Submitted by: Chair of the Assembly at the

Request of the Mayor

Prepared by: Real Estate Services Division

For reading: January 12, 2010

Date: APPROVED

CLERK'S OFFICE

ANCHORAGE, ALASKA AR No. 2010-2

A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE APPROPRIATING THIRTY-NINE THOUSAND THIRTY DOLLARS (\$39,030) FROM THE AREAWIDE GENERAL FUND (101), SIX THOUSAND THREE HUNDRED THIRTY DOLLARS (\$6,330) FROM THE ANCHORAGE BUILDING SAFETY SERVICE AREA FUND (181), THREE THOUSAND EIGHT HUNDRED EIGHTY DOLLARS (\$3,880) FROM ANCHORAGE METROPOLITAN POLICE SERVICE AREA FUND (151), TWO THOUSAND FIVE HUNDRED TWENTY DOLLARS (\$2,520) FROM THE EAGLE RIVER/CHUGIAK/BIRCHWOOD SERVICE AREA FUND (119) AND FIVE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$5,750) FROM THE EAGLE RIVER/CHUGIAK PARKS & RECREATION SERVICE AREA FUND (162) TO THE AREAWIDE GENERAL CIP FUND (401) FOR PAYMENT OF PRINCIPAL AND INTEREST ON AN INTERFUND LOAN FOR THE EAGLE RIVER TOWN CENTER IN THE REAL ESTATE SERVICES DIVISION.

WHEREAS, construction of the Eagle River Town Center was funded in part by an inter-fund loan of \$1,700,000 authorized by AO 2007-147 for a twenty-year term; and

WHEREAS, interest is charged based upon the general cash pool earnings rate; and

WHEREAS, the computed principal and interest owed for the period since execution of the loan is \$57,510; now, therefore,

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The sum not to exceed Thirty-Nine Thousand Thirty Dollars (\$39,030) from the Areawide General Fund (101), Six Thousand Three Hundred Thirty Dollars (\$6330) from the Anchorage Building Safety Service Area Fund (181), Three Thousand Eight Hundred Eighty Dollars (\$3,880) from Anchorage Metro Police Service Area Fund (151), Two Thousand Five Hundred Twenty Dollars (\$2,520) from the Eagle River/Chugiak/Birchwood Service Area Fund (119) and Five Thousand Seven Hundred Fifty Dollars (\$5,750) from the Eagle River/Chugiak Parks & Rec Service Area Fund (162) to the Areawide General CIP Fund (401) for repayment of principal and interest on an inter-fund loan for the Eagle River Town Center in the Real Estate Services Division.

<u>Section 2.</u> This resolution shall be effective immediately upon passage and approval by the Assembly.

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2	PASSED AND APPROVED by	the Anchorage Assembly this day of
3	January , 2010.	
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7		Chair of the Assembly
8	ATTEST:	
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13	Municipal Clerk	
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16	Department of Appropriation:	
17	Real Estate Services Division	\$57,510

MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

AM No. <u>1-2010</u>

Meeting Date: January 12, 2010

Amount

1	From:	MAYOR
2 3	Subject:	A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE
4		APPROPRIATING THIRTY NINE THOUSAND THIRTY DOLLARS
5		(\$39,030) FROM THE AREAWIDE GENERAL FUND (101), SIX
6		THOUSAND THREE HUNDRED THIRTY DOLLARS (\$6,330)
7		FROM THE ANCHORAGE BUILDING SAFETY SERVICE AREA
8		FUND (181), THREE THOUSAND EIGHT HUNDRED EIGHTY
9		DOLLARS (\$3,880) FROM ANCHORAGE METRO POLICE
10		SERVICE AREA FUND (151), TWO THOUSAND FIVE HUNDRED
11		TWENTY DOLLARS (\$2,520) FROM THE EAGLE
12		RIVER/CHUGIAK/BIRCHWOOD SERVICE AREA FUND (119) AND
13		FIVE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$5,750)
14		FROM THE EAGLE RIVER/CHUGIAK PARKS & REC SERVICE
15		AREA FUND (162) TO THE AREAWIDE GENERAL CIP FUND
16		(401) FOR PAYMENT OF PRINCIPAL AND INTEREST ON AN
17		INTERFUND LOAN FOR THE EAGLE RIVER TOWN CENTER IN
18		THE REAL ESTATE SERVICES DIVISION
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The Eagle River Town Center project was funded in part by an inter-fund loan of \$1,700,000 approved by the Anchorage Assembly in AO 2007-147 (Exhibit A). The loan will be amortized over a term of 20 years and repaid by means of space rental payments charged to the occupying departments. The loan was activated in June 2009. It carries a variable interest rate corresponding to the general cash pool earnings rate. The accumulated principal and interest for 2009 is \$57,510.

