

Submitted by: Chair of the Assembly at the Request of the Mayor  
Prepared by: Heritage Land Bank  
For reading: April 20, 2010

CLERK'S OFFICE

**APPROVED**

**ANCHORAGE, ALASKA**

**AO No. 2010-38**

Date: \_\_\_\_\_

5-11-10

1 **AN ORDINANCE AUTHORIZING WITHDRAWAL OF A PORTION OF HERITAGE**  
2 **LAND BANK PARCEL NO. 3-064 NOT TO EXCEED 39 ACRES, FROM HERITAGE**  
3 **LAND BANK INVENTORY FOR TRANSFER TO THE REAL ESTATE SERVICES**  
4 **DIVISION, AND ESTABLISHING A CONSERVATION EASEMENT ON THE**  
5 **WITHDRAWN PORTION OF THE PARCEL, WITH MITIGATION CREDITS TO BE**  
6 **MANAGED BY HERITAGE LAND BANK.**  
7

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8  
9 **WHEREAS**, the Heritage Land Bank (HLB) inventory contains HLB Parcel No. 3-064,  
10 adjacent to Elmore Road and south of Campbell Park, legally described as North ½  
11 of the Northeast ¼ of Section 4, T12N, R3W, Seward Meridian, Alaska, containing  
12 approximately 80 acres, zoned Public Lands and Institutions; and  
13

14 **WHEREAS**, "It is the mission of the Heritage Land Bank to manage uncommitted  
15 municipal land and the Heritage Land Bank Fund in a manner designed to benefit the  
16 present and future citizens of Anchorage, promote orderly development, and achieve  
17 the goals of the comprehensive plan." (AMC section 25.40.010); and  
18

19 **WHEREAS**, "The mayor, with Assembly approval, may withdraw land from the HLB  
20 inventory for any lawful municipal purpose, consistent with the Comprehensive Plan  
21 and implementing measures or applicable site specific land use studies. Such a  
22 withdrawal shall become effective only after at least 30 days' prior written notice to  
23 the HLB Advisory Commission, to the affected Community Council, and to the public  
24 as specified in AMC section 25.40.030, and after at least one public hearing  
25 regarding the proposed withdrawal" (AMC section 25.40.015); and  
26

27 **WHEREAS**, following a public hearing on September 13, 2007, the HLB Advisory  
28 Commission approved HLBAC Resolution 2007-13, recommending Assembly  
29 approval to authorize a conservation easement to be recorded against portions of  
30 HLB Parcel No. 3-064, comprising approximately 30-39 acres, from the HLB  
31 inventory and transfer to the Real Estate Services Division, and establishing a  
32 conservation easement on the withdrawn portions of the parcels; now, therefore,  
33

34 **THE ANCHORAGE ASSEMBLY ORDAINS:**  
35

36 **Section 1.** A portion of HLB Parcel No. 3-064, not to exceed 39 acres, is  
37 authorized to be withdrawn from HLB inventory and be transferred to the Real Estate  
38 Services Division.  
39

40 **Section 2.** Heritage Land Bank is authorized to establish and record a conservation  
41 easement on the withdrawn portion of the HLB parcel, with resulting mitigation credits  
42 to be managed by the Heritage Land Bank.

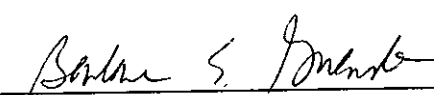
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**Section 3.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 11<sup>th</sup> day of May, 2010.

  
Chair of the Assembly

ATTEST:

  
Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2010-38

Title: AN ORDINANCE AUTHORIZING WITHDRAWAL OF A PORTION OF HLB PARCEL 3-064 NOT TO EXCEED 39 ACRES, FROM HERITAGE LAND BANK (HLB) INVENTORY, FOR TRANSFER TO THE REAL ESTATE SERVICES DIVISION, AND ESTABLISHING A CONSERVATION EASEMENT ON THE WITHDRAWN PORTION OF THE PARCEL, WITH MITIGATION CREDITS TO BE MANAGED BY HLB.

