

Submitted by: Chair of the Assembly at the Request of the Mayor
Prepared by: Dept. of Law
For reading: September 28, 2010

CLERK'S OFFICE

APPROVED

ANCHORAGE, ALASKA

Date: 10-26-10 AO 2010-71

1 **AN ORDINANCE APPROVING CONVEYANCE OF CONSERVATION**
2 **EASEMENTS ON THE CAMPBELL CREEK ESTUARY PROPERTY FOR THE**
3 **BENEFIT OF THE STATE OF ALASKA AND THE GREAT LAND TRUST, INC.**

4
5 **WHEREAS**, Great Land Trust, Inc. ("GLT") and members of the Kyzer Group and
6 the McManamin family entered an Option Agreement, granting GLT the option to
7 purchase approximately fifty-five acres of land located at the estuary of Campbell
8 Creek, and anticipates entering a similar Option Agreement with members of the
9 McManamin family for an adjoining five acres, for a total combined parcel of
10 approximately 60 acres, more particularly described and depicted in the Assembly
11 Memorandum (the "Property"); and

12
13 **WHEREAS**, GLT plans to donate the Property to the Municipality, at no cost to the
14 Municipality, provided the Municipality grants conservation easements to GLT and
15 to the State of Alaska (a contributor to GLT's purchase price for the Property);
16 now, therefore,

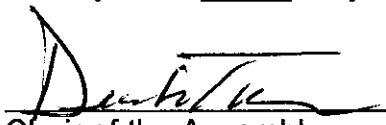
17
18 **THE ANCHORAGE ASSEMBLY ORDAINS:**

19
20 **Section 1.** The conveyance of two conservation easements on the Property,
21 one for the benefit of The Great Land Trust, Inc., and the other for the benefit of
22 the State of Alaska, upon the material terms and conditions set forth in the
23 Assembly Memorandum and upon such other terms reasonably determined by the
24 Mayor to be within the best interests of the Municipality, is hereby approved.

25
26 **Section 2.** In accordance with Anchorage Municipal Code section 25.30.040B.,
27 the Assembly finds the conveyance of two conservation easements on the
28 Property to GLT and the State of Alaska allows the use of the Property for a public
29 purpose beneficial to the municipality.

30
31 **Section 3.** This ordinance shall be effective immediately upon passage and
32 approval by the Assembly.

33
34 **PASSED AND APPROVED** by the Anchorage Assembly this 24th day of
35 October, 2010.

36
37
38 
Chair of the Assembly

39 **ATTEST:**

40
41 
42 Municipal Clerk

43

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2010-71

Title: An Ordinance Approving Conveyance of Conservation Easements on the Campbell Creek Estuary Property for the Benefit of the State of Alaska and the Great Land Trust, Inc.

Sponsor: Mayor

Preparing Agency: Department of Law

Others Impacted:

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

PUBLIC SECTOR ECONOMIC EFFECTS:

Removes 60 acre parcel from tax rolls. 2009 taxes on the two properties were approximately \$73,500 and \$69,000 for 2010. Encumbers municipal property with perpetual conservation easements, limiting the future uses and potential revenue generation of the property.

PRIVATE SECTOR ECONOMIC EFFECTS:

None.

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 527-2010

Meeting Date: September 28, 2010

1 **From: MAYOR**
2

3 **Subject: AN ORDINANCE APPROVING CONVEYANCE OF**
4 **CONSERVATION EASEMENTS ON THE CAMPBELL CREEK**
5 **ESTUARY PROPERTY FOR THE BENEFIT OF THE STATE OF**
6 **ALASKA AND GREAT LAND TRUST, INC.**
7

8 The Great Land Trust, Inc. ("GLT") entered an Option Agreement with members of
9 the Kyzer Group and the McManamin family (collectively, the "Sellers") granting
10 GLT the option to purchase approximately fifty-five acres of land located at the
11 estuary of Campbell Creek, and it anticipates entering a similar Option Agreement
12 with members of the McManamin family for an adjoining five acres; the combined
13 parcel (the "Property") totals approximately 60 acres. The Property is described in
14 **Exhibit A** attached hereto and depicted on the map attached as **Exhibit B**.
15

16 The purchase price does not exceed the appraised market value of \$6.15 million,
17 provided by GLT from various sources, including:
18

- 19 • U. S. Fish & Wildlife Service – National Coastal Wetlands
20 Conservation Grant (NCWCG) Program
- 21
- 22 • National Oceanic and Atmospheric Administration – Coastal and
23 Estuarine Land Conservation Program (CELCP)
- 24
- 25 • State of Alaska – Coastal Impact Assistance Program (CIAP)
- 26
- 27 • U. S. Army Corps of Engineers – Port of Anchorage Mitigation Funds
- 28
- 29 • National Fish and Wildlife Foundation.
- 30

31 GLT agreed to assign its rights under the Option Agreement to the Municipality at
32 no cost to the Municipality, PROVIDED the Municipality grants conservation
33 easements on the Property to GLT and the State of Alaska (recipient of NCWCG
34 funds). At the closing of the purchase and sale transaction:
35