Description

252627

Accounting detail follows:

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Revenue:

Account number

31	401-1619-161906-9601-BP2008	Contributions From Other Funds	\$57,510
32		Total	\$57,510
33	Expenditure:		
34	Account number	Description	Amount
35	401-0611	Due to Areawide	\$28,430
36	401-1619-3819-BP2008	Interest Other	29,080
37		Total	\$57,510

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Prepared by:

Approved by:

Fund certification:

Concur:

Concur:

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(\$5,750) FROM THE EAGLE RIVER/CHUGIAK PARKS & REC SERVICE AREA FUND (162) TO THE AREAWIDE GENERAL CIP FUND (401) FOR PAYMENT OF PRINCIPAL AND INTEREST ON AN INTERFUND LOAN FOR THE EAGLE RIVER TOWN CENTER IN THE REAL ESTATE SERVICES DIVISION.

Jennifer Allen, Office of Community Planning and

Development

William M. Mehner, Director, Heritage Land Bank

and Real Estate Services Division

Greg Jones, Executive Director, Office of

Community Planning and Development

Lucinda Mahonev, CFO

THE ADMINISTRATION RECOMMENDS APPROVAL OF A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE APPROPRIATING THIRTY NINE

THOUSAND AND THIRTY DOLLARS (\$39,030) FROM THE AREAWIDE

GENERAL FUND (101), SIX THOUSAND THREE HUNDRED AND THIRTY

DOLLARS (\$6,330) FROM THE ANCHORAGE BUILDING SAFETY SERVICE

AREA FUND (181), THREE THOUSAND EIGHT HUNDRED AND EIGHTY

DOLLARS (\$3,880) FROM ANCHORAGE METRO POLICE SERVICE AREA

FUND (151), TWO THOUSAND FIVE HUNDRED AND TWENTY DOLLARS

(\$2.520) FROM THE EAGLE RIVER/CHUGIAK/BIRCHWOOD SERVICE AREA

FUND (119) AND FIVE THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS

101-5364-3901-BP2009	\$34,870
181-7510-3901-BP2009	\$6,330
151-4843-3901-BP2009	\$3,880
119-7449-3901-BP2009	\$2,520
101-2380-3901-BP2009	\$2,500
162-5474-3901-BP2009	\$5,750
101-1242-3901-BP2009	\$900
101-1351-3901-BP2009	\$760

George J. Vakalis, Municipal Manager

Daniel A. Sullivan, Mayor Respectfully submitted:

A PROVED

Pate: 1/6-07

IMMEDIATE RECONSIDERATION

FAILED 11-6-07

Submitted by: Chair of the Assembly at the Request of the Mayor; Assembly Member Tesche

Prepared by: Office of Economic and

Community Development

For reading: October 23, 2007

ANCHORAGE, ALASKA AO No. 2007-147

AN ORDINANCE AUTHORIZING ACQUISITION OF INTERESTS IN REAL PROPERTY KNOWN AS VALLEY RIVER CENTER BUILDING "A", LEGAL DESCRIPTION TRACT K, REGIONAL PARK SUBDIVISION #2, IN PART THROUGH AN INTER-FUND LOAN NOT TO EXCEED ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$1,700,000) FROM THE AREAWIDE GENERAL FUND (101) TO THE AREAWIDE GENERAL CIP FUND (401), AND WAIVING REQUIREMENTS UNDER ANCHORAGE MUNICIPAL CODE SECTION 21.15.015.A.1, PUBLIC FACILITY SITE SELECTION, FOR PURPOSES OF CO-LOCATING CHUGIAK-EAGLE RIVER LIBRARY AND MUNICIPAL OFFICES IN THE NEW EAGLE RIVER TOWN CENTER.