Sponsor: MAYOR  
 Preparing Agency: Department of Heritage Land Bank  
 Others Impacted:

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>		<b>(In Thousands of Dollars)</b>				
	<b>FY10</b>	<b>FY11</b>	<b>FY12</b>	<b>FY13</b>	<b>FY14</b>	
<b>Operating Expenditures</b>						
1000 Personal Services	0					
2000 Non-Labor						
3900 Contributions						
4000 Debt Service						
<b>TOTAL DIRECT COSTS:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
<b>FUNCTION COST:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
<b>REVENUES:</b>						
<b>CAPITAL:</b>						
<b>POSITIONS: FT/PT and Temp</b>						

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Development of the E. Dowling Road Extension. Possible generation of marketable mitigation credits.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

Increased efficiency via road connectivity with E. Dowling Road Extension, resulting in future private sector economic benefits.

Prepared by: William M. Mehner

Telephone: 343-4337

# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 236-2010

Meeting Date: April 20, 2010

1 **From:** MAYOR

2  
3 **Subject:** AN ORDINANCE AUTHORIZING WITHDRAWAL OF PORTIONS OF  
4 HERITAGE LAND BANK PARCEL NO. 3-064 NOT TO EXCEED 39  
5 ACRES, FROM HERITAGE LAND BANK INVENTORY FOR  
6 TRANSFER TO THE REAL ESTATE SERVICES DIVISION, AND  
7 ESTABLISHING A CONSERVATION EASEMENT ON THE  
8 WITHDRAWN PORTIONS OF THE PARCELS, WITH MITIGATION  
9 CREDITS TO BE MANAGED BY HERITAGE LAND BANK.

10  
11 HLB Parcel No. 3-064 (TID 014-931-01) is located adjacent to Elmore Road and  
12 south of Campbell Park, (Appendix A) The land is zoned Public Lands and  
13 Institutions (PLI). It is predominated by Class "A" wetlands, with some upland buffer  
14 areas. The parcel is legally described as North ½ of the Northeast ¼ of Section 4,  
15 T12N, R3W, Seward Meridian, Alaska, and contains approximately 80 acres.

16  
17 The Alaska Department of Transportation and Public Facilities (DOT-PF) has  
18 extended Dowling Road from Lake Otis Parkway to Elmore Road. DOT-PF  
19 obtained state funding and constructed the road, while the MOA provided the right-  
20 of-way and will take ownership and maintenance responsibilities. The U.S. Army  
21 Corps of Engineers (COE) permit for DOT-PF construction of the road requires  
22 compensatory mitigation for impacts to waters and wetlands caused by the project.

23  
24 As the MOA will retain ownership of the road, HLB proposes to provide mitigation  
25 without cost by preserving a portion of Parcel No. 3-064, which is located south of  
26 the proposed road project. This mitigation (valued at approximately \$1.37 million)  
27 serves as HLB's contributed support for this municipal purpose.

28  
29 The portions of Parcel No. 3-064 being considered for preservation consist of  
30 approximately 38 acres and are depicted on the attached site map. The area  
31 preserved by conservation easement may yield mitigation credits exceeding the  
32 COE permit requirements for the East Dowling road project. Subject to COE  
33 approval, HLB proposes to bank any excess credits for use in future projects in the  
34 area, such as the Spruce Street extension. A final determination of the  
35 conservation easement area will be established upon approval of the COE.  
36

1 Management authority of the western 750 feet of the parcel was transferred to the  
2 Department of Public Works (PW), Street Maintenance Division, in 1994 for a snow  
3 disposal site. There is a slight overlap between the area managed by PW and the  
4 proposed mitigation lands. Pursuant to the management authority instrument, HLB  
5 retains authority and responsibility for any action which conveys an interest in the  
6 property, including "issuance of any license, permit, sublease, use agreement, grant  
7 or other legal document which commits municipal real property and the resources  
8 thereon irrevocably. . ." and may take no action regarding disposal of any interest  
9 unless PW has provided a written statement that the property is surplus to their  
10 needs. HLB staff will coordinate with PW to ensure that the mitigation activities will  
11 not conflict with the planned snow disposal site.

12  
13 The lands used for mitigation will remain in municipal ownership. Although existing  
14 trails will be allowed, other activities permitted on these lands are severely restricted  
15 by the terms of the conservation easement that HLB retains.

