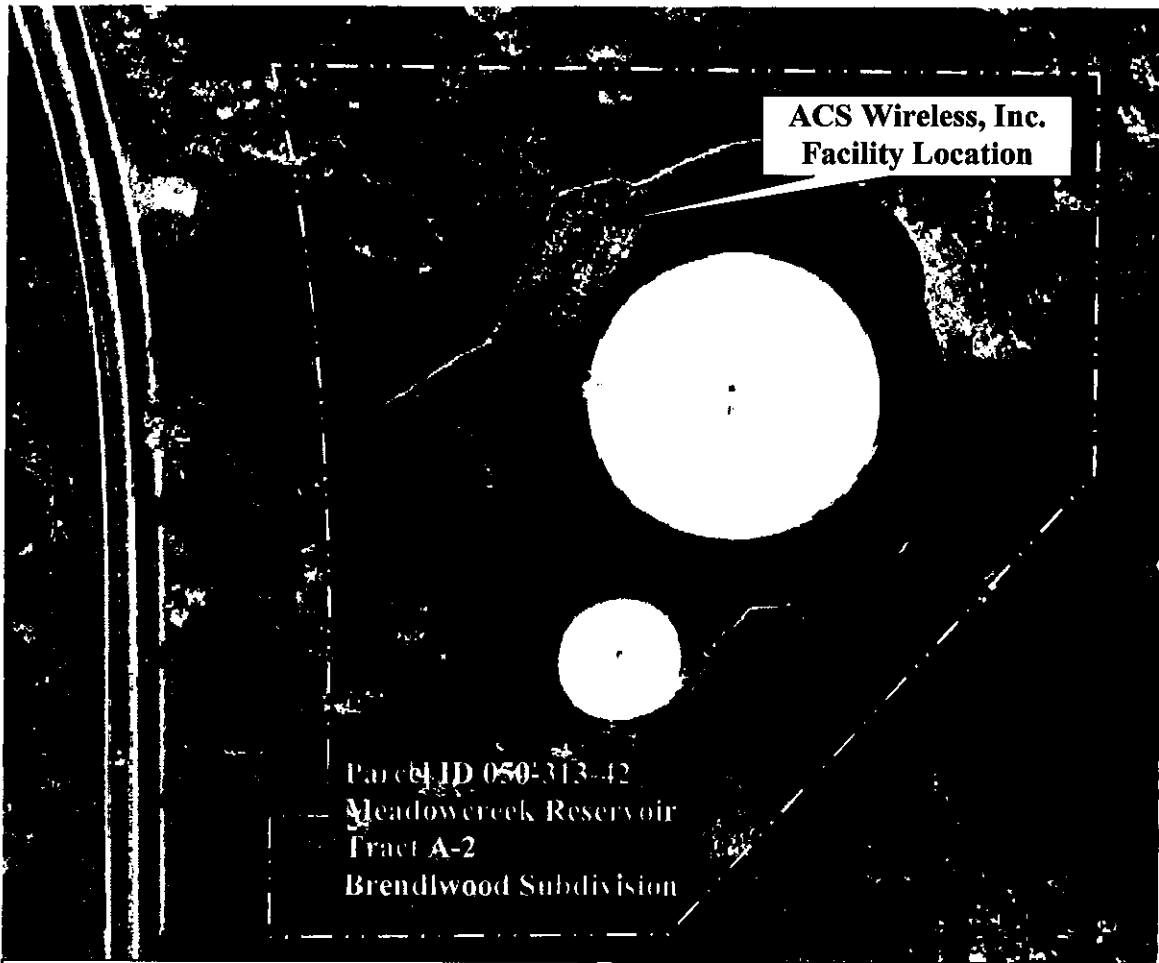
At its regular meeting of October 7, 2009, the AWWU Board of Directors endorsed this lease.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE AUTHORIZING A LEASE, FOR THE USE AND MAINTENANCE OF TELECOMMUNICATION FACILITIES, ON A PORTION OF TRACT A-2, BRENDLWOOD SUBDIVISION, BETWEEN ANCHORAGE WATER AND WASTEWATER UTILITY AND ACS WIRELESS, INC.**

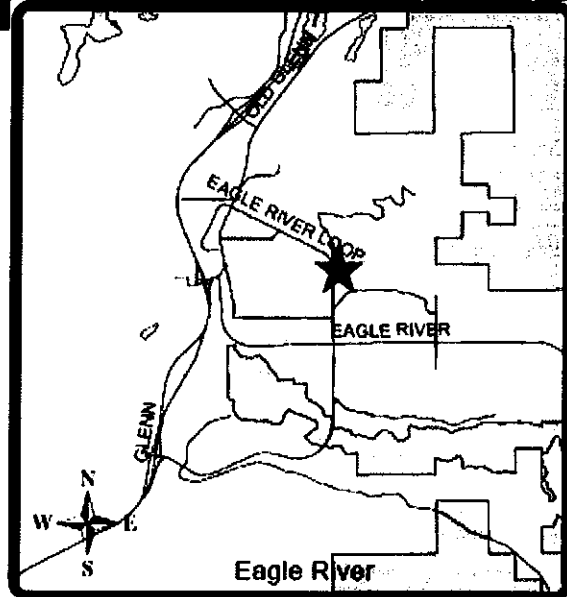
Prepared by:	Anchorage Water and Wastewater Utility
Approved by:	Mark Premo, P.E., General Manager, AWWU
Recommended by:	William M. Mehner, Director, Heritage Land Bank
Concur:	Greg S. Jones, Executive Director, Office of Community Planning & Development
Concur:	Dennis A. Wheeler, Municipal Attorney
Concur:	George J. Vakalis, Municipal Manager
Respectfully submitted:	Daniel A. Sullivan, Mayor