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WHEREAS, the Anchorage Municipal Assembly adopted AO 2003-74, the Eagle River Central Business District Revitalization Plan, as an element of the Comprehensive Plan under Anchorage Municipal Code chapter 21.05; and

WHEREAS, the adopted plan identifies the town core area of the central business district and recommends co-location of the Eagle River library, Municipal offices and services, and a public meeting space within a single facility as an anchor for the town core; and

WHEREAS, the Valley River Center is located within the designated town core area; and

WHEREAS, by Resolution No. 2007-1, the Eagle River Chamber of Commerce unanimously recognized community desire for accessible and efficiently delivered public services, and less redundancy in space requirements, and recommended Valley River Center as the preferred site for co-location of Municipal offices; and

WHEREAS, by AR 2007-141, the Anchorage Municipal Assembly unanimously endorsed the community's selection of Valley River Center for this purpose; and

WHEREAS, by AO 2007-89, the Anchorage Municipal Assembly approved waiver of Anchorage Municipal Code section 25.10.030B.7., competitive procurement requirements, for purposes of negotiating lease terms to include a purchase option, right of first refusal, or both, for space in the Valley River Center; and

WHEREAS, sole source negotiations to lease space in Valley River Center under terms approved by the Anchorage Municipal Assembly, AM 467-2007, were not successful; and

WHEREAS, an opportunity now exists to purchase approximately 50% ownership of the building at a monthly cost approximating that previously approved by the Assembly (AM 2007-467) for leasing space in the building; and

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WHEREAS, the total cost of the project including purchase and renovation is estimated to be \$3.7 million, with \$2 million anticipated to be available in the form of contributions from existing sources including Chugiak-Eagle River Parks and Recreation funds (Fund 162) and private grant awards; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Acquisition by the Municipality of an approximately 50% ownership interest in Valley River Center Building A, and beneficial interest in the associated long-term ground lease, in accordance with the terms, conditions and mechanisms set out in the accompanying Assembly Memorandum, is hereby approved.

Section 2. An inter-fund loan in an amount not to exceed ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$1,700,000) from the Areawide General Fund (101) to the Areawide General CIP Fund (401), bearing a variable interest rate equal to the monthly cash pool earnings rate, to be repaid in full on or before December 31, 2028, is hereby authorized. Monthly lease repayments assessed to Municipal tenants will be used to repay Fund 101 for its lost cash pool interest and to repay outstanding principal. The Administration is further authorized to select more favorable alternative financing or refinancing as available.

<u>Section 3.</u> For the purposes of this acquisition, requirements under Anchorage Municipal Code section 21.15.015.A.1., public facility site selection, are hereby waived.

Section 4. The administration is authorized to negotiate such additional terms and conditions prior to closing as may be deemed necessary in the best interests of the Municipality.

Section 5. This ordinance shall become effective upon its passage and approval by the Anchorage Municipal Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 6th day of the second day of the Anchorage Assembly this 6th day of the Anchorage Assembly the 6th day of the 6

Chair of the Assembly

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

AM-No. <u>663-2007</u>

Meeting Date: October 23, 2007

From: MAYOR

Subject:

AN ORDINANCE AUTHORIZING ACQUISITION OF INTERESTS IN REAL PROPERTY KNOWN AS VALLEY RIVER CENTER BUILDING "A", LEGAL DESCRIPTION TRACT K, REGIONAL PARK SUBDIVISION #2, IN PART THROUGH AN INTER-FUND LOAN NOT TO EXCEED ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$1,700,000) FROM THE AREAWIDE GENERAL FUND (101) TO THE AREAWIDE GENERAL CIP FUND (401), AND WAIVING REQUIREMENTS UNDER ANCHORAGE MUNICIPAL CODE SECTION 21.15.015.A.1., PUBLIC FACILITY SITE SELECTION, FOR PURPOSES OF CO-LOCATING CHUGIAK-EAGLE RIVER LIBRARY AND MUNICIPAL OFFICES IN THE NEW EAGLE RIVER TOWN CENTER.