16  
17 Pursuant to section 25.40.015, the mayor, with Assembly approval, may withdraw  
18 land from the HLB inventory for any lawful municipal purpose, consistent with the  
19 Comprehensive Plan and implementing measures or applicable site specific land  
20 use studies. Such a withdrawal shall become effective only after at least 30 days'  
21 prior written notice to the HLB Advisory Commission, to the affected Community  
22 Council, and to the public as specified in AMC section 25.40.030, and after at least  
23 one public hearing regarding the proposed withdrawal.

24  
25 On August 29, 2007, HLB solicited agency comments and objections to the  
26 proposed action. There were no objections to the proposal. Comments received  
27 and staff responses are attached (Appendix B).

28  
29 HLB staff satisfied the public notice requirements with a public hearing on  
30 September 13, 2007; thereafter, the Heritage Land Bank Advisory Commission  
31 approved Resolution 2007-13 (Appendix C), recommending authorization of this  
32 action.

33  
34 The "Bragaw Extension HLB Properties: Site Specific Land Use Plan" (Plan) by  
35 Agnew::Beck Consulting, dated April 2006, was commissioned by the HLB to  
36 address the use of several HLB parcels in the vicinity of what is now Elmore Road,  
37 including HLB Parcel No. 3-064.

38  
39 The Plan indicates that "HLB will delay final decisions on the future use of land  
40 south of the Dowling Extension until that road is built, and more detailed information  
41 is available on the physical opportunities and constraints of the land. This  
42 evaluation should occur as part of the environmental and engineering evaluation  
43 associated with the Dowling Extension." The Plan further lists the various potential  
44 uses of the land in order of preference, concluding with "Retention in public  
45 ownership, managed for open space and informal recreation," also stating, "If the  
46 area ultimately proves to have little or no land physically suited for development, the  
47 area would be retained in HLB ownership and managed as open space, with  
48 facilities limited to trails and other actions that protect the area's existing natural  
49 character."

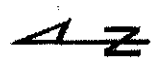
1 While it is proposed that a portion of Parcel No. 3-064 be removed from HLB  
2 inventory, the land will remain in municipal ownership, and due to its wetland status,  
3 most of the land is not physically suited for development.  
4

5 The proposed use is consistent with the environmental and engineering evaluation  
6 associated with the Dowling Extension and management of the land for open space  
7 and informal recreation, protecting the area's existing natural character. The  
8 conservation easement proposed by HLB will allow for existing trails and prohibit  
9 any impacts to the natural, ecological, habitat, trail and open space values of the  
10 land. As such, the proposed action is consistent with the Plan.  
11

12 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**  
13 **AUTHORIZING WITHDRAWAL OF PORTIONS OF HERITAGE LAND BANK**  
14 **PARCEL 3-064 NOT TO EXCEED 39 ACRES, FROM HERITAGE LAND BANK**  
15 **INVENTORY FOR TRANSFER TO THE REAL ESTATE SERVICES DIVISION,**  
16 **AND ESTABLISHING A CONSERVATION EASEMENT ON THE WITHDRAWN**  
17 **PORTIONS OF THE PARCELS, WITH MITIGATION CREDITS TO BE MANAGED**  
18 **BY HERITAGE LAND BANK.**  
19

20  
21 Approved by: William M. Mehner, Executive Director,  
22 Heritage Land Bank  
23 Concur: John Rodda, Director,  
24 Parks & Recreation Department  
25 Concur: Jerry W. Hansen, Director,  
26 Project Management and Engineering  
27 Concur: Greg Jones, Executive Director,  
28 Office of Community Planning & Development  
29 Concur: Dennis A. Wheeler, Municipal Attorney  
30 Concur: George J. Vakalis, Municipal Manager  
31 Respectfully submitted: Daniel A. Sullivan, Mayor  
32

