

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

Prepared by: Heritage Land Bank

For reading: May 8, 2012

CLERK'S OFFICE

APPROVED *As Amended*

Date:

5-22-12

AM 274-2012 WAS AMENDED
AND APPROVED

ANCHORAGE, ALASKA
AO No. 2012-43

**AN ORDINANCE AUTHORIZING THE APPROVAL OF THE DISPOSAL OF
PORTIONS OF HERITAGE LAND BANK PARCEL #3-010 IN MT. VIEW FOR SIGN,
ACCESS AND ELECTRICAL EASEMENTS (TID #004-051-29).**

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. The Heritage Land Bank shall acquire, inventory, manage, withdraw, transfer and dispose of municipal land which has not been dedicated or transferred to a specific municipal agency for one or more municipal uses.” (AMC 25.40.010); and

WHEREAS, HLB Parcel #3-010, legally described as Fragment Lot 12, within Tract 1A, Mountain View Development Subdivision and located on Mt. View Drive, is currently a primarily vacant commercial parcel, zoned I-1 (Industrial), containing an existing KIMCO Glenn Square sign and road access to a portion of its property; and

WHEREAS, Municipal Light & Power constructed facilities in the southwest corner of Parcel #3-010 and requires an easement for authorization;

WHEREAS, the property was posted and HLB conducted public notice and review by all potentially interested Municipal agencies to establish that easement issuance is appropriate and in the best interest of the Municipality; and

WHEREAS, on March 8, 2012, the Heritage Land Bank Advisory Commission (HLBAC) unanimously approved HLBAC Resolution 2012-04 recommending the Assembly approve disposal of the easements; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Notwithstanding any contrary provision of the Anchorage Municipal Code, the Assembly finds it is in the best interest of the Municipality and the public to dispose of easements to KIMCO Glenn Square Anchorage LLC and ML&P under terms and conditions set forth in the associated Assembly Memorandum and hereby waives the requirements in AMC Chapter 25.40 for appraisal and fees. The sign easement fee will be established via HLB's fee schedule on a negotiated basis. No fee will be charged for the road easement.

Section 2. This ordinance shall be effective immediately upon passage and approval by the Assembly.

1 PASSED AND APPROVED by the Anchorage Municipal Assembly this 22nd day of
2 May, 2012.

3
4 Emme Hall
5 Chair of the Assembly
6

7 ATTEST:

8
9 Andrea S. Forest
10 Municipal Clerk
11
12

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects – Heritage Land Bank

AO No: 2012-43 Title: **AN ORDINANCE AUTHORIZING THE APPROVAL OF THE DISPOSAL OF PORTIONS OF HERITAGE LAND BANK PARCEL #3-010 IN MT. VIEW FOR SIGN, ACCESS AND ELECTRICAL EASEMENTS (TID 004-051-29).**

Sponsor: MAYOR
Preparing Agency: Real Estate Department\Heritage Land Bank Division
Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES: (Thousands of Dollars)

	FY12	FY13	FY14	FY15	FY16
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	0	0	0
CAPITAL:	0	0	0	0	0
POSITIONS: FT/PT and Temp.	0	0	0	0	0

PUBLIC SECTOR ECONOMIC EFFECTS: Issuance of the easements will correct a situation of unauthorized use. * 2012 Revenues: Fees will be subject to negotiation based on similar easements. Issuance of utility easement to ML&P authorizes existing use for a public utility.

PRIVATE SECTOR ECONOMIC EFFECTS: Issuance of the easements allows KIMCO to retain their signage and access to their property—unknown value.

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

Telephone: **343-7986**



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

AM No. 274-2012

CLERK'S OFFICE

AMENDED AND APPROVED

Date: 5-22-12

Meeting Date: May 8, 2012

From: MAYOR

Subject: AN ORDINANCE AUTHORIZING THE DISPOSAL OF PORTIONS OF HERITAGE LAND BANK PARCEL #3-010 IN MT. VIEW FOR SIGN, ACCESS AND ELECTRICAL EASEMENTS (TID #004-051-29).

The purpose of the easement is to provide legal use of Heritage Land Bank (HLB) property for an existing sign, and to allow access and power across the property to the adjoining property described as the upper levels of Fragment Lots 7 and 8 and all of Fragment Lot 9 within Tract 1A, Mountain View Development Subdivision. The parcel is legally described as Tract 1A, Mt. View Development Subdivision (Tax ID #004-051-29), and is located on Mt. View Drive. KIMCO Glenn Square Anchorage LLC requested easements for the existing commercial sign and access road. The sign was installed in 2007 and the access road was constructed around the same time. The sign easement will encompass approximately 36 square feet and up to approximately 24 square feet will provide access and power from the public right-of-way to the sign. The road easement is approximately thirty feet wide and approximately two hundred twenty-five feet long or 6,750 square feet. The total encumbrance is approximately 6,810 square feet. (See Appendix A, location and easements map). **The easements will be perpetual. The Mayor may negotiate such other additional terms as may be in the best interest of the Municipality.** ~~The easements will be perpetual but shall contain language to prevent a change of land use without MOA approval.~~ A one-time fee for the sign easement will be established by negotiation based on established rates. No fee will be charged for the access easement.