The Eagle River Community has sought for many years to develop a new Town Center that would include co-located Municipal offices and services. In recent years the Valley River Center has emerged strongly as the location of choice, endorsed and supported by the Eagle River Chamber of Commerce and the Anchorage Assembly.

In consideration of the needs and wishes of the community, the superior suitability of the space, conformity with the Eagle River CBD Revitalization Plan, and results of a space needs analysis, the Anchorage Assembly authorized sole source negotiation (AO 2007-89) and subsequently approved material terms (AM 467-2007) for municipal lease of space in this building from Sunfish, LLC, which at the time was in process of purchasing the property from its current owner, Hickel Investment Co. However, the authorized lease negotiations were not successful, and the purchase agreement between Sunfish and Hickel expired on September 27, 2007.

 Subsequently, an opportunity was presented by The Alaska Club Partnership (TACP) to the Municipality (MOA) to purchase the building jointly, with each party acquiring ownership of a portion of the building under a condominium arrangement. Details of the proposal are summarized below.

Essential Terms of the Proposed Purchase and Ground Lease

A non-binding Letter of Intent (LOI) dated October 10, 2007, was signed by MOA, TACP, and Hickel and provides for a 30-day period to complete a Purchase and Sale Agreement (PSA) and ground lease.

 The Agreements anticipated by the LOI will provide for purchase of the property and assumption of the associated long-term ground lease according to the following essential terms and conditions:

1. The total purchase price will be \$3 million.

2. A long-term ground lease will be executed at closing. The total rent will be \$19,970 per month in the first two years, increasing to \$22,000 total per month beginning in year three. Rent will be subject to adjustment to FMRV on each five-year anniversary date, provided that any rent increase will be capped at 17.5% per 5-year period. The term of the ground lease will be 40 years with five, 5-year extension options.

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- Lessee(s) are free to sublease or assign in whole or in part and free to make modifications to the property without any requirement of Landlord consent, except for any change in the building footprint that affects the parking requirement.
- 4. A non-refundable payment on behalf of both parties in the amount of \$25,000 was made to Hickel by TACP on signing of the LOI. A second payment of \$25,000 on behalf of both parties will be made by MOA to Hickel on signing of the PSA, also as a non-refundable down-payment credited toward the purchase price.
- There will be a 75 day due diligence period following execution of the Agreement. Closing will be no later than 90 days after execution of the Agreement with one 30-day extension at option of Purchasers.
- The obligation of MOA and TACP to close is subject to financing and all required Municipal approvals.

Ownership Structure; Business Relationship MOA/TACP

- 1. MOA will own and occupy approximately 43,000 sq ft at the south end of the building (designated "Unit 1"). TACP will own and occupy approximately 40,000 sq ft in the center of the building ("Unit 2"). The remainder of the building, consisting of approximately 23,000 sq ft ("Unit 3") will be owned jointly by MOA and TACP. All proceeds from rent or re-sale of space in Unit 3 and all expenses for Unit 3 will be shared equally by MOA and TACP.
- 2. The parties currently expect that the Units will be created as condominium interests.
- 3. A non-profit entity structured as an LLC, having MOA and TACP as its two equal managing members, will be formed initially. The LLC will enter into the Purchase and Sale Agreement with Hickel, and will be the initial lessee on the ground lease. The LLC will also serve as Declarant for the process of forming a non-profit Condominium Association for the building.
- 4. After completion of the condominiumization process, the LLC will deed Unit 1 to MOA, and Unit 2 to TACP, and will assign the ground lease to the Condominium Association. The LLC will retain ownership of Unit 3, which it will manage on behalf of MOA and TACP until such time as Unit 3 is sold, after which the LLC will dissolve.
- The Condominium Association will provide building maintenance services and will levy CAM assessments to the unit owners in proportion to area.
- 6. The above represents the general understanding and plan of the two parties as of the date of this Memorandum. There is currently no binding agreement between MOA and TACP, and both reserve the right to make adjustments and refinements to this plan prior to execution of the agreements.