# Appendix A



Campbell Park

East Dowling Rd

HLB Parcel  
3-064

Proposed Conservation  
Easement  
36.84 Acres

Elmore Rd

1.34  
Acres

Winchester St

Spruce St

Proposed Conservation Easement

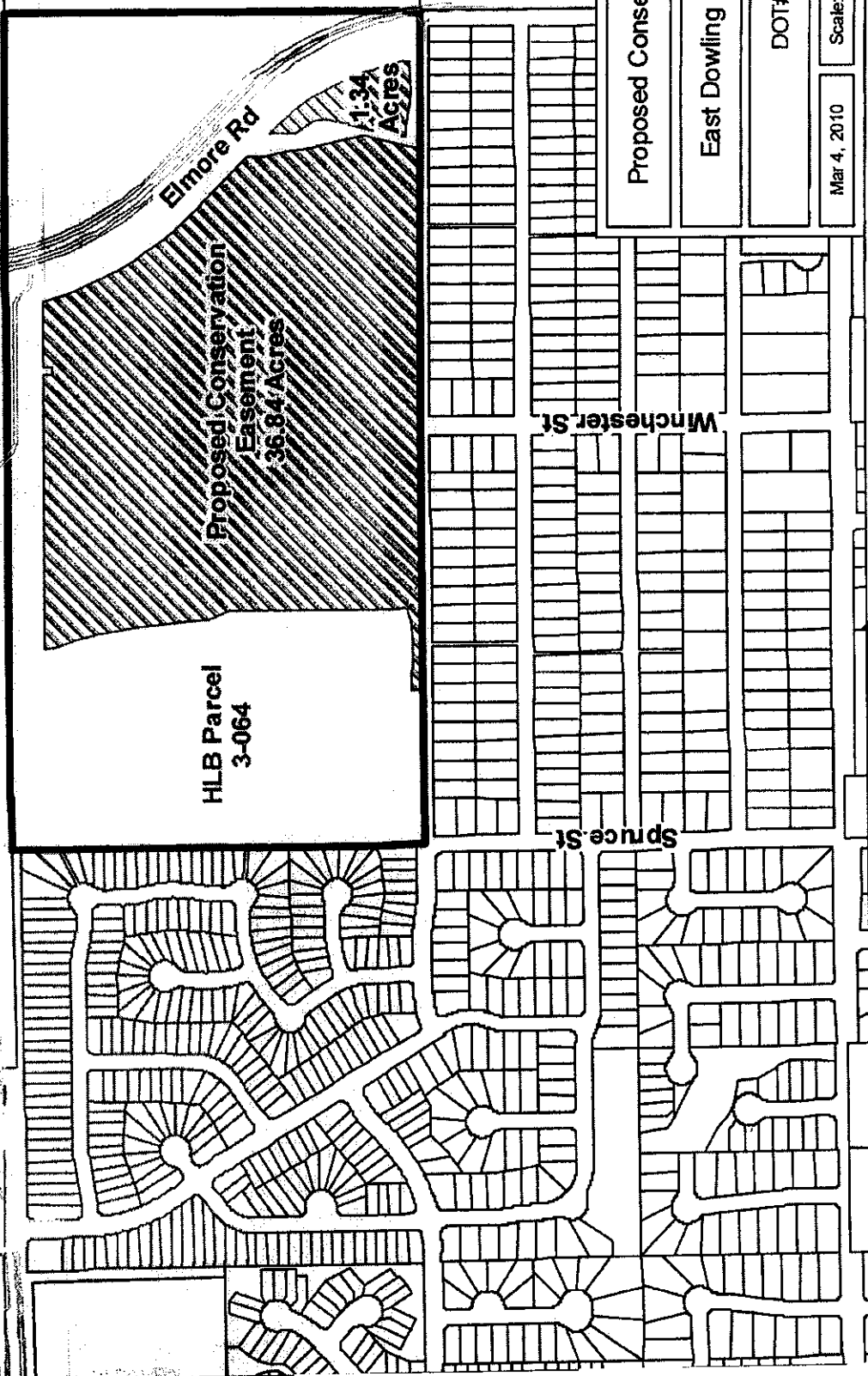
East Dowling Road Extension

DOT# 58592

Mar 4, 2010

Scale: 1"=500'

Proposed Conservation  
Easement.mxd



## Appendix B

### Agency Comments and Staff Responses on Proposed Action

On August 29, 2007, HLB solicited agency comments and objections to the proposed action. Comments and staff responses are as follows:

- *AWWU commented that it has a booster station located in the southwest corner of the parcel.*

This action does not affect the AWWU station.

