Submitted by:

Chair of the Assembly

at the Request of the Mayor

Prepared by:

Project Management & Engineering Department

For Reading:

April 13, 2010

### ANCHORAGE, ALASKA AO 2010-34

AN ORDINANCE AUTHORIZING TRANSFER OF A PORTION OF THE EAST 150 FEET OF BLM LOT 32, EXCEPTING THE SOUTH 50 FEET, SECTION 28, TOWNSHIP 13 NORTH, RANGE 3 WEST, S.M., TAX #008-033-35, TO THE OWNER OF LOT 33A, SECTION 28, TOWNSHIP 13 NORTH, RANGE 3 WEST, S.M., PLAT NO. 2004-16, TAX #008-033-62.

CLERK'S OFFICE

**APPROVED** 

4-27-10

WHEREAS, the purpose of this ordinance is to transfer the Municipality's interest in the South 52.52 feet of the East 40.73 feet of the East 150 feet of BLM Lot 32, excepting the South 50 feet within Section 28, T13N, R3W, S.M., AK, containing 2,139 square feet more/less, to the Novella S. Larson Revocable Trust of 2000, the Owner of Lot 33A Section 28, Township 13 North, Range 3 West, S.M., Plat No. 2004-16; and

WHEREAS, the land transfer is a condition of an easement acquisition agreement between the Municipality and the aforesaid Owner of Lot 33A, requiring the Owner's commercial business sign to be relocated to facilitate construction of the Tudor Road and Lake Otis Parkway Intersection Improvements Project, MOA Project Management & Engineering Project No: 04-035; and

WHEREAS, a Plat of Lake Otis & Tudor Subdivision Lots 1&2, Plat No. 2009-121, was filed at the State District Recorder's Office and incorporates the referenced land area into Lot 2; and

WHEREAS, the Municipality owns Lot 1 and the Novella S. Larson Revocable Trust of 2000 owns Lot 2; and

WHEREAS, a deed for the land area incorporated into said Lot 2 is required to be issued to the Owner of Lot 33A by the Municipality to establish clear title for the platted Lots 1&2; now, therefore,

#### THE ANCHORAGE ASSEMBLY ORDAINS:

<u>Section 1.</u> The Assembly finds the South 52.52 feet of the East 40.73 feet of the East 150 feet of BLM Lot 32, excepting the South 50 feet in Section 28, T13N, R3W, S.M., AK described herein is without substantial value to the Municipality.

<u>Section 2.</u> The Assembly approves the land transfer to the Novella S. Larson Revocable Trust of 2000

1	Section 3. This ordinance shall be effective immediately upon passage and
2	approval by the Anchorage Assembly.
3	201
4	PASSED AND APPROVED by the Anchorage Municipal Assembly this 272 day
5	of /becil , 2010.
6	$\mathcal{V}_{\mathcal{A}}$
7	wer ken
8	Chair of the Assembly
9	ATTEST:
10	1 / 4
11	Bonlan S. Soments
12	Municipal Clerk

# MUNICIPALITY OF ANCHORAGE Summary of Economic Effects - General Government

AO 2010-34

AN ORDINANCE AUTHORIZING TRANSFER OF A PORTION OF THE EAST 150 FEET OF BLM LOT 32, EXCEPTING THE SOUTH 50 FEET, SECTION 28, TOWNSHIP 13 NORTH, RANGE 3 WEST, S.M., TAX #008-033-35, TO THE OWNER OF LOT 33A, SECTION 28, TOWNSHIP 13 NORTH, RANGE 3 WEST, S.M., PLAT NO. 2004-16, TAX #008-033-62.

Sponsor:

**MAYOR** 

Preparing Agency: Others Impacted:

Project Management & Engineering Department

Heritage Land Bank/Real Estate Services

CHANGES IN EXPENDITURES AND REVENUES:			(In	(In Thousands of Dollars)				
	FY10	FY11	FY1	2	FY13	FY14		
Operating Expenditures 1000 Personal Services 2000 Supplies 3000 Other Services 4000 Debt Service 5000 Capital Outlay								
TOTAL DIRECT COSTS:	\$ -	\$ -	\$	- 3	\$ -	\$ -		
Add: 6000 Charge from Others Less: 7000 Charge to Others								
FUNCTION COST:	\$ -	\$ -	\$		\$ -	\$ -		
REVENUES:								
CAPITAL:			n ni p = = = = = = = = = = = = = = = = = =					
POSITIONS: FT/PT and Temp	١.							
PUBLIC SECTOR ECONOMIC None								
PRIVATE SECTOR ECONOMINONE	 C EFFEC1							
Brangrad by: Tom Knoy Munic			~~	   	 Telephon	e: 343-8116		

