

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

Prepared by: Heritage Land Bank

For Reading: May 26, 2009

CLERK'S OFFICE

APPROVED

10-16-09

ANCHORAGE, ALASKA

AO No. 2009-72

Date:

1 AN ORDINANCE AUTHORIZING AN EQUAL VALUE LAND EXCHANGE OF
2 HERITAGE LAND BANK PARCELS 2-153, 2-154 AND 2-155 (LOTS 4, 5 & 6,
3 BLOCK 4, ABBOTT LOOP MANOR SUBDIVISION) FOR LOTS 11 & 22,
4 SECTION 22, T13N, R3W SEWARD MERIDIAN LOCATED SOUTH OF
5 RUSSIAN JACK SPRINGS PARK.
6

7
8 **WHEREAS**, "It is the mission of the Heritage Land Bank to manage uncommitted
9 municipal land ... to benefit the present and future citizens of Anchorage,
10 promote orderly development, and achieve the goals of the comprehensive
11 plan." (AMC section 25.40.010); and

12
13 **WHEREAS**, "The inventory responsibility of the Heritage Land Bank is to identify
14 all land and interests in land to be managed and/or retained by the HLB for
15 future municipal use or disposal." (AMC section 25.40.010 B.); and

16
17 **WHEREAS**, per AMC section 25.40.025 E., "(t)he Heritage Land Bank may
18 exchange Heritage Land Bank land for other land on at least an equal value
19 basis, as determined by a fair market value appraisal."

20
21 **WHEREAS**, the Heritage Land Bank owns HLB Parcels 2-153, 2-154 and 2-155
22 (Lots 4, 5 and 6, Block 4, Abbott Loop Manor Subdivision, hereinafter "Abbott
23 Loop lots"), totaling approximately .74 acres; and

24
25 **WHEREAS**, the Brown family owns Lots 11 & 22, Section 22, T13N, R3W, SM,
26 located south of Russian Jack Springs Park, with Class B wetlands and a portion
27 of the Chester Creek drainage, (hereinafter "Chester Creek lots") totaling
28 approximately 4.5 acres; and

29
30 **WHEREAS**, on February 6, 2009, the Brown Family proposed an equal value
31 land exchange, with no remuneration paid by either party regardless of
32 appraised value, to trade the Abbott Loop lots for the Chester Creek lots; and

33
34 **WHEREAS**, the 2006 appraised value of the Abbott Loop lots is \$80,000 per lot,
35 for a total of \$240,000, and the 2009 assessed value of the Chester Creek lots is
36 \$455,900, with new or updated appraisals, ordered in the normal course,
37 requiring a minimum of 6 weeks time, at a cost in the \$3,000 to \$4,000 range;
38 and

39
40 **WHEREAS**, following a public hearing on March 26, 2009, HLB Advisory
41 Commission approved an equal value land exchange, only if the value of the

1 Abbott Loop lots is at least equal to the value of the Chester Creek lots; Now
2 therefore,

3
4 **THE ANCHORAGE ASSEMBLY ORDAINS:**

5
6 **Section 1.** Based upon the detailed information provided in the Assembly
7 Memorandum, the requirement in AMC section 25.40.025 E. for a fair market
8 value appraisal is hereby waived.

9
10 **Section 2.** An equal value land exchange of HLB Parcels 2-153, 2-154 and 2-
11 155 (Lots 4, 5 and 6, Block 4, Abbott Loop Manor Subdivision), totaling
12 approximately .74 acres, for Lots 11 & 22, Section 22, T13N, R3W, SM, totaling
13 approximately 4.5 acres, is approved.

14
15 **Section 3.** Notwithstanding any appraised value for the Abbott Loop Lots or
16 the Chester Creek lots, this transaction is approved as an equal value exchange,
17 with neither party to receive additional or further remuneration or consideration of
18 any type whatsoever.

19
20 **Section 4.** This ordinance shall be effective immediately upon passage and
21 approval.

22
23
24 PASSED AND APPROVED by the Anchorage Assembly this 16th day of
25 June, 2009.

