

Submitted by: Chair of the Assembly at the
Request of the Mayor

Prepared by: Real Estate Department

For Reading: December 6, 2011

CLERK'S OFFICE

APPROVED

Deficit

1-17-12

ANCHORAGE, ALASKA

AO No. 2011-125

1 **AN ORDINANCE AUTHORIZING THE NON-COMPETITIVE DISPOSAL OF A**
2 **NON-EXCLUSIVE EASEMENT ON HERITAGE LAND BANK PARCEL #6-002,**
3 **NORTHWEST ¼ SECTION 5, TOWNSHIP 10 NORTH, RANGE 1 WEST,**
4 **SEWARD MERIDIAN, IN THE TURNAGAIN ARM COMMUNITY OF INDIAN,**
5 **TO GCI CABLE, INC.**

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7
8 **WHEREAS**, the Municipality of Anchorage (MOA) owns Heritage Land Bank (HLB)
9 Parcel #6-002, located in the Northwest ¼ Section 5, Township 10 North, Range 1 West,
10 Seward Meridian (Tax ID 090-031-56); and

11
12 **WHEREAS**, GCI Cable, Inc. has an existing fiber optic cable installed in HLB Parcel
13 #6-002 and uses the site as an integral component in their telecommunications network
14 along Turnagain Arm; and

15
16 **WHEREAS**, an agency review conducted by HLB to determine any municipal need for
17 the subject parcel resulted in no requests to retain said property for any foreseeable
18 municipal purpose; and

19
20 **WHEREAS**, a public hearing was conducted by the Heritage Land Bank Advisory
21 Commission resulting in no comments regarding the easement and resulting in a
22 recommendation for Assembly approval of the disposal by easement on Parcel #6-002;
23 and

24
25 **WHEREAS**, GCI Cable, Inc. has agreed to pay rental as appraised and adjusted at five
26 year intervals; now therefore,

27
28 **THE ANCHORAGE ASSEMBLY ORDAINS:**

29
30 **Section 1.** A non-competitive disposal of a non-exclusive easement to GCI Cable,
31 Inc. on the property identified herein and on the terms set forth in the accompanying
32 Assembly Memorandum is found to be in the best interest of the Municipality, and
33 therefore the provisions of Anchorage Municipal Code chapter 25.40 governing disposal
34 by competitive bid are hereby waived.

35
36 **Section 2.** Disposal by non-exclusive easement for appraised rent is hereby approved.

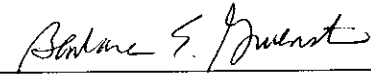
37
38 **Section 3.** This ordinance shall be effective immediately upon passage and approval
39 by the Assembly.

40
41 PASSED AND APPROVED by the Anchorage Assembly this 17th day of
42 January, 2012.
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Chair of the Assembly

ATTEST:


Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2011-125 Title: **AN ORDINANCE AUTHORIZING THE NON-COMPETITIVE DISPOSAL OF A NON-EXCLUSIVE EASEMENT ON HERITAGE LAND BANK PARCEL #6-002, NORTHWEST ¼ SECTION 5, TOWNSHIP 10 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, IN THE TURNAGAIN ARM COMMUNITY OF INDIAN, TO GCI CABLE, INC.**

Sponsor: MAYOR
 Preparing Agency: Real Estate Department/Heritage Land Bank
 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:	0	1.9	1.9	1.9	1.9	
CAPITAL:	0	0	0	0	0	
POSITIONS: FT/PT and Temp.	0	0	0	0	0	

PUBLIC SECTOR ECONOMIC EFFECTS: Easement will add ongoing annual rental revenue to the HLB Fund (221) balance.

PRIVATE SECTOR ECONOMIC EFFECTS: None.

Prepared by: **Tammy R Oswald**
 Real Estate Department, Executive Director

Telephone: **343-7986**

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 700-2011

Meeting Date: December 6, 2011

1 **From:** MAYOR

2
3 **Subject:** AN ORDINANCE AUTHORIZING THE NON-COMPETITIVE
4 DISPOSAL OF A NON-EXCLUSIVE EASEMENT ON HERITAGE
5 LAND BANK PARCEL #6-002, NORTHWEST ¼ SECTION 5,
6 TOWNSHIP 10 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, IN
7 THE TURNAGAIN ARM COMMUNITY OF INDIAN, TO GCI
8 CABLE, INC.
9