Municipal Light and Power (ML&P) has requested an electrical easement for an existing facility in the southwest corner of the parcel which has not previously been authorized. The proposed electrical easement would be approximately 590.9 square feet. The ML&P easement will be perpetual and no fees will be charged.

As a condition of easement issuance, as-built surveys will be completed and provided to HLB. The as-built survey will become an attachment to the easements which will be recorded to permanently identify the locations.

A review of this withdrawal by all relevant Municipal agencies was completed prior to the March 8, 2012, HLB Advisory Commission (HLBAC) meeting, and confirmed the

1 easements are appropriate and in the public interest. Notice of this hearing was published
2 on the Municipality's public notice website February 14, 2012.

3
4 HLB staff considers the disposal to be an appropriate use of this parcel. The HLBAC held
5 a public hearing on March 8, 2012, and found the approval of the easements is in the best
6 interest of MOA, and approved HLBAC Resolution No. 2012-04 (Appendix B),
7 recommending Assembly approval of the disposal pursuant to AMC 25.40.025.

8
9 **THE ADMINISTRATION RECOMMENDS ASSEMBLY APPROVAL OF AN**
10 **ORDINANCE AUTHORIZING THE DISPOSAL OF PORTIONS OF HERITAGE**
11 **LAND BANK PARCEL #3-010 IN MT. VIEW FOR SIGN, ACCESS AND**
12 **ELECTRICAL EASEMENTS (TID #004-051-29).**

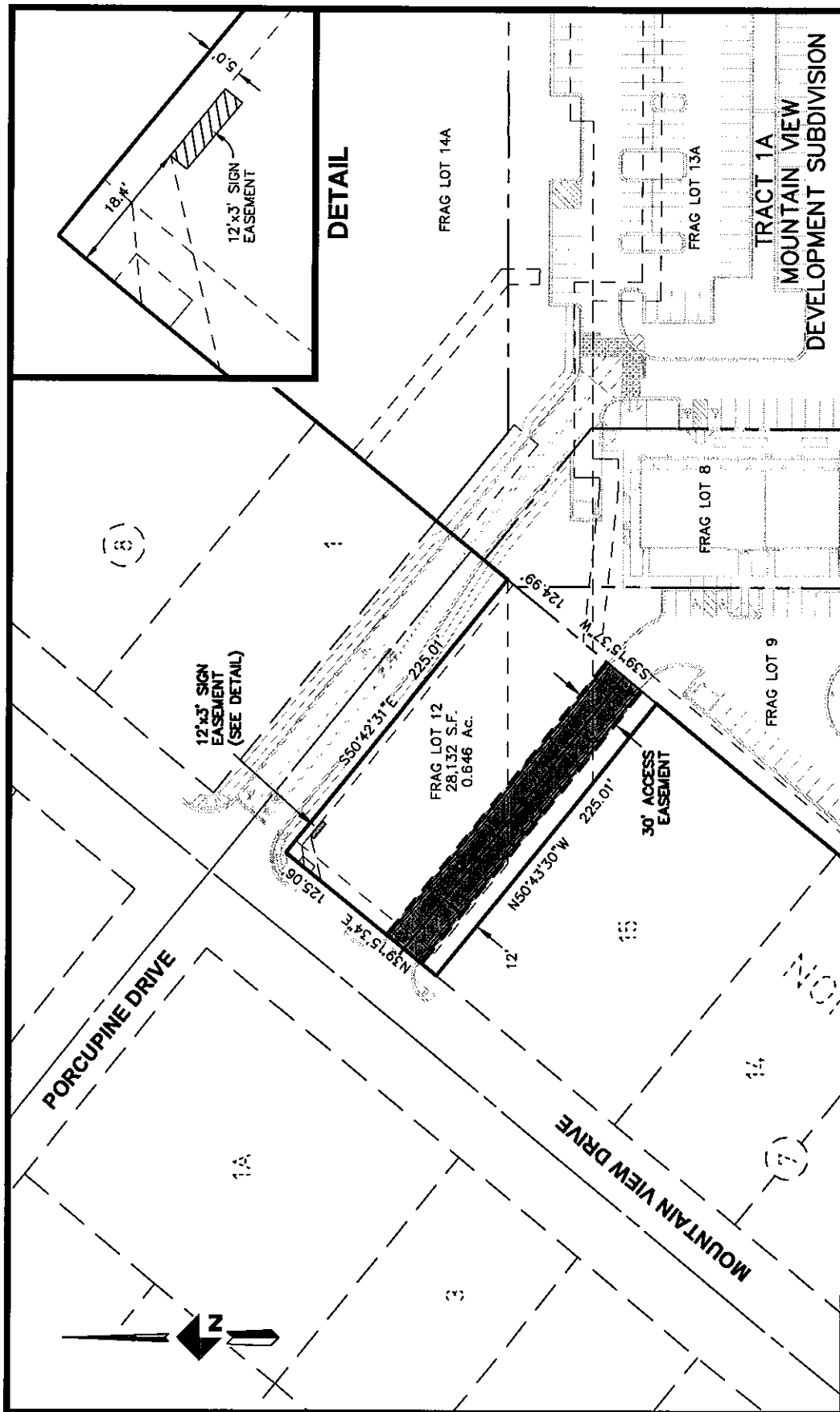
13
14 Prepared by: Alison L. Smith, Land Manager,
15 Heritage Land Bank Division
16 Approved by: Tammy Oswald, Executive Director,
17 Real Estate Department
18 Concur: Dennis A. Wheeler, Municipal Attorney
19 Concur: George J. Vakalis, Municipal Manager
20 Respectfully submitted: Daniel A. Sullivan, Mayor