Financing

1. Cost of project: MOA's share of the purchase price (50% of \$3M) will be \$1.5M. The Municipality's renovation costs for Unit 1 are estimated at \$50/sq ft, or \$2.1M. This represents a blended rate for the 43,000 sq ft of Unit 1, of which approximately 35,000 sq ft will be fully finished at MOA expense, with the balance comprised of either partially finished (rear storage space) or leased space for which tenants will provide

- the improvements. No renovations are planned for Unit 3. Including approximately \$0.1M in fees and transaction costs, the total cost to MOA is estimated at \$3.7M.
- Existing sources of funds: Approximately two million dollars is anticipated to be available for contribution to the project from existing sources. These include the Eagle River Parks and Recreation Service Area fund balance and anticipated private grant awards. The remaining \$1.7 million will be financed by the Municipality over a period not to exceed 20 years.
- 3. Method of financing the balance: An initial variable rate inter-fund loan in the amount of \$1.7 million will be executed and proceeds applied to the project. The Municipality may consider subsequent pooling of this loan with other existing inter-fund loans and/or pursuing external refinancing, as interest rates and other conditions warrant.
- 4. Repayment: The loan will be repaid from monthly rental fees charged to the Municipal departments occupying the space. In addition, MOA's share of net proceeds from the sale of Unit 3, minus \$100,000 dedicated for establishing a capital reserve fund, will be used to reduce the principal balance of the inter-fund loan.
- 5. Annual operating cost to MOA: Projections based on a 20 year loan term and 5.5% interest rate estimate that the combined cost to MOA, including building operating costs, ground lease payments, and debt service, will be approximately \$51,000 per month or \$612,000 per year. This represents an increase of approximately \$257,000 per year over the 2007 budget for currently leased space. This is the same as the annual cost and operating budget increase for the lease terms previously approved by the Assembly in connection with the Sunfish lease (AM 467-2007).

Planned Use of the MOA Facility

- Departments: Renovated space in Unit 1 will be occupied by Municipal divisions and departments currently providing services in Eagle River, including the ER Library, ER Parks & Recreation, Health & Human Services, and Police Department. The space will also include a community meeting room and an Emergency Operations Center. In addition, a new Eagle River presence for Municipal Permitting services may be established. Space allocations by department will be finalized after completion of an updated space layout; and will be based on the recommendations of the Space Needs Analysis dated June 25, 2007.
- 2. Other Tenants for Unit 1: The current plan calls for up to 2,000 square feet at the front (west side) of Unit 1 to be leased to a for-profit café in an integrated layout with the library, with lease to be awarded by competitive bid. Additional tenants for the balance of the Unit 1 space may include other Municipal departments, other government or non-profit entities, and commercial entities.
- 3. Disposition of Unit 3: TACP currently occupies space in Unit 3 as a tenant of Hickel, and would continue to do so after closing as a tenant of the LLC until renovations are completed in Unit 2. The present intent of MOA and TACP is that Unit 3 will then be sold for compatible retail use. This arrangement will provide revenue to cover costs for Unit 3 while the property is marketed for sale. The LLC agreement will also allow for alternative dispositions of Unit 3 should conditions warrant, including provision for either party to buy out the other and provision for continued joint ownership as a rental property.