## MUNICIPALITY OF ANCHORAGE



### **ASSEMBLY MEMORANDUM**

**No.** AM 224-2010

Meeting Date: April 13, 2010

FROM:

MAYOR

SUBJECT:

AN ORDINANCE AUTHORIZING TRANSFER OF A PORTION OF

THE EAST 150 FEET OF BLM LOT 32, EXCEPTING THE SOUTH 50 FEET, SECTION 28, TOWNSHIP 13 NORTH, RANGE 3 WEST, S.M., TAX #008-033-35; TO THE OWNER OF LOT 33A, SECTION 28, TOWNSHIP 13 NORTH, RANGE 3 WEST, S.M., PLAT NO. 2004-

16. TAX #008-033-62.

1 2

The purpose of this ordinance is to transfer by deed the Municipality's interest in the South 52.52 feet of the East 40.73 feet of the East 150 feet of BLM Lot 32, excepting the South 50 feet in Section 28, T13N, R3W, S.M., AK, containing 2,139 square feet more/less, to Novella S. Larson Revocable Trust of 2000, the Owner of Lot 33A Section 28, Township 13 North, Range 3 West, Plat No. 2004-16 (Exhibit A).

The Municipality acquired a public use easement over the southern portion of Lot 33A for the Tudor Road and Lake Otis Intersection Improvements Project, Project Management & Engineering Project No. 04-035. The business sign for the commercial development on Lot 33A is located within the acquired public use easement and will be removed by the Project. Additional land area was required to be added to Lot 33A in order to move the sign and be in compliance with municipal sign code.

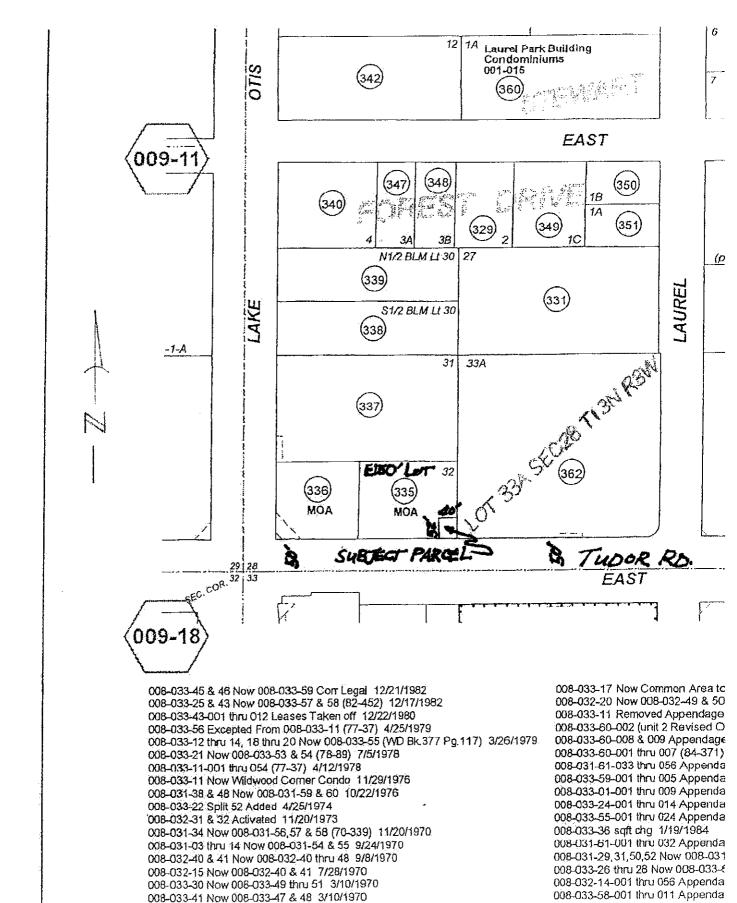
As part of the acquisition agreement, the Municipality agreed to re-subdivide adjacent property with Lot 33A and create the additional area for the sign relocation (Exhibit B). The platting has been accomplished and a deed transferring ownership rights to the land area is required to create clear title for the two lots created by the plat (Exhibit C). The Municipality owns Lot 1 and the Novella S. Larson Revocable Trust of 2000 owns Lot 2. The actual useable area for the sign relocation is 546 square feet out of the 2,139 square feet due to existing right of way and joint access easements previously acquired as part of the project (Exhibit D).

THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE AUTHORIZING TRANSFER OF A PORTION OF THE EAST 150 FEET OF BLM LOT 32, EXCEPTING THE SOUTH 50 FEET, SECTION 28, TOWNSHIP 13 NORTH, RANGE 3 WEST, S.M., TAX #008-033-35; TO THE OWNER OF LOT 33A, SECTION 28, TOWNSHIP 13 NORTH, RANGE 3 WEST, S.M., PLAT NO. 2004-16, TAX #008-033-62.

Approved by: J.W. Hansen, Acting Director

Project Management & Engineering Department

1	Concur:	William M. Mehner, Executive Director
2		Heritage Land Bank
3	Concur:	Greg Jones, Executive Director
4		Office of Community Planning and Development
5	Concur:	Dennis A. Wheeler, Municipal Attorney
6	Concur:	George J. Vakalis, Municipal Manager
7	Respectfully Submitted:	Daniel A. Sullivan, Mayor
8		





## MUNICIPALITY OF ANCHORAGE Project Management & Engineering Department

#### MEMORANDUM OF AGREEMENT

PROJECT NAME:

PM&E PROJECT#: 04-35

FEDERAL-AID PROJECT #: HPRL-0001(359)/58890

ROW FILE #: C-01-07

PARCEL #: 5A, 5B, 5C

TAX ID #: 008-033-62

Public Use Easement: Parcel 5a (6,360 s.f.)

Improvements:

Temporary Construction Easement: Parcel 5C (2,351 s.f.)

Temporary Construction Permit: Parcel 5B (1,504 s.f.) - Mutual Benefit

Administrative Settlement:

\$ 163,515.60

\$ 15,445.00

\$ 10,879.96

\$ 0.00

\$ 5,000.00

Right of Way Acquisition:

\$194,840.56

Total Compensation

\$ 194,845 rnd.

Damages are a consideration: ☐ yes ☒ no Amount of Damages \$ N/A included in total

compensation

#### Other Conditions:

1. The Municipality agrees to relocate (including installation and reconnection to electricity), the four existing parking lot lights adjacent to the south boundary of Lot 33A to the area on the owner's property directly south of the existing parking lot curb and the north limit of the right of way created by the public use easement. The lights shall be spaced according to their present location. The relocation and energizing of the lights is at no cost to the Owner due to their removal from the easement area granted by the Owner for the referenced project and is considered a cost to cure item. See Exhibit A attached.