26
27 Debbie Ossander
28 Chair of the Assembly

29 ATTEST:

30
31
32 Salma E. Giacinto
33
34 Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2009-72 Title: AN ORDINANCE AUTHORIZING AN EQUAL VALUE LAND EXCHANGE OF HERITAGE LAND BANK PARCELS 2-153, 2-154 AND 2-155 (LOTS 4, 5 & 6, BLOCK 4, ABBOTT LOOP MANOR SUBDIVISION) FOR LOTS 11 & 22, SECTION 22, T13N, R3W SEWARD MERIDIAN LOCATED SOUTH OF RUSSIAN JACK SPRINGS PARK.

Sponsor: HLB
 Preparing Agency: Heritage Land Bank
 Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES: (Thousands of Dollars)

	FY09	FY10	FY11	FY12
Operating Expenditures				
1000 Personal Services				
2000 Supplies				
3000 Other Services				
4000 Debt Service				
5000 Capital Outlay				
TOTAL DIRECT COSTS:	0	0	0	0
6000 IGCs	0	0	0	0
FUNCTION COST:	0	0	0	0
REVENUES:	0	0	0	0
CAPITAL:	0	0	0	0
POSITIONS: FT/PT and Temp.	0	0	0	0

PUBLIC SECTOR ECONOMIC EFFECTS: Land acquired by HLB may be used for compensatory mitigation, with a potential for generating future income.

PRIVATE SECTOR ECONOMIC EFFECTS: Potential for residential development traded to private sector as a result of the land trade, possibly resulting in some future regional economic growth.

Prepared by: Heritage Land Bank

Telephone: 343-4337

Validated by OMB: _____

Date: _____

Approved by: William M. Mehner
 (Director, Preparing Agency)

Date: 5/19/09



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 312-2009

MEETING DATE: May 26, 2009

1 FROM: ACTING MAYOR

2
3 SUBJECT: AN ORDINANCE AUTHORIZING AN EQUAL VALUE LAND
4 EXCHANGE OF HERITAGE LAND BANK PARCELS 2-153, 2-
5 154 AND 2-155 (LOTS 4, 5 & 6, BLOCK 4, ABBOTT LOOP
6 MANOR SUBDIVISION) FOR LOTS 11 & 22, SECTION 22, T13N,
7 R3W SEWARD MERIDIAN LOCATED SOUTH OF RUSSIAN
8 JACK SPRINGS PARK.
9

10 The Heritage Land Bank owns HLB Parcels 2-153, 2-154 and 2-155 (Lots 4, 5
11 and 6, Block 4, Abbott Loop Manor Subdivision, hereinafter "Abbott Loop lots").
12 These lots average approximately 10,000 square feet each, for approximately
13 .74 acres. The disposal of these lots was reviewed and approved in the
14 Heritage Land Bank 2005-2006 Annual Work Program and 2007-2011 Five-
15 Year Management Plan; the draft program was approved by HLBAC on May 12,
16 2005, and approved by the Assembly on September 27, 2005. The lots were
17 appraised in 2006 at \$80,000 per lot, for a total of \$240,000.00.

18
19 The Brown family owns Lots 11 & 22, Section 22, T13N, R3W, SM (hereinafter
20 "Chester Creek lots"), totaling approximately 4.5 acres. These vacant lots are
21 located south of Russian Jack Springs Park, and east of Leah Court. The
22 parcels contain a large area of undeveloped Class B wetlands and a portion of
23 Chester Creek. For these reasons, this land should be preserved and
24 considered for possible use as compensatory wetlands mitigation required by
25 the U.S. Army Corps of Engineers within the watershed. The 2009 municipal
26 tax assessed value for the two parcels is \$455,900; (see site maps,
27 **Appendices A & B**).

28
29 On February 6, 2009, the Brown Family proposed an equal value land exchange
30 of its Chester Creek lots, with no remuneration paid by either party regardless of
31 appraised value, for the Chester Creek lots.

32
33 Anchorage Municipal Code requires a fair market value appraisal for an equal
34 value land exchange. However, updated or new appraisals, ordered in the
35 normal course, require a minimum of 6 weeks, and cost in the neighborhood of
36 \$3,000-\$4,000 each.

