

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Real Estate Dept on behalf
of Parks & Recreation Dept
For Reading: June 14, 2011

CLERK'S OFFICE

APPROVED

ANCHORAGE, ALASKA

Date: 6-28-11

AO NO. 2011-69

1 **AN ORDINANCE AUTHORIZING THE MUNICIPALITY OF ANCHORAGE TO**
2 **GRANT A REVOCABLE USE PERMIT TO ALASKA COMMUNICATIONS**
3 **SYSTEMS (ACS), FOR LOCATING AN ANTENNA AND AUXILIARY**
4 **EQUIPMENT TO PROVIDE IMPROVED WIRELESS COMMUNICATIONS IN**
5 **KINCAID PARK.**

6
7 **WHEREAS**, Alaska Communications Systems Group, Inc. (ACS) requested a revocable
8 use permit to locate antenna and auxiliary equipment for cellular communications in
9 Kincaid Park, upon the terms and conditions described in the accompanying Assembly
10 Memorandum; and

11
12 **WHEREAS**, granting the revocable use permit provides benefits to the Municipality as well
13 as users of the park and residents in the surrounding neighborhoods by enhancing the
14 Municipality's communications in the area with minimal impact to the park; and

15
16 **WHEREAS**, on March 10, 2011, the Parks and Recreation Commission approved
17 Resolution Number 2011-01, recommending locating a telecommunication antenna and
18 auxiliary equipment in Kincaid Park; and

19
20 **WHEREAS**, per AMC section 25.30.020, the granting of the permit requires a finding by the
21 Assembly of no substantial value to the Municipality; now, therefore,

22
23 **THE ANCHORAGE ASSEMBLY ORDAINS:**

24
25 **Section 1.** The area of land the subject of the revocable use permit to ACS, as
26 identified in the attached Assembly Memorandum, is without substantial value to the
27 Municipality.


28
29 **Section 2.** The Municipality is authorized to grant a revocable use permit to ACS on the
30 terms and conditions, and for uses described, in the accompanying Assembly
31 Memorandum.

32
33 **Section 3.** This ordinance shall take effect immediately upon passage and approval.

34
35 **PASSED AND APPROVED** by the Anchorage Municipal Assembly this 28th day of
36 June, 2011.

37
38
39 
40 Chair

41 **ATTEST:**

42 
43
44 Municipal Clerk
45

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2011-69 AN ORDINANCE AUTHORIZING A REVOCABLE USE PERMIT TO ALASKA COMMUNICATIONS SYSTEM (ACS) FOR LOCATING AN ANTENNA AND AUXILIARY EQUIPMENT TO PROVIDE IMPROVED WIRELESS COMMUNICATIONS IN KINCAID PARK.

Sponsor: **MAYOR**
Preparing Agency: Real Estate Department
Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES: (Thousands of Dollars)					
	FY11	FY12	FY13	FY14	FY15
Operating Expenditures					
1000 Personal Services					
2000 Supplies					
3000 Other Services					
4000 Debt Service					
5000 Capital Outlay					
TOTAL DIRECT COST	0	0	0	0	0
6000 IGCs	0	0	0	0	0
FUNCTION COST:	0	0	0	0	0
REVENUES:	7.8	15.8	16.3	16.8	17.3
CAPITAL:	0	0	0	0	0
POSITIONS: FT/PT and Temp.	0	0	0	0	0

PUBLIC SECTOR ECONOMIC EFFECTS:

Provides indirect economic impact through improved wireless communications through Kincaid Park and the Anchorage area with minimal impact to Kincaid Park.

PRIVATE SECTOR ECONOMIC EFFECTS:

No direct economic impact.

Prepared by: **Tammy R. Oswald**
Real Estate Dept, Acting Director

Telephone: **343-7986**



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 349-2011

Meeting Date: June 14, 2011

1 **From:** MAYOR

2
3 **Subject:** AN ORDINANCE AUTHORIZING THE MUNICIPALITY OF
4 ANCHORAGE TO GRANT A REVOCABLE USE PERMIT TO
5 ALASKA COMMUNICATIONS SYSTEMS (ACS), FOR LOCATING
6 AN ANTENNA AND AUXILIARY EQUIPMENT TO PROVIDE
7 IMPROVED WIRELESS COMMUNICATIONS IN KINCAID PARK.
8