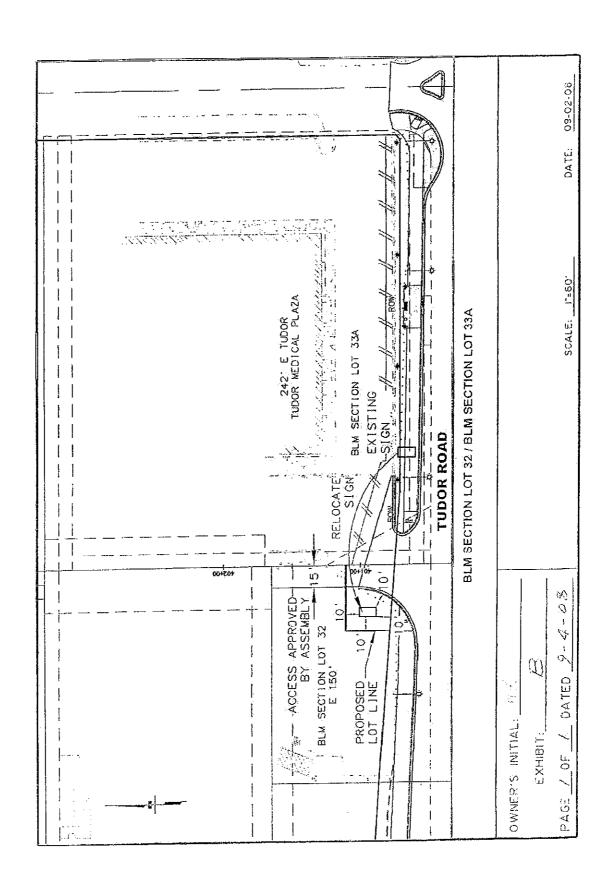
- 2. The Municipality agrees to resubdivide Lot 33A and the East 150 feet of Lot 32 to create a larger parcel for Lot 33A to relocate and provide electricity to the existing Tudor Medical Center sign. The Municipality will be responsible for preparing and filing a plat in the public records in order to create an area to relocate the existing sign. The Owner of Lot 33A will be responsible for correcting any building code violation, access issue not associated with the new driveway access onto Tudor Road by the Project or any landscape deficiency that may now exist on Lot 33A that may be revealed by the plat application process. The property owner will be required to pay current taxes if due. The Municipality will be responsible for the fees associated with plat preparation, Platting Board approval and filling of the new plat as well as the cost of any landscaping in the area of the new sign location. The Owner of Lot 33A shall not refuse to sign the plat for final processing when offered for signature by the Municipality. Should the Owner refuse to sign the plat, the Municipality will be instantly relieved of the responsibility to relocate the sign and it will be the responsibility of the Owner to relocate the sign. The relocation and energizing of the sign will be at no cost to the Owner due to its removal from the required easement area granted by the Owner for the referenced project and is considered a cost to cure item. See Exhibit B attached.
- 3. The Municipality agrees to grant a common access easement to Lot 33A over the East 15 feet of the East 150 feet of Lot 32. See Exhibit B attached.
- 4. Taxes and Special Assessments, if any, delinquent from former years, and Taxes and Special Assessments for the current year, if due and/or payable, shall be paid by the seller or sellers
- 5. This Memorandum embodies the whole Agreement between the parties hereto as it pertains to the real estate, and there are no promises, terms, conditions or obligations referring to the subject matter hereof,