21
22 Appendices:

23 Appendix A—Location Map

24 Appendix B—HLB Advisory Commission Resolution 2012-04
25
26
27
28

APPENDIX A



DOWL W.O
D61103

SCALE:
1"=100'

**30' ACCESS EASEMENT AND
12'x3' SIGN EASEMENT**

FRAGMENT LOT 12, TRACT 1A, MOUNTAIN VIEW
DEVELOPMENT SUBDIVISION
ANCHORAGE, ALASKA.

EXHIBIT 'A'

DATE: 02-14-12

**MUNICIPALITY OF ANCHORAGE
HERITAGE LAND BANK ADVISORY COMMISSION**

RESOLUTION No. 2012-04

A RESOLUTION OF THE HERITAGE LAND BANK ADVISORY COMMISSION RECOMMENDING ASSEMBLY APPROVAL OF DISPOSAL OF PORTIONS OF HERITAGE LAND BANK PARCEL 3-010 IN MT. VIEW FOR SIGN, ACCESS AND ELECTRICAL EASEMENTS.

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 #3-010 is legally described as Fragment Lot 12, Tract 1A, Mountain View Development Subdivision; and

WHEREAS, KIMCO Glenn Square Anchorage has requested easements for a commercial sign and related access and power and for access to the upper Glenn Square area on Parcel 3-010; and

WHEREAS, Municipal Light & Power has requested an electrical easement on the southwestern portion of Parcel 3-010; and

WHEREAS, the uses of the easements as requested are already in existence; and

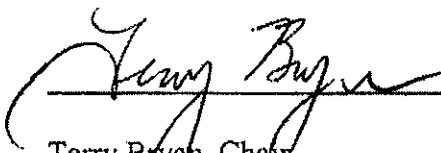
WHEREAS, the disposal has been found to be in the best interest of the Municipality; and

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 encumbrances,

NOW, THEREFORE, THE HERITAGE LAND BANK ADVISORY COMMISSION RECOMMENDS ASSEMBLY APPROVAL OF DISPOSAL OF PORTIONS OF HERITAGE LAND BANK PARCEL 3-010 IN MT. VIEW FOR SIGN, ACCESS AND ELECTRICAL EASEMENTS.

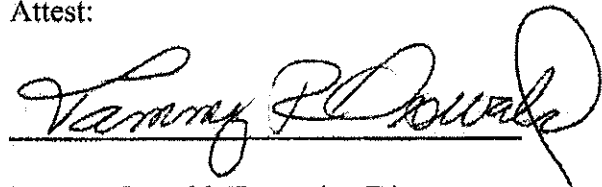
PASSED AND APPROVED on this, the 8th day of March, 2012.

Approved:

A handwritten signature in black ink, appearing to read "Terry Bryan", written over a horizontal line.

Terry Bryan, Chair
Heritage Land Bank Advisory Commission

Attest:

A handwritten signature in black ink, appearing to read "Tammy Oswald", written over a horizontal line.

Tammy Oswald, Executive Director
Real Estate Department