

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Heritage Land Bank
For Reading: October 12, 2010

ANCHORAGE, ALASKA
AR NO. 2010-289

A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE APPROPRIATING THIRTY-FOUR THOUSAND TWO HUNDRED DOLLARS (\$34,200) FROM THE HERITAGE LAND BANK FUND BALANCE (221) TO THE 2010 HERITAGE LAND BANK OPERATING BUDGET FOR A REIMBURSEMENT PAYMENT TO ACS CABLE SYSTEMS, INC.

WHEREAS, Heritage Land Bank (HLB) owns HLB Parcels #4-033A, 4-033B and 4-034, located at Point Woronzof, through which Alaska Communications System Cable Systems, Inc. (ACS) was granted a non-exclusive utility easement in 2008 for the Spandex Fiber Optic Cable project; and

WHEREAS, ACS appealed an administrative decision to the Assembly regarding the value of an utility easement, and the appeal was resolved by the Assembly (AO 2010-52) reducing the fee ACS paid from \$134,200 to \$100,000; and

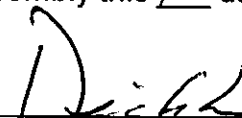
WHEREAS, this appropriation of \$34,200 represents the difference between the amount paid to HLB and the amount determined by the Assembly in AO 2010-52; now, therefore,

THE ANCHORAGE ASSEMBLY HEREBY RESOLVES:

Section 1. The sum of THIRTY-FOUR THOUSAND TWO HUNDRED DOLLARS (\$34,200) is hereby appropriated from the Heritage Land Bank Fund (221) balance to the Heritage Land Bank 2010 Operating Budget for payment as reimbursement, per AO 2010-52, for the fee ACS paid in 2008 for the Spandex Fiber Optic Cable utility easement.

Section 2. This resolution shall take effect immediately upon approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 12th day of October, 2010.


Chair

ATTEST:


Municipal Clerk

Departmental Appropriation:
Heritage Land Bank Fund Balance (221) \$34,200

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 533-2010

Meeting Date: October 12, 2010

From: MAYOR

Subject: A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE APPROPRIATING THIRTY-FOUR THOUSAND TWO HUNDRED DOLLARS (\$34,200) FROM THE HERITAGE LAND BANK FUND BALANCE (221) TO THE 2010 HERITAGE LAND BANK OPERATING BUDGET FOR A REIMBURSEMENT PAYMENT TO ACS CABLE SYSTEMS, INC.

This resolution appropriates Thirty-four Thousand Two Hundred Dollars (\$34,200) from the Heritage Land Bank (HLB) Fund balance (221) to the 2010 HLB Operating Budget, for repayment to Alaska Communications Systems, Inc. (ACS) for a portion of the fee paid by ACS for a non-exclusive utility easement.

This payment is a refund in the amount authorized by the Assembly via AO2010-52, approved on July 27, 2010 (see Appendix A), authorizing in Section 2 that the overpayment to HLB be refunded to ACS. Although payment was required within ten business days, ACS and MOA agreed to extend the time limit to provide for corrections to the recorded easement, corrections to the as-built survey of the easement, and to present this budgetary appropriation for Assembly approval.

The accounting detail is as follows.

REVENUE

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
221-0740	HLB Fund Balance	\$34,200

EXPENDITURE

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
221-1221-3808-122100 BY2010	Contractual Services, Other	\$34,200

THE ADMINISTRATION RECOMMENDS APPROVAL OF A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE APPROPRIATING THIRTY-FOUR THOUSAND TWO HUNDRED DOLLARS (\$34,200) FROM THE HERITAGE LAND BANK FUND BALANCE (221) TO THE 2010 HLB OPERATING BUDGET FOR A REIMBURSEMENT PAYMENT TO ACS CABLE SYSTEMS, INC.

Prepared by: Alison L. Smith, Land Manager, Heritage Land Bank
Approved by: William M. Mehner, Executive Director, Heritage

1		Land Bank
2	Fund certification:	Lucinda Mahoney, CFO
3		221-0740 \$34,200
4		(HLB Fund Balance)
5	Concur:	Dennis A. Wheeler, Municipal Attorney
6	Concur:	George J. Vakalis, Municipal Manager
7	Respectfully submitted:	Daniel A. Sullivan, Mayor
8		
9	Appendix A: AO 2010-52	

APPENDIX A

CLERK'S OFFICE
AMENDED AND APPROVED

Submitted by: ASSEMBLY CHAIR TRAINI at the
Request of the Mayor
Prepared by: Assembly Counsel
For reading: July 13, 2010

Date: 7-27-10 **ANCHORAGE, ALASKA**
AO NO. 2010-52

**AN ORDINANCE TO DETERMINE THE FEE FOR A NON-EXCLUSIVE UTILITY
EASEMENT FOR FIBER OPTIC CABLE & RELATED FACILITIES, GRANTED TO
ACS CABLE SYSTEMS ACROSS HLB PARCELS 4-033A, 4-033B AND 4-034,
SUPPLEMENTING AO 2008-38.**