37
38 This land exchange places important wetlands and Chester Creek drainage into
39 municipal ownership. Since the Brown Family is interested in starting the permit
40 process this year, the Administration requests waiver of the appraisal
41 requirement to complete this transaction in early June.
42

1 The HLB lots are legally described as follows:

- 2
- 3 **HLB #2-153 (11,900 sf):**
- 4 **Block 4, Lot 4, Abbott Loop Manor (TID #014-181-41)**
- 5 **HLB #2-154 (10,900 sf):**
- 6 **Block 4, Lot 5, Abbott Loop Manor (TID #014-181-42)**
- 7 **HLB #2-155 (9,300 sf):**
- 8 **Block 4, Lot 6, Abbott Loop Manor (TID #014-181-43)**
- 9

10 On February 16, 2006, the HLBAC recommended Assembly approval for sealed
11 bid sale of these parcels (Resolution No. 2006-05). On March 15, 2006,
12 MacSwain Associates appraised Parcels 2-153, -154 and -155 and estimated
13 the fair market value to be \$80,000 per lot. The Assembly approved the sale on
14 June 6, 2006 (AO 2006-77).

15
16 HLB Parcel 2-155 was offered for sale by sealed bid on August 1, 2006. No
17 bids were received. On January 23, 2007, all three parcels were offered for
18 sale. Again, no bids were received.

19
20 On March 12, 2009, HLB solicited agency comments on the proposed exchange.
21 There were no objections to the proposal. The Planning Department noted its
22 support of the proposal. A summary of comments attached (**Appendix C**).

23
24 On March 26, 2009, following a public hearing, the Heritage Land Bank Advisory
25 Commission (HLBAC) approved HLBAC Resolution 2009-05, approving the
26 proposed land trade (**Appendix D**).

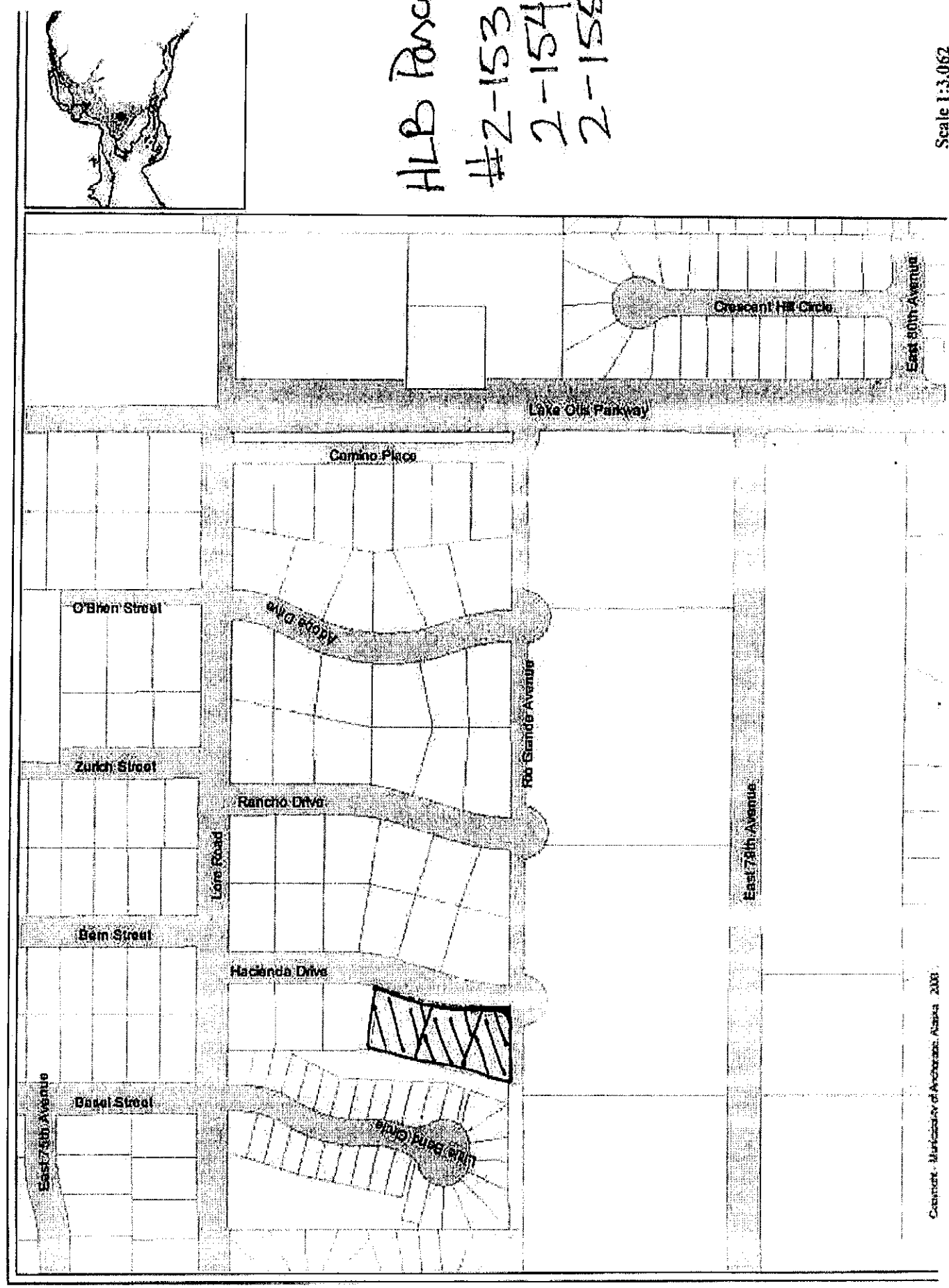
27
28 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**
29 **AUTHORIZING AN EQUAL VALUE LAND EXCHANGE OF HERITAGE LAND**
30 **BANK PARCELS 2-153, 2-154 AND 2-155 (LOTS 4, 5 & 6, BLOCK 4, ABBOTT**
31 **LOOP MANOR SUBDIVISION) FOR LOTS 11 & 22, SECTION 22, T13N, R3W**
32 **SEWARD MERIDIAN LOCATED SOUTH OF RUSSIAN JACK SPRINGS**
33 **PARK.**