1 2 THE ADMINISTRATION RECOMMENDS ASSEMBLY APPROVAL OF AN ORDINANCE 3 AUTHORIZING ACQUISITION OF INTERESTS IN REAL PROPERTY KNOWN AS VALLEY 4 RIVER CENTER BUILDING "A", LEGAL DESCRIPTION TRACT K, REGIONAL PARK SUBDIVISION #2, IN PART THROUGH AN INTER-FUND LOAN NOT TO EXCEED ONE MILLION 5 SEVEN HUNDRED THOUSAND DOLLARS (\$1,700,000) FROM THE AREAWIDE GENERAL 6 7 FUND (101) TO THE AREAWIDE GENERAL CIP FUND (401), AND WAIVING REQUIREMENTS 8 UNDER ANCHORAGE MUNICIPAL CODE SECTION 21.15.015.A.1, PUBLIC FACILITY SITE 9 SELECTION, FOR PURPOSES OF CO-LOCATING CHUGIAK-EAGLE RIVER LIBRARY AND 10 MUNICIPAL OFFICES IN THE NEW EAGLE RIVER TOWN CENTER. 11 12 13 Prepared by: 14 Jennifer Allen, Office of Economic & Community Development Approved by: 15 William M. Mehner, Director, 16 Heritage Land Bank and Real Estate Services 17 Mary Jane Michael, Executive Director Concur: 18 Office of Economic & Community Development 19 Sharon Weddleton, Chief Fiscal Officer Concur: 20 Concur: James N. Reeves, Municipal Attorney Concur: Denis C. LeBlanc, Municipal Manager 21 22 23 Respectfully submitted: Mark Begich, Mayor

Content ID: 008565

Type: AR_FundsApprop - Funds Approp Resolution

A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE APPROPRIATING THIRTY-NINE THOUSAND THIRTY DOLLARS (\$39,030) FROM THE AREAWIDE GENERAL FUND (101), SIX THOUSAND THREE HUNDRED THIRTY DOLLARS (\$6,330) FROM THE ANCHORAGE BUILDING SAFETY SERVICE AREA FUND (181), THREE THOUSAND EIGHT HUNDRED EIGHTY DOLLARS (\$3,880) FROM ANCHORAGE METRO POLICE SERVICE AREA FUND (151), TWO

Title: THOUSAND FIVE HUNDRED TWENTY DOLLARS (\$2,520) FROM THE EAGLE RIVER/CHUGIAK/BIRCHWOOD SERVICE AREA FUND (119) AND FIVE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$5,750) FROM THE EAGLE RIVER/CHUGIAK PARKS & REC SERVICE AREA FUND (162) TO THE AREAWIDE GENERAL CIP FUND (401) FOR PAYMENT OF PRINCIPAL AND INTEREST ON AN INTERFUND LOAN FOR THE EAGLE RIVER TOWN CENTER IN THE REAL ESTATE SERVICES DIVISION.

Author: pruittns Initiating OCPD Dept:

Review HLB

Date 12/30/09 1:56 PM **Prepared:**

Assembly

Meeting 1/12/10 Date:

Workflow Name	Action Date	<u>Action</u>	<u>User</u>	Security Group	Content ID
Clerk_Admin_SubWorkflow	1/4/10 9:21 AM	Exit	Joy Maglaqui	Public	008565
MuniManager_SubWorkflow	1/4/10 9:21 AM	Approve	Joy Maglaqui	Public	008565
Finance_SubWorkflow	12/31/09 3:44 PM	Approve	David Ryan	Public	008565
Finance_SubWorkflow	12/31/09 3:30 PM	Checkin	Nina Pruitt	Public	008565
OMB_SubWorkflow	12/31/09 12:48 PM	Approve	Cheryl Frasca	Public	008565
HLB_SubWorkflow	12/30/09 4:57 PM	Approve	William Mehner	Public	008565
OCPD_SubWorkflow	12/30/09 4:56 PM	Approve	Tawny Klebesadel	Public	008565
FundsAppropWorkflow	12/30/09 2:25 PM	Checkin	Jennifer Allen	Public	008565