- 36 1. GLT and its funding partners pay the entire purchase price and its share of
37 closing costs into escrow for delivery to Sellers;

1 2. Sellers convey title to the Property to the Municipality by warranty deed
2 (together with title insurance), SUBJECT TO driveway, access and utility
3 easements for the benefit of neighboring properties; and
4

5 3. The Municipality conveys the two conservations easements, one to the State
6 of Alaska and the other to GLT.
7

8 The purpose of the conservation easements is to preserve and protect the
9 conservation values of the Property in perpetuity, including wetlands, wildlife habitat,
10 open space and significant natural features. The easements provide for varying
11 levels of uses within each of three areas as shown on Exhibit B: a Resource
12 Protection Area (to be essentially preserved in an undisturbed state); a Restricted
13 Use Area (with limited improvement to support natural habitats and other
14 conservation values); and Limited Development Areas (allowing, *inter alia*, parking
15 for access to the Property). The Municipality, as owner of the Property, will have
16 obligations to maintain and repair any improvements, enforce the terms and
17 conditions of the conservation easements and otherwise "preserve and protect" the
18 conservation values of the Property.
19

20 GLT has further agreed to provide certain services and establish funds totaling
21 \$1,000,000 to offset the Municipality's costs of owning the Property and performing
22 those easement obligations:
23

24 1. GLT will, at its cost, demolish and remove all homes, sheds and other
25 improvements and clean any substantial debris from the Property within
26 twelve months following closing, all to the satisfaction of the Municipality.
27

28 2. GLT will establish and hold the following funds:
29

30 a. A Conservation Easement Endowment Fund with a contribution
31 (within one year after closing) of \$100,000 to be used by GLT to
32 annually inspect the Property and otherwise enforce the terms and
33 conditions of the conservation easement.
34

35 b. A Long Term Management Fund with a contribution (within one year
36 after closing) of \$150,000 which may be used by the Municipality and
37 GLT (with the prior written approval of the Municipality) to preserve
38 and protect the conservation values of the Property.
39

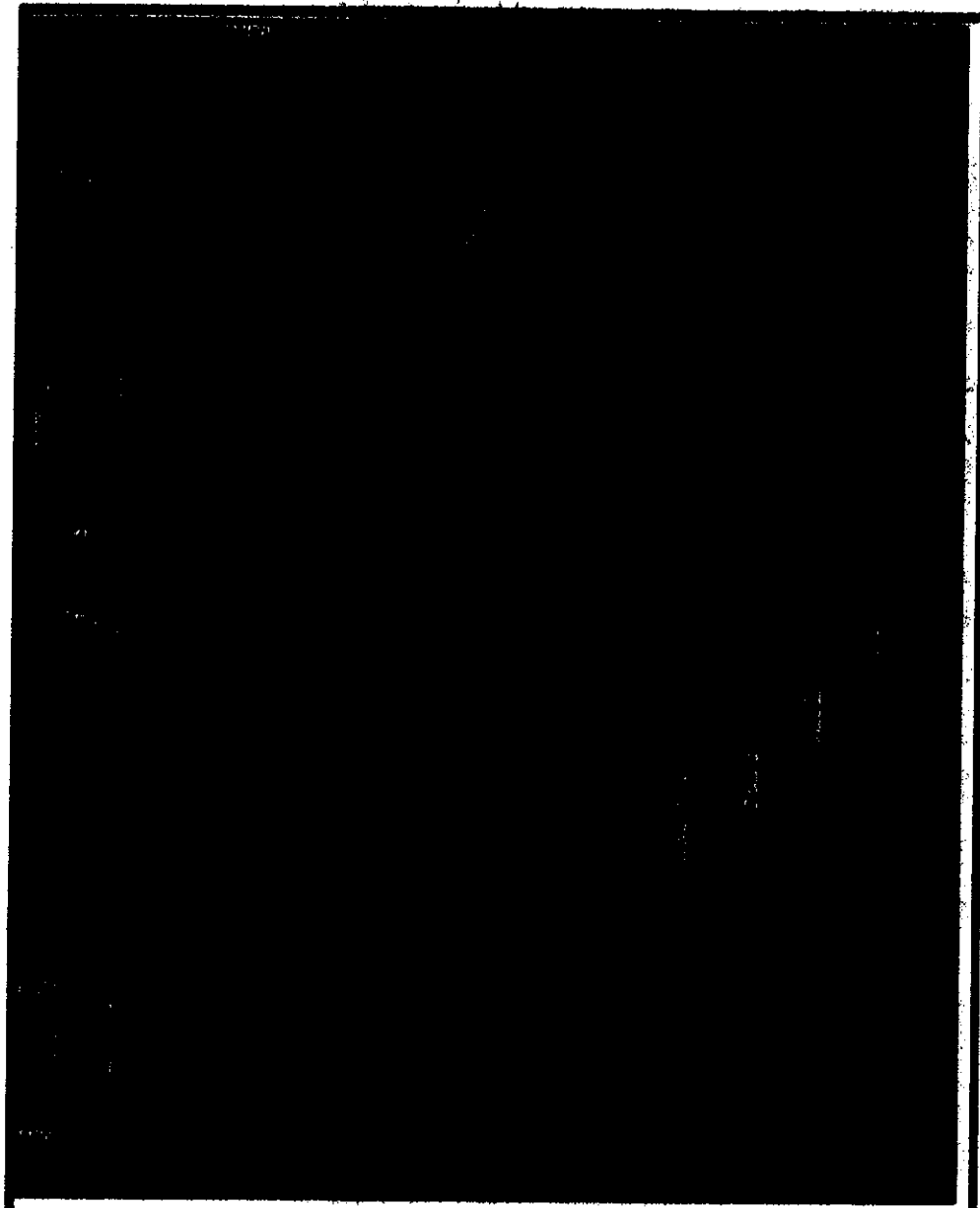
40 c. A Campbell Creek Estuary Operating Fund with contributions (over a
41 five-year period) totaling \$750,000 (including up to \$200,000 of in-kind
42 contributions). These funds may be used by the Municipality and GLT
43 (with the prior written approval of the Municipality) to engage in a
44 planning process for the Property, prepare a development plan,
45 construct improvements and maintain the Property.
46