- *“Anchorage Parks and Recreation supports the disposal of portions of the above referenced property for the purpose of mitigation as indicated. Parks and Recreation understands that the exact extent of the land to be disposed of will be determined in consultation with Parks and Recreation as well as the U.S. Army Corps of Engineers, and that some or all of the proposed disposal would be transferred to this Department for management as park land. The subject property serves at least in part as substitute lands for portions of Campbell Creek Park that the Municipality agreed to transfer from the park to the East Dowling Road Extension Project. Parks and Recreation requests that the area for transfer include sufficient upland area in a suitable location to accommodate a neighborhood park.”*

The proposed conservation easement for wetlands mitigation will preclude the use of affected lands for a neighborhood park. The lands in question are largely Class A wetlands which would not be feasible for the placement of a neighborhood park. Uses of the lands not affected by this action will be subject to future review. It will be determined whether a neighborhood park is the most appropriate use for a portion of the remaining lands at that time.

- *“Project Management and Engineering (PM&E) has comments on the proposed disposal of interest in HLB parcel 3-064. Portions of this parcel are being developed by PM&E as a priority snow disposal site for Street Maintenance. According to Project Manager John Smith, the land being proposed for disposal is Class A wetlands on the site which is not being considered for snow disposal site development. The snow disposal site being developed is on the remnant of this parcel, between Spruce Street and the proposed land disposal area. All interests in this portion of the property should be retained. Construction is planned for 2009.”*

There is some slight overlap between the area managed by Public Works and the proposed mitigation lands. HLB staff will coordinate with Public Works and obtain its concurrence prior to initiating any mitigation activities.



# Appendix C

## Heritage Land Bank Advisory Commission

### Resolution 2007-13

A RESOLUTION OF THE HERITAGE LAND BANK ADVISORY COMMISSION RECOMMENDING WITHDRAWAL OF A PORTION OF HLB PARCEL NO.3-064, COMPRISING APPROXIMATELY 30-39 ACRES, FROM THE HLB INVENTORY AND TRANSFER TO THE REAL ESTATE SERVICES DIVISION, WITH AN ADDITIONAL RECOMMENDATION TO THE MAYOR THAT MANAGEMENT AUTHORITY TO BE TRANSFERRED TO PARKS & RECREATION DEPARTMENT, AND ESTABLISHING A CONSERVATION EASEMENT ON THE WITHDRAWN PORTION OF THE PARCEL

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WHEREAS, the Heritage Land Bank inventory contains HLB Parcel No.3-064 (TID 014-931-01), legally described as North ½ of the Northeast ¼ of Section 4, T12N, R3W, Seward Meridian, Alaska, containing approximately 80 acres; and


WHEREAS, "It is the mission of the Heritage Land Bank 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 section 25.40.010); and

WHEREAS, "The mayor, with Assembly approval, may withdraw land from the HLB inventory for any lawful municipal purpose, consistent with the Comprehensive Plan and implementing measures or applicable site specific land use studies. Such a withdrawal shall become effective only after at least 30 days' prior written notice to the HLB Advisory Commission, to the affected Community Council, and to the public as specified in AMC section 25.40.030, and after at least one public hearing regarding the proposed withdrawal. If land is withdrawn from the Heritage Land Bank inventory for use and management by a public agency which is not supported by municipal taxes, compensation shall be paid to the Heritage Land Bank for at least the current appraised fair market value of the land. . ." (AMC Section 25.40.015B);

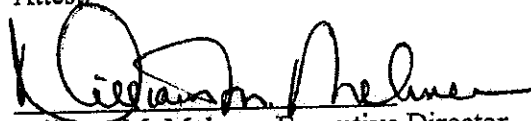
NOW THEREFORE BE IT RESOLVED the Heritage Land Bank Advisory Commission recommends authorizing withdrawal of a portion of HLB Parcel No.3-064, comprising approximately 30-39 acres, from the HLB inventory and transfer to the Real Estate Services Division, with an additional recommendation to the Mayor that management authority to be transferred to Parks & Recreation Department, and establishing a conservation easement on the withdrawn portion of the parcel.

