

Submitted by: Chairman of the Assembly  
at the Request of the Acting  
Mayor  
Prepared by: Project Management &  
Engineering Department  
For reading: April 28, 2009

CLERK'S OFFICE

**APPROVED**

Date: 5/12/09 ANCHORAGE, ALASKA  
AR NO. 2009-113

1 **A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE APPROPRIATING**  
2 **THREE HUNDRED THOUSAND DOLLARS (\$300,000) AS PAYMENT IN LIEU OF**  
3 **SUBDIVISION AGREEMENT OBLIGATIONS FOR ROAD, PEDESTRIAN AND**  
4 **INTERSECTION IMPROVEMENTS FROM KINCAID ESTATES, LLC TO THE**  
5 **ANCHORAGE ROADS AND DRAINAGE SERVICE AREA CAPITAL IMPROVEMENT**  
6 **FUND (441), PROJECT MANAGEMENT & ENGINEERING DEPARTMENT, FOR**  
7 **IMPROVEMENTS OF WEST 80<sup>TH</sup> AVENUE FROM WESTPARK DRIVE TO LUCY**  
8 **STREET**

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10  
11 WHEREAS, Kincaid Estates, LLC, the Owner of properties platted as Kincaid Estates,  
12 Tracts 6, 7, 8. and 9 (per Plat No. 2003-95), and Kincaid West, Tract A (per Plat 2004-  
13 43), collectively "the properties", entered into a subdivision agreement with the  
14 Municipality on May 18, 2006, to satisfy a Platting Authority's condition to subdivide and  
15 plat the properties to WestPark Subdivision School Addition (reference preliminary  
16 platting case S-10990; resultant Plat 2006-87).

17  
18 WHEREAS, by subdivision agreement, Kincaid Estates, LLC, the Developer, became  
19 obligated to construct West 80<sup>th</sup> Avenue from WestPark Drive to Lucy Street to Urban  
20 Secondary Standards, specifically to a 33-foot-wide paved street from back of curb to  
21 back of curb, with requisite appurtenances.

22  
23 WHEREAS, Kincaid Estates, LLC and the Municipality of Anchorage entered into a  
24 Purchase and Sale Agreement on August 7, 2008, which provided, in part, for the  
25 termination of the subdivision agreement upon Kincaid Estates, LLC making payment of  
26 \$300,000 to the Municipality of Anchorage, with the payment to be used for the design  
27 and construction of West 80<sup>th</sup> Avenue and related improvements.

28  
29 WHEREAS, the Municipality has received payment of the \$300,000 to apply to the design  
30 and construction of West 80<sup>th</sup> Avenue from WestPark Drive to Lucy Street and related  
31 improvements; now therefore,

32  
33 **THE ANCHORAGE ASSEMBLY RESOLVES:**

34  
35 **Section 1.** That Three Hundred Thousand Dollars (\$300,000) from Kincaid Estates,  
36 LLC be appropriated to the Anchorage Roads and Drainage Service Area Capital  
37 Improvement Fund (441), Project Management & Engineering Department, for West  
38 80<sup>th</sup> Avenue from WestPark Drive to Lucy Street.

1 **Section 2.** That this resolution shall take effect immediately upon passage and  
2 approval by the Anchorage Municipal Assembly.

3  
4 PASSED AND APPROVED by the Anchorage Municipal Assembly this 12<sup>th</sup> day of  
5 May, 2009.  
6

7  
8 Debra Ossiander  
9 Chair

10  
11 ATTEST:

12  
13 Brian S. Junt  
14  
15 Municipal Clerk

16  
17 Department of Appropriation:  
18 Project Management & Engineering Department \$300,000



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 244-2009

Meeting Date: April 28, 2009

FROM: Acting Mayor

SUBJECT: APPROPRIATION OF THREE HUNDRED THOUSAND DOLLARS (\$300,000) AS PAYMENT IN LIEU OF SUBDIVISION AGREEMENT OBLIGATIONS FOR ROAD, PEDESTRIAN AND INTERSECTION IMPROVEMENTS FROM KINCAID ESTATES, LLC TO THE ANCHORAGE ROADS AND DRAINAGE SERVICE AREA CAPITAL IMPROVEMENT FUND (441) PROJECT MANAGEMENT & ENGINEERING DEPARTMENT, FOR IMPROVEMENTS OF WEST 80<sup>TH</sup> AVENUE FROM WESTPARK DRIVE TO LUCY STREET

On May 18, 2006, Kincaid Estates, LLC, the owner of properties platted as Kincaid Estates, Tracts 6, 7, 8, and 9 (per Plat No. 2003-95), and Kincaid West, Tract A (per Plat 2004-43), collectively the properties, entered into a subdivision agreement with the Municipality to satisfy an Anchorage Platting Authority's condition to subdivide and plat the properties to WestPark Subdivision School Addition (Preliminary Platting Case S-10990; resultant filed Plat 2006-87). From the platting conditions and the subsequent subdivision agreement, the Developer was obligated to construct West 80<sup>th</sup> Avenue from WestPark Drive to Lucy Street to Urban Secondary Standards, specifically to a 33-foot-wide paved street from back of curb to back of curb, with requisite appurtenances.