9 ACS (hereinafter Permittee) has requested permission to locate antenna and
10 auxiliary equipment for cellular communications service at Kincaid Park. The
11 equipment is intended to provide improved wireless communications within the
12 park. ACS proposes to locate there a mobile "Cell on Wheels" (COW) facility
13 with a 45-ft. tower, depicted in **Appendix A**. The proposed site for the equipment
14 is near the Nordic Skiing Association bunker east of the stadium parking lot,
15 approximately 75 feet north of the main park road as depicted in **Appendix B**.
16 The main purpose for the additional telecommunication equipment is to improve
17 coverage along the beach and lower areas of the trails in the park, therefore,
18 providing more adequate emergency communication coverage.
19

20 On March 10, 2011, the Parks and Recreation Commission approved PRC
21 Resolution #2011-01 (see **Appendix C**), allowing a revocable use permit for
22 Cellular Antenna Equipment at Kincaid Park. Under the current fee schedule
23 adopted by the Parks and Recreation Commission, the Municipality will collect
24 fair market value for use of the site.
25

26 In order for the permit to be granted, and the equipment located on dedicated
27 park land, the Assembly must find the area of land to be used by the Permittee to
28 be without substantial value to the Municipality. The Permittee agrees to pay fair
29 market value, by way of a monthly fee, for placement of its equipment in the park;
30 in exchange, the Municipality, and residents of Anchorage benefit in terms of
31 safety and connectivity with this system. There is minimal impact to the park, the
32 Permittee is required to carry appropriate insurance coverage, per the
33 Municipality's Risk Manager, and indemnifies the Municipality as to the
34 equipment. Permittee is also required to secure any and all zoning permits to be
35 in compliance with the Anchorage Municipal Code, and is responsible for all
36 costs and expenses of operating and removal. Per the terms of the permit, only
37 non-permanent improvements are authorized, and the permit may be revoked
38 without cause by the Municipality on 30 days written notice, triggering a
39 requirement to remove all equipment from the park and restore it to its original
40 condition.

The terms and conditions of the permit include, but are not limited to, the following:

Permittee: Alaska Communications Systems Group, Inc. (ACS)

Fee: \$1,300 per month, not to exceed \$15,600 for the initial one year term.

Term: One year; upon mutual consent of the parties, the permit may be renewed for up to five additional one-year periods, with the fee adjusted 3% prior to each annual renewal.

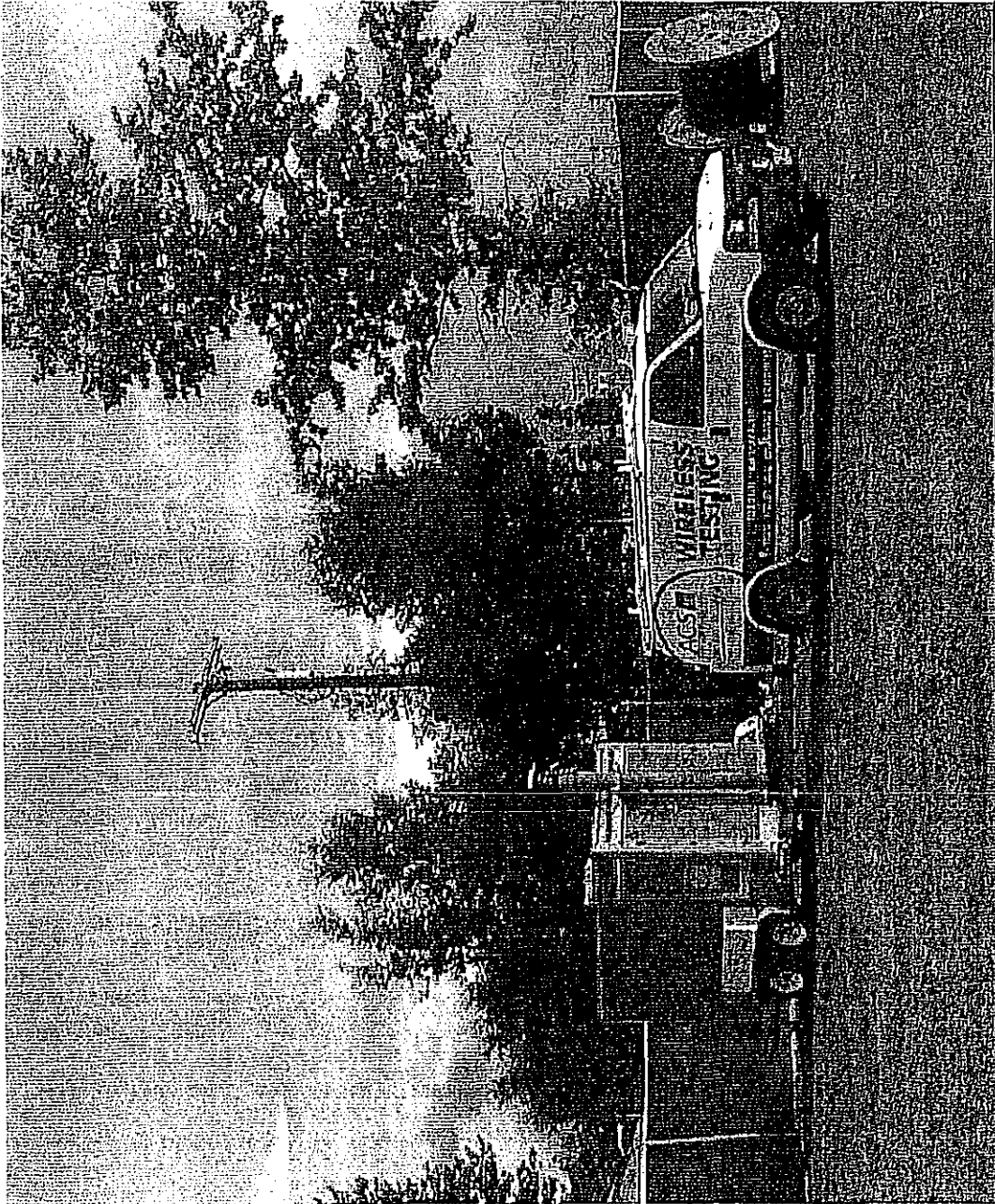
Termination: Municipality may terminate without cause with 30 days written notice; Permittee must remove all equipment and repair, if necessary, and return the site to its original condition.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THE ORDINANCE
AUTHORIZING THE MUNICIPALITY OF ANCHORAGE TO GRANT A
REVOCABLE USE PERMIT TO ALASKA COMMUNICATIONS SYSTEMS FOR
LOCATING AN ANTENNA AND AUXILIARY EQUIPMENT TO IMPROVE
WIRELESS COMMUNICATIONS IN KINCAID PARK.**