Approved on the 13<sup>th</sup> day of September, 2007, by the Heritage Land Bank Advisory Commission.

Signed:

  
\_\_\_\_\_  
JAMES BALAMACI, VICE CHAIR  
Heritage Land Bank Advisory Commission

Attest:

  
\_\_\_\_\_  
William M. Mehner, Executive Director  
Heritage Land Bank

**Content ID:** 008874

**Type:** Ordinance - AO

AN ORDINANCE AUTHORIZING WITHDRAWAL OF A PORTION OF HERITAGE LAND BANK PARCEL NO. 3-064 NOT TO EXCEED 39 ACRES, FROM HERITAGE LAND BANK INVENTORY FOR TRANSFER TO THE REAL ESTATE SERVICES DIVISION, AND ESTABLISHING A CONSERVATION EASEMENT ON THE WITHDRAWN PORTION OF THE PARCEL, WITH MITIGATION CREDITS TO BE MANAGED BY HERITAGE LAND BANK.

**Title:**

**Author:** vanhornlr

**Initiating Dept:** HLB

**Review Depts:** ParksRec, PME

**Date Prepared:** 3/26/10 4:53 PM

**Director Name:** Wm. M. Mehner

**Assembly Meeting Date:** 4/20/10

**Public Hearing Date:** 5/11/10

Workflow Name	Action Date	Action	User	Security Group	Content ID
MuniManager_SubWorkflow	4/9/10 8:59 AM	Approve	Joy Maglaqui	Public	008874
Clerk_Admin_SubWorkflow	4/9/10 8:59 AM	Exit	Joy Maglaqui	Public	008874
Legal_SubWorkflow	4/8/10 2:25 PM	Approve	Rhonda Westover	Public	008874
Finance_SubWorkflow	4/8/10 1:34 PM	Approve	Lucinda Mahoney	Public	008874
OMB_SubWorkflow	4/8/10 9:44 AM	Approve	Cheryl Frasca	Public	008874
PME_SubWorkflow	4/8/10 7:52 AM	Approve	Steve Shrader	Public	008874
ParksRec_SubWorkflow	4/6/10 2:24 PM	Approve	John Rodda	Public	008874
OCPD_SubWorkflow	4/6/10 11:53 AM	Approve	Tawny Klebesadel	Public	008874
HLB_SubWorkflow	4/6/10 11:47 AM	Approve	William Mehner	Public	008874
AllOrdinanceWorkflow	4/6/10 11:46 AM	Checkin	Lynn Roderick Van Horn	Public	008874
ParksRec_SubWorkflow	4/6/10 9:21 AM	Reject	John Rodda	Public	008874
OCPD_SubWorkflow	4/6/10 8:29 AM	Approve	Tawny Klebesadel	Public	008874
HLB_SubWorkflow	4/6/10 8:14 AM	Approve	William Mehner	Public	008874
AllOrdinanceWorkflow	4/6/10 8:13 AM	Checkin	Lynn Roderick Van Horn	Public	008874
ParksRec_SubWorkflow	4/6/10 8:04 AM	Reject	Elizabeth Stanley	Public	008874
OCPD_SubWorkflow	4/2/10 2:09 PM	Approve	Tawny Klebesadel	Public	008874
HLB_SubWorkflow	3/31/10 4:41 PM	Approve	William Mehner	Public	008874
AllOrdinanceWorkflow	3/31/10 4:41 PM	Checkin	Lynn Roderick Van Horn	Public	008874
OCPD_SubWorkflow	3/29/10 3:45 PM	Reject	Tawny Klebesadel	Public	008874
HLB_SubWorkflow	3/26/10 5:07 PM	Approve	William Mehner	Public	008874
AllOrdinanceWorkflow	3/26/10 5:06 PM	Checkin	Lynn Roderick Van Horn	Public	008874
HLB_SubWorkflow	3/26/10 5:03 PM	Reject	William Mehner	Public	008874
AllOrdinanceWorkflow	3/26/10 5:01 PM	Checkin	Lynn Roderick Van Horn	Public	008874