On August 7, 2008, Kincaid Estates, LLC and the Municipality of Anchorage entered into a Purchase and Sale Agreement, which provided, in part, for the termination of the subdivision agreement upon Kincaid Estates, LLC making payment of \$300,000 to the Municipality of Anchorage, with the payment to be used for the design and construction of West 80<sup>th</sup> Avenue and related improvements.

Other parts of the Purchase and Sale Agreement were considered by the Anchorage Assembly on December 17, 2008, by approval of Ordinance No. AO 2008-132, 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 \$6,250,000, and authorizing acquisition of the remainder of Tract 9A, WestPark Subdivision School Addition and Tract 10, Kincaid Estates, LLC by exchange for an exclusive license valued at \$3,000,000 to fill and contour municipally owned Parcel 7A, WestPark Subdivision School Addition.

On December 31, 2008, the Municipality received \$300,000 from Kincaid Estates, LLC.  
On this same date, a Notice of Rescission of Subdivision Agreement was executed.

The accounting detail is as follows:

<b>Revenue Account</b>	<b>Account Name</b>	<b>Amount</b>
441.7251.9609.M85R101.BP2008	Restricted Contributions	\$300,000

<b>Expenditure Account</b>	<b>Account Name</b>	<b>Amount</b>
441.7251.5302.M85R101.BP2008	Infrastructure-Any Costs	\$300,000

THE ADMINISTRATION RECOMMENDS APPROPRIATION OF THREE HUNDRED THOUSAND DOLLARS (\$300,000) AS PAYMENT IN LIEU OF SUBDIVISION AGREEMENT OBLIGATIONS FOR ROAD, PEDESTRIAN AND INTERSECTION IMPROVEMENTS FROM KINCAID ESTATES LLC TO THE ANCHORAGE ROADS AND DRAINAGE SERVICE AREA CAPITAL IMPROVEMENT FUND (441), PROJECT MANAGEMENT & ENGINEERING DEPARTMENT, FOR IMPROVEMENTS OF WEST 80<sup>TH</sup> AVENUE FROM WESTPARK DRIVE TO LUCY STREET

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

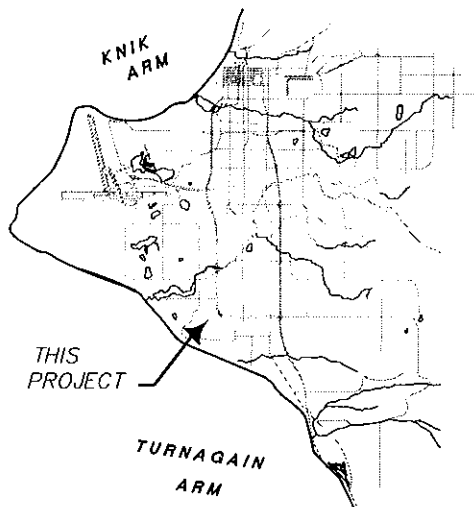
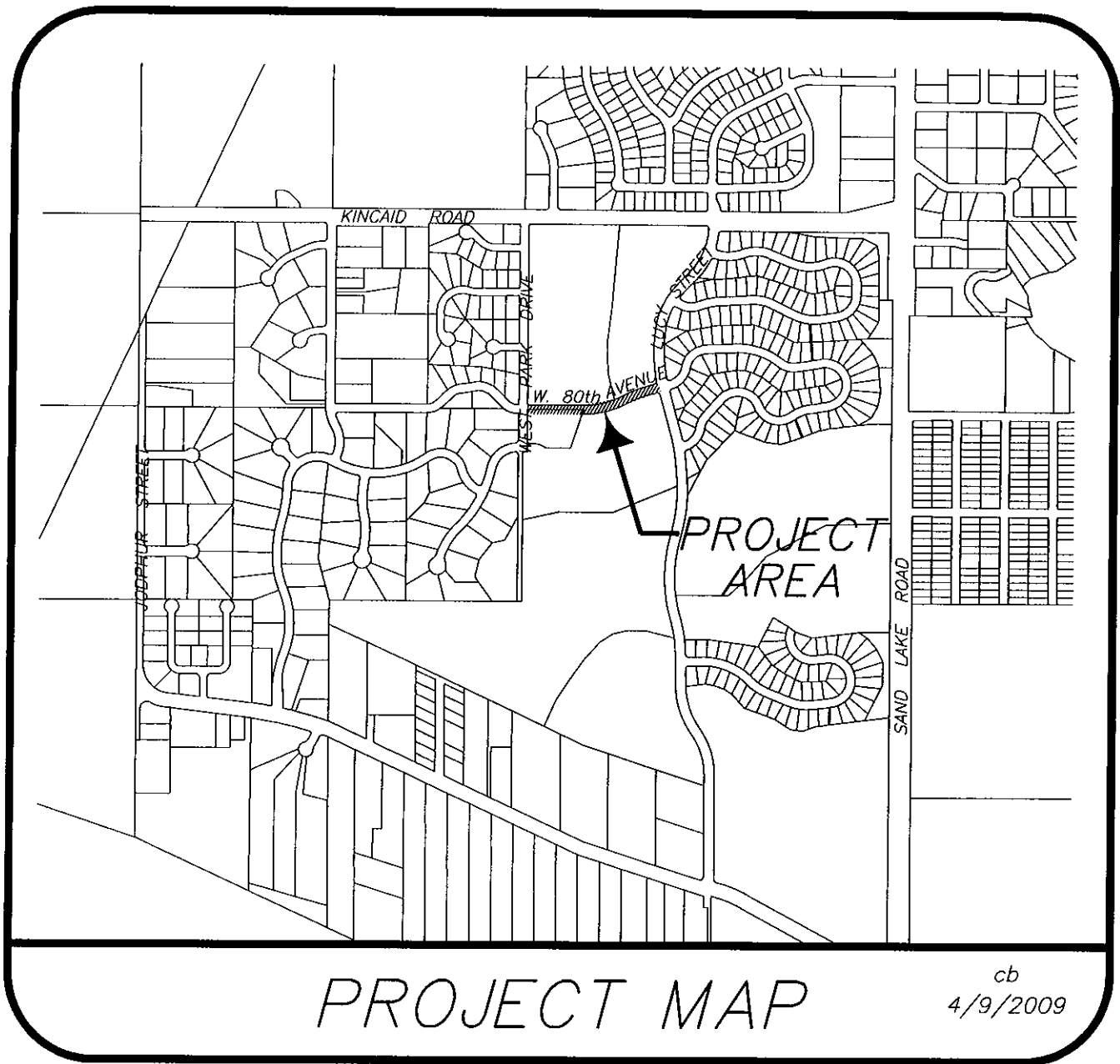
Reviewed by: Barton R. Mauldin, Purchasing Officer