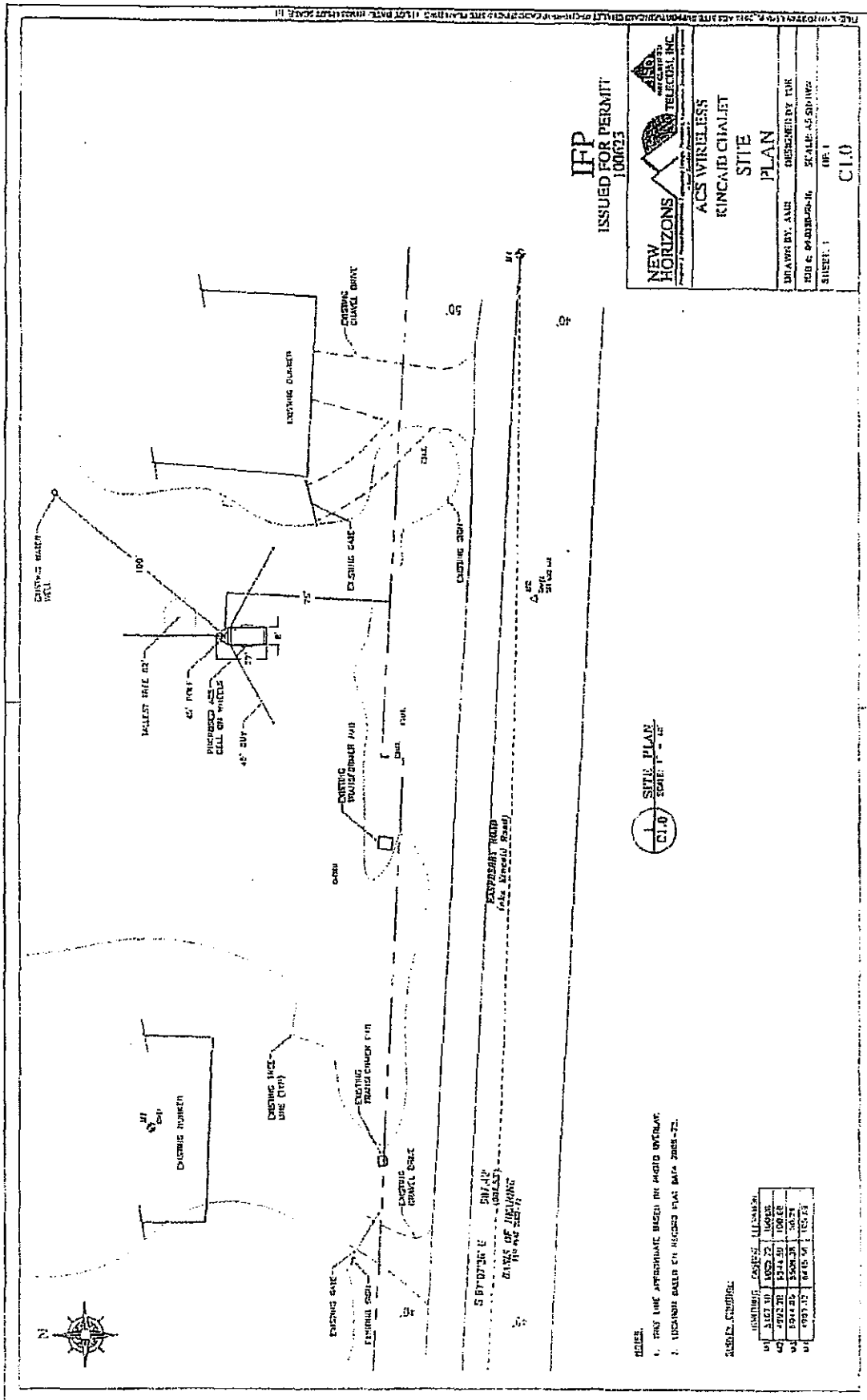
Prepared by: Real Estate Department
Approved: Tammy R. Oswald, Acting Director, Real Estate Dept.
Concur: John Rodda, Parks & Recreation Director
Concur: Dennis A. Wheeler, Municipal Attorney
Concur: George J. Vakalis, Municipal Manager
Respectfully submitted: Daniel A. Sullivan, Mayor