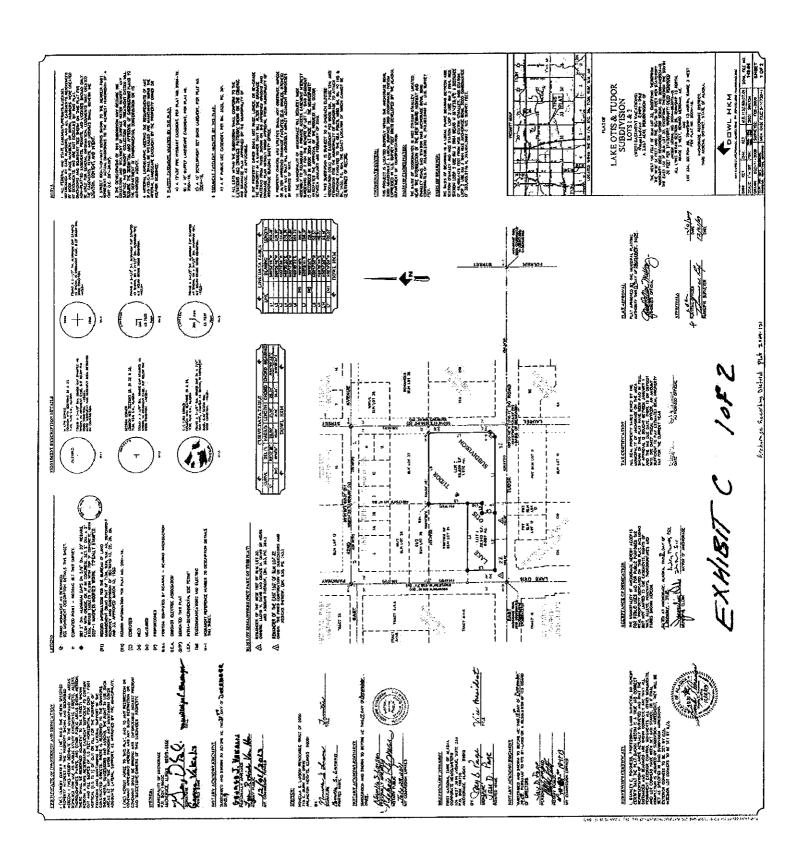
## EXHIBIT B

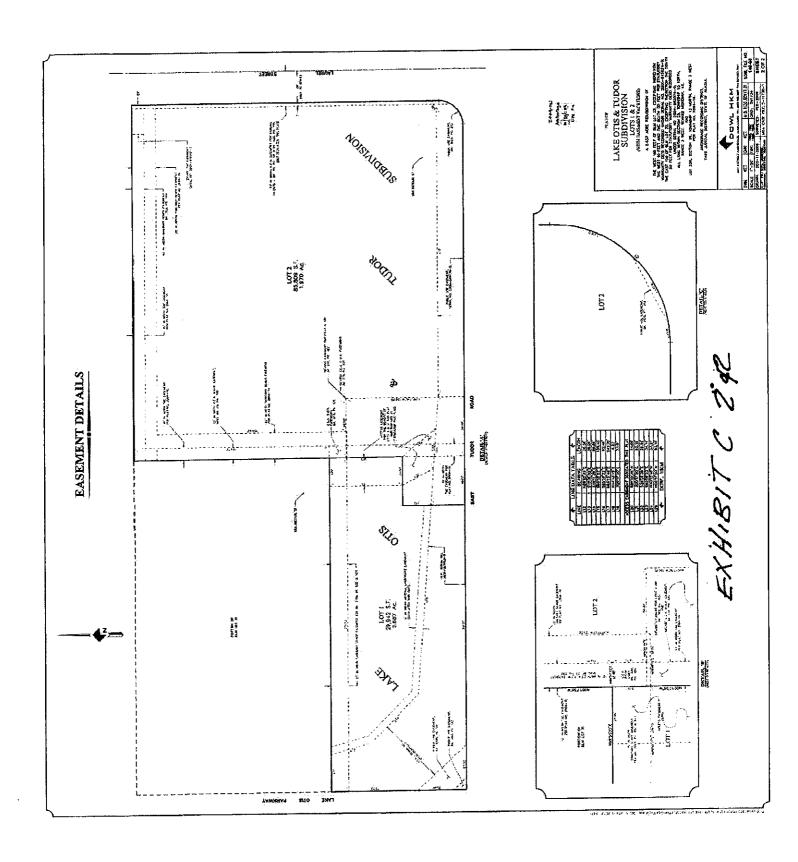
other than as contained herein.

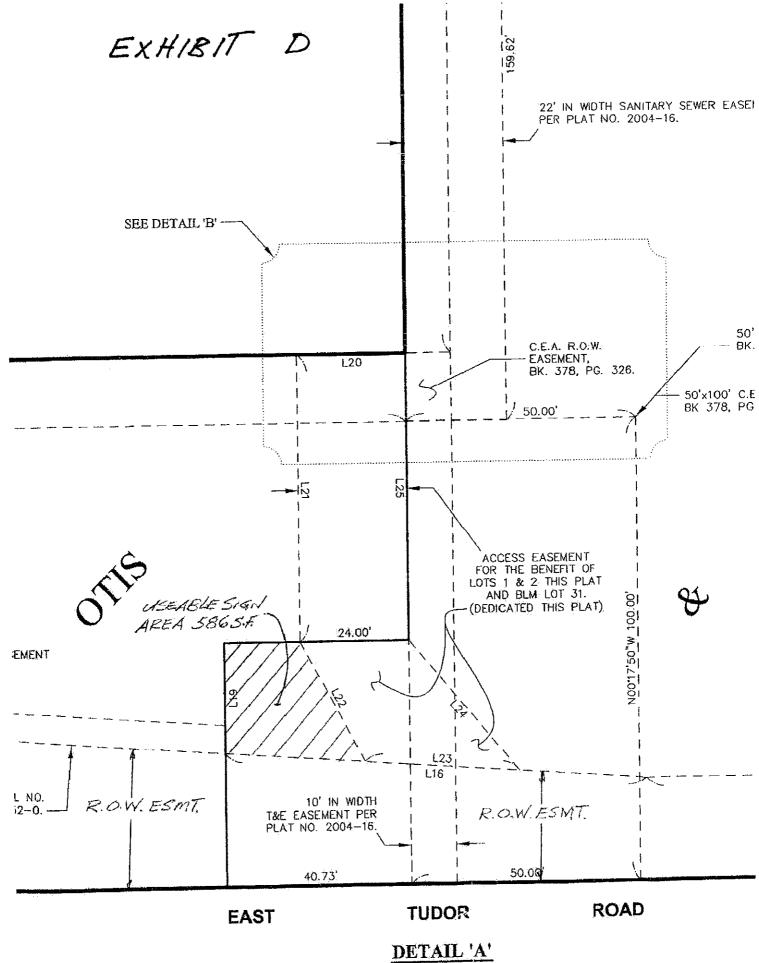
- 6. The seller or sellers hereby agree that the compensation herein provided to be paid includes full compensation for their interest and the interests of their life tenants, remaindermen, reversioners, liens and lessees, and any and all other legal and equitable interest that are or may be outstanding and said seller or sellers agree to discharge the same.
- 7. THIS AGREEMENT shall be deemed a CONTRACT extending to and binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representative, successors and assigns of the parties, only when the same shall have been approved by the Director, Project Management and Engineering on behalf of the Department.
- 8. The Public Use Easement, Temporary Construction Easement and Temporary Construction Permit shall be effective upon acceptance by Purchaser, evidenced by the execution of this Agreement by the Municipality of Anchorage and payment of the purchase price.