34
35 Prepared by: Heritage Land Bank
36 Approved by: William M. Mehner, Executive Director
37 Heritage Land Bank
38 Concur: Mary Jane Michael, Executive Director
39 Economic and Community Development
40 Concur: James N. Reeves, Municipal Attorney
41 Concur: Michael K. Abbott, Municipal Manager
42 Respectfully submitted: Matt Claman, Acting Mayor

43
44 Appendices A & B: Site Maps
45 Appendix C: Agency comments and responses to proposed action
46 Appendix D: HLBAC Resolution 2009-05

Appendix A

HLB Parcels
#2-153
2-154
2-155



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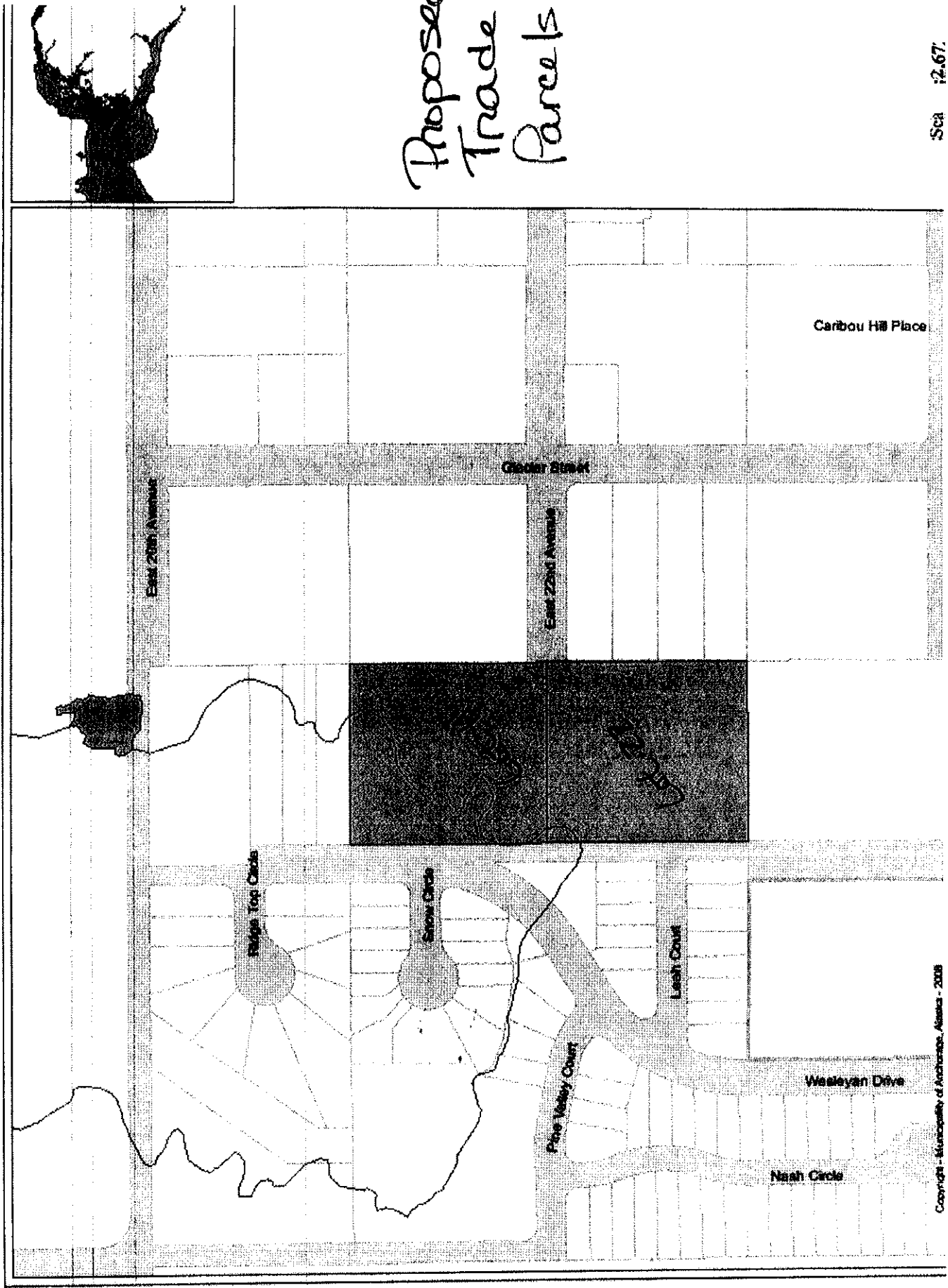
Scale 1:3,062

Appendix A

Proposed Trade Parcels

Appendix B

Scale 1:2,671



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APPENDIX C

Agency comments & responses to proposed action

ML&P

Noted that there are electrical easements on the trade parcels. This will be taken into consideration but does not affect the trade.

Planning Department

From the Planning Department's perspective, this trade will benefit all parties. It would preserve an important wetlands and stream system in the Chester Creek watershed. The subject lots encompass the majority of the headwaters and the primary floodwater attenuation zone for this small Russian Jack tributary of Chester Creek. These parcels have long been of interest to the state and federal resource agencies as a preservation site because of the wetland functions and the site's value to the Chester Creek system. Developed areas and roads downstream of this site are often flooded because of channel problems, associated icing, and related issues on either side of Wesleyan Drive. Getting this area into public ownership would provide the Municipality opportunities for both habitat and drainage restoration and enhancement. It might be possible to reduce the flood hazard in the developed downstream sections of this tributary with relatively minor creek restoration and culvert upgrades. This area is also referenced in general terms in the 2006 Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan, which recommends that additional drainages in the Chester Creek Greenbelt be acquired and protected (Chapter 8). This area provides far more public benefit as a protected greenbelt than it would as a future residential development. The Planning Department recommends that the HLB consider adding a conservation easement to these lots, which might generate mitigation income in the future.