47 Closing of the transaction, including delivery of a warranty deed to the Property and
48 delivery of the conservation easements, is scheduled for November 30, 2010.
49 Normally, the Assembly approves any acquisition of property by the Municipality,

1 however this Property is being acquired by donation to the Municipality without cost
2 to the Municipality and, accordingly, does not require Assembly approval. See
3 Anchorage Municipal Code (AMC) section 25.20.020 A.6. The conveyance of the
4 conservations easements, however, does require approval of the Assembly by
5 ordinance, see AMC section 25.30.020. In addition, the conveyance of an interest
6 in municipal land to the state or a non-profit organization for less than fair market
7 value requires the Assembly to find the disposal will allow the use of the land for a
8 public purpose beneficial to the municipality. See AMC section 25.30.040 B.

9
10
11 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**
12 **APPROVING CONVEYANCE OF CONSERVATION EASEMENTS ON THE**
13 **CAMPBELL CREEK ESTUARY PROPERTY FOR THE BENEFIT OF THE STATE**
14 **OF ALASKA AND GREAT LAND TRUST, INC.**

15
16
17 Prepared by: Dept. of Law
18 Approved by: John H. Rodda, Director,
19 Parks & Recreation Department
20 Concur: William Mehner, Executive Director
21 Heritage Land Bank
22 Concur: Dennis A. Wheeler, Municipal Attorney
23 Concur: George J. Vakalis, Municipal Manager
24 Respectfully submitted: Daniel A. Sullivan, Mayor



Great Land Trust
Campbell Creek
Estuary

Conservation Easement
Use Areas

Legend

Subject Property

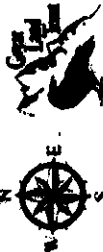
Roads

Campbell Creek

Resource Protection Area

Restricted Use Area

Unlimited Development Area



GREAT LAND TRUST
 Working with willing landowners and
 other partners to conserve Southeastern
 Alaska's lands and watersheds

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 (907) 273-4888
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 www.greatlandtrust.org

Map created September 14, 2010

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Type: Ordinance - AO

Title: AN ORDINANCE APPROVING CONVEYANCE OF CONSERVATION EASEMENTS ON THE CAMPBELL CREEK ESTUARY PROPERTY FOR THE BENEFIT OF THE STATE OF ALASKA AND THE GREAT LAND TRUST, INC.

Initiating Dept: Legal

Date Prepared: 9/24/10 1:30 PM

AgendaSection: Ordinances and Resolutions for Introduction

Meeting Date: 9/28/10

Public Hearing Date: 10/26/10

Clerk_Admin_SubWorkflow	9/28/10 1:54 PM	Exit	Joy Maglaqui	Public	009424
MuniManager_SubWorkflow	9/28/10 1:54 PM	Approve	Joy Maglaqui	Public	009424
MuniManager_SubWorkflow	9/28/10 1:53 PM	Checkin	Joy Maglaqui	Public	009424
Finance_SubWorkflow	9/27/10 11:00 AM	Approve	Lucinda Mahoney	Public	009424
Finance_SubWorkflow	9/27/10 8:34 AM	Checkin	Nina Pruitt	Public	009424
Finance_SubWorkflow	9/27/10 8:28 AM	Checkin	Nina Pruitt	Public	009424
OMB_SubWorkflow	9/24/10 2:47 PM	Approve	Cheryl Frasca	Public	009424
Legal_SubWorkflow	9/24/10 1:37 PM	Approve	Dennis Wheeler	Public	009424
AllOrdinanceWorkflow	9/24/10 1:33 PM	Checkin	Joy Maglaqui	Public	009424

Lucinda Mahoney