	tran the aum of \$104.945.00 shall be paid upon
Of the total amount of compensation hereinabove agreed execution and delivery of a good and sufficient.   Warran	nty Deed M Public Use Essement M Temporary
Construction Permit  Temporary Construction Easemer	of or Other and the balance of the compensation.
amounting to \$ N/A shall be paid upon compliance by the	seller or sellers with the terms hereof.
Disbursement of funds will be made in the following mann	
Seller or Sellers	Amount of Payment
Novella S. Larson Revocable Trust of 2000	\$194,845.00
The Seller or Sellers certify that there are no known hazar	dous materials on the property.
The terms of this Agreement are understood and assented accordance with the above.	d to by us and payment is to be made in
MUNICIPALITY OF ANCHORAGE	Seller or Sellers
Date .	Monday & Labour 19
Acting Director, Project Management & Engineering	Markey Markey Comment of the State of the St
And the second s	Date
	Date









(SCALE: 1"=20 FEET)

**Content ID: 008844** 

Type: Ordinance - AO

AN ORDINANCE AUTHORIZING TRANSFER OF A PORTION OF THE EAST 150 FEET OF BLM LOT 32, EXCEPTING THE SOUTH Title: 50 FEET, SECTION 28, TOWNSHIP 13 NORTH, RANGE 3 WEST, S.M., TAX #008-033-35, TO THE OWNER OF LOT 33A, SECTION

28, TOWNSHIP 13 NORTH, RANGE 3 WEST, S.M., PLAT NO.

2004-16, TAX #008-033-62.

Author: maglaquijp **Initiating Dept: PME** Review Depts: HLB

Date Prepared: 3/17/10 12:15 PM

**Assembly Meeting Date: 4/13/10 Public Hearing Date: 4/27/10** 

Workflow Name	Action Date	Action	<u>User</u>	Security Group	Content ID	
Clerk_Admin_SubWorkflow	4/1/10 3:12 PM	Exit	Joy Maglaqui	Public	008844	
MuniManager_SubWorkflow	4/1/10 3:12 PM	Approve	Joy Maglaqui	Public	008844	
MuniManager_SubWorkflow	4/1/10 3:11 PM	Checkin	Joy Maglaqui	Public	008844	
Legal_SubWorkflow	3/30/10 4:31 PM	Approve	Rhonda Westover	Public	008844	
Finance_SubWorkflow	3/30/10 11:18 AM	Approve	Lucinda Mahoney	Public	008844	
OMB_SubWorkflow	3/26/10 1:41 PM	Approve	Cheryl Frasca	Public	008844	
HLB_SubWorkflow	3/25/10 1:53 PM	Approve	William Mehner	Public	008844	
OCPD_SubWorkflow	3/25/10 11:36 AM	Approve	Tawny Klebesadel	Public	008844	
PME_SubWorkflow	3/18/10 4:20 PM	Approve	Jerry Hansen	Public	008844	
AllOrdinanceWorkflow	3/18/10 1:50 PM	Checkin	Brenda Reddish	Public	008844	
OCPD_SubWorkflow	3/18/10 11:50 AM	Reject	Tawny Klebesadel	Public	008844	
PME_SubWorkflow	3/18/10 8:05 AM	Approve	Jerry Hansen	Public	008844	
AllOrdinanceWorkflow	3/17/10 12:26 PM	Checkin	Brenda Reddish	Public	008844	