Appendix D

Heritage Land Bank Advisory Commission Resolution 2009-05

A RESOLUTION OF THE HERITAGE LAND BANK ADVISORY COMMISSION RECOMMENDING ASSEMBLY APPROVAL TO AUTHORIZE AN EQUAL VALUE LAND TRADE FOR HLB PARCELS 2-153, 2-154 AND 2-155

WHEREAS, "It is the mission of the Heritage Land Bank to manage uncommitted municipal land ... 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, "The inventory responsibility of the Heritage Land Bank is to identify all land and interests in land to be managed and/or retained by the HLB for future municipal use or disposal." (AMC 25.40.010.B.); and

WHEREAS, "the disposal responsibility of the Heritage Land Bank is, at the direction of the mayor and Assembly, to convey management authority of Heritage Land Bank land for specific public facilities or purposes. Each disposal shall be in the municipal interest"; and

WHEREAS, Per AMC 25.40.020.E, "(t)he Heritage Land Bank may exchange Heritage Land Bank land for other land on at least an equal value basis, as determined by a fair market value appraisal;" and,

WHEREAS, the Heritage Land Bank owns HLB Parcels 2-153, 2-154 and 2-155, totaling approximately .74 acres; and

WHEREAS, on February 6, 2009, land trade for at least equal value of HLB Parcels 2-153, 2-154 and 2-155, totaling approximately .74 acres, for two vacant parcels totaling approximately 4.5 acres was proposed,

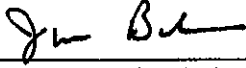
NOW THEREFORE BE IT RESOLVED, THAT the Heritage Land Bank Advisory Commission:

Section 1 Approves a trade of land trade for at least equal value of HLB Parcels 2-153, 2-154 and 2-155, totaling approximately .74 acres, for two vacant parcels totaling approximately 4.5 acres, legally described as T13N, R3W, Sec. 22, Lots 11 and 22, SM, Alaska.

Section 2. Provided that for purposes of completing the land exchange, notwithstanding the appraised values of each parcel, the parties agree that this transaction will be considered, for all intents and purposes, an equal value exchange, with neither party to receive additional or further compensation or consideration of any type whatsoever.


Approved by the Heritage Land Bank Advisory Commission on this, the 26th day of March, 2009.

APPROVED:



Jim Balamaci, Chair
Heritage Land Bank Advisory Commission

ATTEST:



William M. Mehner, Executive Director
Heritage Land Bank

Content ID: 007750

Type: Ordinance - AO

AN ORDINANCE AUTHORIZING AN EQUAL VALUE LAND EXCHANGE OF HERITAGE LAND BANK PARCELS 2-153, 2-154 AND 2-155 (LOTS 4, 5 & 6,

Title: BLOCK 4, ABBOTT LOOP MANOR SUBDIVISION) FOR LOTS 11 & 22, SECTION 22, T13N, R3W SEWARD MERIDIAN LOCATED SOUTH OF RUSSIAN JACK SPRINGS PARK

Author: maglaquijp

Initiating Dept: HLB

Description: Equal value land exchange between public and private sectors

Keywords: Land Exchange Heritage Land Bank

Date Prepared: 5/19/09 3:39 PM

Director Name: William M. Mehner

Assembly Meeting Date: 5/26/09

Public Hearing Date: 6/9/09

<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	5/20/09 11:16 AM	Exit	Joy Maglaqui	Public	007750
MuniMgrCoord_SubWorkflow	5/20/09 11:16 AM	Approve	Joy Maglaqui	Public	007750
MuniManager_SubWorkflow	5/20/09 11:16 AM	Approve	Joy Maglaqui	Public	007750
MuniManager_SubWorkflow	5/20/09 11:06 AM	Checkin	Joy Maglaqui	Public	007750
Legal_SubWorkflow	5/20/09 10:58 AM	Approve	Rhonda Westover	Public	007750
Finance_SubWorkflow	5/20/09 10:10 AM	Approve	Sharon Weddleton	Public	007750
OMB_SubWorkflow	5/19/09 4:47 PM	Approve	Bruce Holmes	Public	007750
ECD_SubWorkflow	5/19/09 4:04 PM	Approve	Tawny Klebesadel	Public	007750
HLB_SubWorkflow	5/19/09 3:48 PM	Approve	William Mehner	Public	007750
AllOrdinanceWorkflow	5/19/09 3:46 PM	Checkin	Lynn Roderick Van Horn	Public	007750