10 The Municipality of Anchorage owns Heritage Land Bank (HLB) Parcel #6-002 in the
11 Turnagain Arm community of Indian (See map, Appendix A). The parcel is encumbered
12 with an existing telecommunications cable. It is located in the eastern portion of Indian
13 Valley adjacent to the Seward Highway (Tax ID 090-031-56).
14

15 The proposed action is disposal of a non-competitive easement to GCI Cable, Inc. (GCI).
16 The easement document will only allow for GCI's telecommunications use. GCI will not be
17 subleasing nor allowing any additional telecommunication uses without HLB approval.
18

19 Consistent with Municipal code, the proposed easement rental rate will be set by appraisal
20 with rental adjustments every five years, beginning at One Thousand, Nine Hundred Thirty
21 Dollars (\$1,930) per year for the first five years. The lease term is for twenty years, with one
22 ten-year option to extend.
23

24 The Heritage Land Bank Advisory Commission held a hearing on January 13, 2011, and
25 received no public or community council comments. HLBAC approved a resolution
26 recommending approval of the easement's disposal to GCI (Appendix B).
27

28 THE ADMINISTRATION RECOMMENDS ASSEMBLY APPROVAL OF AN
29 ORDINANCE AUTHORIZING THE NON-COMPETITIVE DISPOSAL OF A NON-
30 EXCLUSIVE EASEMENT ON HERITAGE LAND BANK PARCEL #6-002,
31 NORTHWEST ¼ SECTION 5, TOWNSHIP 10 NORTH, RANGE 1 WEST, SEWARD
32 MERIDIAN, IN THE TURNAGAIN ARM COMMUNITY OF INDIAN, TO GCI CABLE,
33 INC.
34

35 Prepared by: Alison L. Smith, Heritage Land Bank, Real Estate Dept.
36 Approved by: Tammy R. Oswald, Executive Director, Real Estate Dept.
37 Concur: Dennis A. Wheeler, Municipal Attorney
38 Concur: George J. Vakalis, Municipal Manager
39 Respectfully submitted: Daniel A. Sullivan, Mayor

40 Appendices:

41 Appendix A—Location Map

42 Appendix B—Heritage Land Bank Advisory Commission Resolution 2011-01

APPENDIX A: EASEMENT LOCATION



GCI Fiber
buried in Utility corridor
under CEA Powerlines
& next to Enstar gasline

HLB

APPENDIX B

MUNICIPALITY OF ANCHORAGE
HERITAGE LAND BANK ADVISORY COMMISSION

RESOLUTION No. 2011-01

A RESOLUTION OF THE HERITAGE LAND BANK ADVISORY COMMISSION (HLBAC) RECOMMENDING ASSEMBLY APPROVAL OF DISPOSAL OF HLB LANDS VIA EASEMENT TO GCI, INC. FOR AN EXISTING FIBER OPTIC CABLE IN INDIAN VALLEY.

WHEREAS, the Heritage Land Bank (HLB) was established to... "Manage uncommitted municipal land and the Heritage Land Bank Fund in a manner designed to benefit the present and future citizens of Anchorage, promote orderly development, and achieve the goals of the Comprehensive Plan" (AMC 25.40.010); and

WHEREAS, AMC 25.40.025.A states, "The Heritage Land Bank Advisory Commission shall hold a public hearing, with public notice as specified in this chapter, prior to making a recommendation to the Mayor and Assembly regarding the disposal of Heritage Land Bank land or an interest in land."; and

WHEREAS, HLB Parcel #6-009 is legally described as the NW ¼ of Section 5 lying west of Old John's Road Excepting USS 3215 and Indian Valley Alaska Subdivision; and

WHEREAS, the existing easement on the subject parcel is 2,548.69 feet long and with a 10 foot width the easement will be 25,486.90 square feet in size, and has been surveyed GCI, Inc.; and

WHEREAS, the disposal of this easement is in the best interest of the Municipality; and

WHEREAS, HLB posted the property and conducted public notice and an agency review by all potentially interested Municipal agencies to establish no objections to the easement encumbrance,

NOW, THEREFORE, THE HERITAGE LAND BANK ADVISORY COMMISSION RECOMMENDS ASSEMBLY APPROVAL OF DISPOSAL OF HLB LANDS VIA EASEMENT TO GCI, INC. FOR AN EXISTING FIBER OPTIC CABLE IN INDIAN VALLEY


PASSED AND APPROVED on this, the 13th day of January, 2011.

Approved:



Ray Hickel, Commissioner
Heritage Land Bank Advisory Commission

Attest:



Tammy Oswald, Acting Director
Real Estate Department