**Exhibit A**

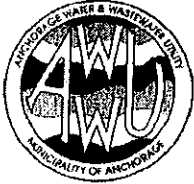
Depicting Tract A-2, Brendlwood Subdivision, attachment to the Ordinance Authorizing Lease of a portion of the parcel to ACS Wireless



**Meadowcreek  
Reservoir  
11125 E.  
Eagle River Loop  
Grid NW0154**



**VICINITY MAP**



ANCHORAGE WATER AND WASTEWATER UTILITY  
BOARD MEMORANDUM  
No. 2009-98

AUTHORITY BOARD  
APPROVED

Date: October 7, 2009

Meeting Date: October 7, 2009

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

2  
3 Subject: **Proposed Lease for Telecommunication Purpose with ACS Wireless,**  
4 **Inc. at the Meadowcreek Reservoir Located Within a Portion of Tract**  
5 **A-2, Brendlwood 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 and a 90'  
9 monopole tower, to replace the existing 65' tower at the Meadowcreek Reservoir site, Tract  
10 A-2, Brendlwood Subdivision. This ACS Wireless, Inc. infrastructure will be used for  
11 telecommunication purposes. AWWU infrastructure related to SCADA will also be  
12 collocated on this tower.  
13

14 The lease shall be for a term of five (5) years with three (3) five (5) year renewal periods,  
15 subject to mutual consent of both parties. The annual lease payment for each of the years for  
16 the first five (5) years shall be \$9,900.  
17

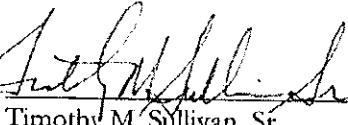
18 ACS Wireless, Inc. will be responsible for all permits and zoning requirements for this site.  
19

20 With the Board's support of this disposal, AWWU will present the attached Assembly  
21 Ordinance and Assembly Memorandum to the Assembly, seeking its approval of the disposal  
22 pursuant to AMC Title 25.  
23

24 Approval by the AWWU Board of this recommendation is requested at its regular meeting  
25 October 7, 2009  
26

27 Prepared by: Paul A. Hatcher, Real Estate Coordinator, Engineering Division  
28 Submitted: Mark Premo, P.E., General Manager  
29

30 Approved:

31  
32  
33  
34   
35 Timothy M. Sullivan, Sr.  
36 Chair, AWWU Board of Directors  
37

38 Date

39 October 7, 2009  
40

41 Attachments: Assembly Memorandum  
42 Assembly Ordinance

**Content ID:** 008264**Type:** Ordinance - AO

**Title:** AN ORDINANCE AUTHORIZING A LEASE, FOR THE USE AND MAINTENANCE OF TELECOMMUNICATION FACILITIES, LOCATED ON A PORTION OF TRACT A-2, BRENDLWOOD SUBDIVISION BETWEEN ANCHORAGE WATER AND WASTEWATER UTILITY, AND ACS WIRELESS, INC.

**Author:** gibsonam**Initiating Dept:** AWWU**Select Routing:** Standard**Review Depts:** HLB, OCPD**Date Prepared:** 10/13/09 3:08 PM**Director Name:** Mark Premo**Assembly Meeting Date:** 11/17/09**Public Hearing Date:** 12/1/09

<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	11/6/09 12:16 PM	Exit	Joy Maglaqui	Public	008264
MuniManager_SubWorkflow	11/6/09 12:16 PM	Approve	Joy Maglaqui	Public	008264
Legal_SubWorkflow	11/6/09 12:05 PM	Approve	Rhonda Westover	Public	008264
Finance_SubWorkflow	11/5/09 2:30 PM	Approve	Lucinda Mahoney	Public	008264
OMB_SubWorkflow	11/5/09 9:19 AM	Approve	Cheryl Frasca	Public	008264
OCPD_SubWorkflow	11/4/09 3:08 PM	Approve	Tawny Klebesadel	Public	008264
HLB_SubWorkflow	11/4/09 1:11 PM	Approve	Tammy Oswald	Public	008264
AWWU_SubWorkflow	11/4/09 10:04 AM	Approve	Mark Premo	Public	008264
AllOrdinanceWorkflow	11/4/09 10:03 AM	Checkin	Alyssa Gibson	Public	008264
OCPD_SubWorkflow	11/3/09 4:59 PM	Reject	Tawny Klebesadel	Public	008264
HLB_SubWorkflow	11/2/09 11:29 AM	Approve	Tammy Oswald	Public	008264
AWWU_SubWorkflow	11/2/09 11:11 AM	Approve	Mark Premo	Public	008264
AllOrdinanceWorkflow	11/2/09 11:10 AM	Checkin	Alyssa Gibson	Public	008264
OCPD_SubWorkflow	10/16/09 9:07 AM	Reject	Tawny Klebesadel	Public	008264
HLB_SubWorkflow	10/13/09 3:49 PM	Approve	Tammy Oswald	Public	008264
AWWU_SubWorkflow	10/13/09 3:10 PM	Approve	Mark Premo	Public	008264
AllOrdinanceWorkflow	10/13/09 3:09 PM	Checkin	Alyssa Gibson	Public	008264