Fund Certification: Sharon Weddleton, CFO

441.7251.9609.M85R101.BP2008	\$300,000
(2008 Restricted Contributions)	

Concur: Michael K. Abbott, Municipal Manager

Respectfully submitted: Matt Claman, Acting Mayor



## **PROJECT #06-37**

WEST 80TH AVENUE  
WEST PARK DRIVE TO LUCY STREET

Project Management & Engineering Department

**Content ID:** 007620**Type:** AR\_FundsApprop - Funds Approp Resolution

A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE APPROPRIATING THREE HUNDRED THOUSAND DOLLARS (\$300,000) AS PAYMENT IN LIEU OF SUBDIVISION AGREEMENT OBLIGATIONS FOR ROAD, PEDESTRIAN AND INTERSECTION IMPROVEMENTS FROM KINCAID ESTATES, LLC TO

**Title:** THE ANCHORAGE ROADS AND DRAINAGE SERVICE AREA CAPITAL IMPROVEMENT FUND (441), PROJECT MANAGEMENT & ENGINEERING DEPARTMENT, FOR IMPROVEMENTS OF WEST 80<sup>TH</sup> AVENUE FROM WESTPARK DRIVE TO LUCY STREET

**Author:** pruittns**Initiating Dept:** PME**Review Depts:** Purchasing

**Description:** APPRO OF THREE HUNDRED THOUSAND DOLLARS (\$300,000)AS PAY IN LIEU OF SUBD AGREE OBLIG FOR RD PED INTERSEC IMPROV KINCAID EST TO ANCH RDS DRAINAGE SVC AREA CAP IMPROV FUND (441), PM&E, FOR IMPROV OF W 80TH AVE FROM WESTPARK DR TO LUCY ST

**Keywords:** KINCAID, DRAINAGE, WESTPARK, LUCY**Date Prepared:** 4/14/09 9:30 AM**Assembly Meeting Date:** 4/28/09**Public Hearing Date:** 5/12/09

<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	4/17/09 10:26 AM	Exit	Joy Maglaqui	Public	007620
MuniMgrCoord_SubWorkflow	4/17/09 10:26 AM	Approve	Joy Maglaqui	Public	007620
MuniManager_SubWorkflow	4/17/09 10:26 AM	Approve	Joy Maglaqui	Public	007620
Finance_SubWorkflow	4/16/09 5:02 PM	Approve	Sharon Weddleton	Public	007620
Finance_SubWorkflow	4/16/09 4:35 PM	Checkin	Nina Pruitt	Public	007620
OMB_SubWorkflow	4/16/09 9:43 AM	Approve	Wanda Phillips	Public	007620
Purchasing_SubWorkflow	4/14/09 11:42 AM	Approve	Bart Mauldin	Public	007620
PME_SubWorkflow	4/14/09 11:22 AM	Approve	Jerry Hansen	Public	007620
FundsAppropWorkflow	4/14/09 9:45 AM	Checkin	Brenda Reddish	Public	007620