Appendix A: Picture of mobile facility "Cell on Wheels"
Appendix B: Site Plan for ACS Wireless at Kincaid
Appendix C: Parks & Recreation Commission Resolution
#2011-01

Appendix A



Appendix B





Appendix C
MUNICIPALITY OF ANCHORAGE
ANCHORAGE PARKS & RECREATION DEPARTMENT



RESOLUTION NO. 2011-01

Request for Revocable Use Permit for Cellular Antenna Equipment at Kincaid Park

WHEREAS, the Anchorage Parks and Recreation Commission serves in an advisory capacity to both the Mayor and the Assembly; and

WHEREAS, the Anchorage Parks and Recreation Commission has the responsibility and duty to provide for the long-term vision of our park system by ensuring that a balance of parks, natural resources, and recreation facilities provides for the health, welfare, and safety of all residents of the Anchorage Bowl; and

WHEREAS, Alaska Communications System has requested permission to install cellular communications equipment including tower and related facilities at Kincaid Park; and

WHEREAS, the proposed equipment is intended to improve emergency service communication as well as other telecommunication capability; and

WHEREAS, the Parks and Recreation Department desires to improve safety and security for park and trail users by means which include improved telecommunications capability for first responders as well as other members of the public; and

WHEREAS, Kincaid Park is a large park offering developed recreation facilities as well as significant areas of undeveloped natural character, and additions to the park should respect the environment of the park and complement rather than diminish the visual character of the park; therefore,

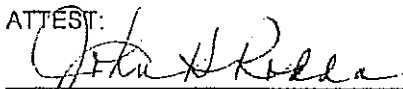
BE IT RESOLVED, that the Anchorage Parks and Recreation Commission recommends that the Assembly authorize a permit to install equipment to improve emergency communications at Kincaid Park, subject to the following conditions:

1. The permittee shall revise project plans to the satisfaction of Parks and Recreation Department to mitigate visual impact while providing adequate emergency communications capability considering recommendations of municipal emergency services staff. Modifications may include reducing the type, scale, placement, and screening of equipment.
2. A permit document shall be prepared for signature by the Municipality and the permittee, subject to review by the Municipal Attorney, providing assurance that permittee's equipment would be removed and the site restored to the Department's satisfaction, and containing other terms in the interest of the Municipality.
3. The permittee shall pay appropriate fees, including administrative costs, fair market value, use fee and/or other compensation on basis determined by the Municipality.
4. The permittee shall be responsible for obtaining any and all other required permits for the proposed project.

PASSED AND APPROVED by the Anchorage Parks and Recreation Commission this 10th day of March 2011.



Chair (Acting)
Parks and Recreation Commission

ATTEST:


John Rodda, Director
Parks & Recreation Department