WHEREAS, in furtherance of AO 2008-38, written agreements and subsequent stipulations between Alaska Communications System Cable Systems, Inc. (ACS) and the Municipality of Anchorage Heritage Land Bank (HLB), ACS and HLB submit the unresolved dispute over the amount of the fee to be paid by ACS to HLB for the non-exclusive utility easement dated April 29, 2008 for the Spandex Cable Project at Point Woronzof, Tax No. 01040127, 01040137, 010140109, to the Anchorage Assembly for final determination under municipal code; now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. After review of AO 2008-38, municipal code and charter, the written agreements between the parties, appraisals, additional documents and exhibits submitted by the parties, oral presentation and public hearing, the Assembly hereby determines the fee for the non-exclusive utility easement, granted to ACS Cable Systems, Inc. across HLB Parcels 4-033A, 4-033B and 4-034, for the installation of a fiber optic cable and related facilities, to be **\$100,000**.

Section 2. Within ten business days of the effective date of this ordinance, the parties shall amend or finalize any outstanding documentation related to this easement. If ACS has posted payment with the Municipality in excess of the fee determined by the Assembly in Section 1, the overpayment shall be refunded to ACS within ten business days of the effective date of this ordinance.

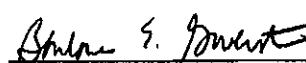
Section 3. This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 27th day of

July, 2010.


Chair

ATTEST:


Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY INFORMATION MEMORANDUM
NO. AIM 75-2010

Prepared by: Assembly Counsel
Meeting Date: July 13, 2010

Subject: AO 2010-52-- AN ORDINANCE TO DETERMINE THE FEE FOR A NON-EXCLUSIVE UTILITY EASEMENT FOR FIBER OPTIC CABLE & RELATED FACILITIES, GRANTED TO ACS CABLE SYSTEMS ACROSS HLB PARCELS 4-033A, 4-033B AND 4-034, SUPPLEMENTING AO 2008-38.

1 AO 2010-52 will be heard on July 27, 2010. The ordinance will be the final determination
2 on a matter referred for Assembly action by stipulation of the parties in dispute resolution.
3 The parties are the Municipality's Heritage Land Bank and the Alaska Communications
4 System (ACS) Cable Systems, Inc.

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6 The attached documents entitled: STIPULATED FACTS, EXHIBITS & TIMELINE are submitted by
7 the parties, through respective legal counsel.

8
9 In consultation with the Chair of the Assembly, the Municipal Clerk, and as stipulated by
10 counsel for the parties, the anticipated schedule and process are:

- 11
12 • Parties to submit written briefs (5-page maximum) by 12:00 noon for publication on
13 the July 27, 2010 Assembly Meeting agenda.
14
15 • Public Hearing on July 27, 2010.
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17 ○ Oral presentations: 5 minutes for each party; 3 minutes rebuttal for each
18 party, followed by Assembly questions.
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20 ○ No supplemental exhibits, except as agreed to by the parties.
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22 • Parties and their representatives shall not engage in *ex parte* contact with Assembly
23 Members on this matter.
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25 Information respectfully submitted by: Julia Tucker, Assembly Counsel.
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Content ID: 009395**Type:** AR_FundsApprop - Funds Approp Resolution

A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE APPROPRIATING THIRTY-FOUR THOUSAND TWO HUNDRED DOLLARS (\$34,200) FROM THE

Title: HERITAGE LAND BANK FUND BALANCE (221) TO THE 2010 HERITAGE LAND BANK OPERATING BUDGET FOR A REIMBURSEMENT PAYMENT TO ACS CABLE SYSTEMS, INC.**Author:** pruittns**Initiating Dept:** HLB**Description:** Reimbursement for portion of easement fee paid by ACS.**Keywords:** ACS Spandex Fiber-optic cable project reimbursement utility easement fee**Date Prepared:** 9/14/10 4:36 PM**Director Name:** Wm. M. Mehner**Assembly Meeting Date:** 10/12/10

<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	10/1/10 9:54 AM	Exit	Joy Maglaqui	Public	009395
MuniManager_SubWorkflow	10/1/10 9:54 AM	Approve	Joy Maglaqui	Public	009395
Finance_SubWorkflow	9/21/10 6:37 PM	Approve	Lucinda Mahoney	Public	009395
Finance_SubWorkflow	9/16/10 4:17 PM	Checkin	Nina Pruitt	Public	009395
Finance_SubWorkflow	9/16/10 3:59 PM	Checkin	Nina Pruitt	Public	009395
OMB_SubWorkflow	9/15/10 10:02 AM	Approve	Cheryl Frasca	Public	009395
HLB_SubWorkflow	9/15/10 9:07 AM	Approve	William Mehner	Public	009395
FundsAppropWorkflow	9/15/10 9:06 AM	Checkin	Lynn Roderick Van Horn	Public	009395
OMB_SubWorkflow	9/15/10 8:31 AM	Reject	Cheryl Frasca	Public	009395
HLB_SubWorkflow	9/14/10 4:42 PM	Approve	William Mehner	Public	009395
FundsAppropWorkflow	9/14/10 4:40 PM	Checkin	Lynn Roderick Van Horn	Public	009395