


Date of Action: 9/11/17	
Approved <input checked="" type="checkbox"/>	Denied <input type="checkbox"/>
By: 	

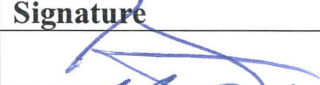
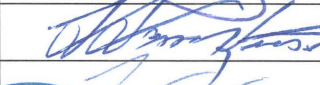
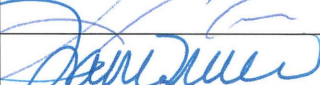
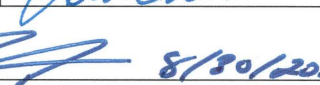
CITY COUNCIL ACTION MEMORANDUM

AM No. 17-37: Authorizing Reimbursement to the Matanuska-Susitna Borough in the amount of \$38,271 for Clapp-Mack Road Extension Right-of-Way Condemnation Costs.

Originator: Public Works Director

Date: August 29, 2017

Agenda of: September 11, 2017

Route to:	Department Head	Signature	Date
X	Public Works Director		8/31/17
X	Finance Director		8.31.17
X	Deputy Administrator		8/31/17
X	City Clerk		8/31/17

Reviewed by Mayor Bert L. Cottle:

 8/30/2017

Fiscal Impact: yes \$38,271

Funds Available: yes

Account name/number: S. Mack Dr. Re-appropriation State/160-4320-432.45-65

Attachments: Borough Request for Reimbursement (4 pages)

Summary Statement: This project required condemnation of 3.08 acres of Government Lot 2, Section 18, T17N R1W Seward Meridian. This lot being located outside the city limits required the Borough to be the lead agency in the condemnation action. This project was funded with State Legislative grants and Borough Road Bond funding. The City currently has a legislative grant balance on the project in the amount of \$340,828. Reimbursing the Borough will allow the Borough to free up the bond funding that was used for the condemnation action and allocate it to other Borough road projects.

Staff Recommendation: Adopt AM No. 17-37.

Matanuska-Susitna Borough



August 24, 2017

Bert Cottle, Mayor
City of Wasilla
290 E. Hering Avenue
Wasilla, Alaska 99654-7091

Mayor Cottle,

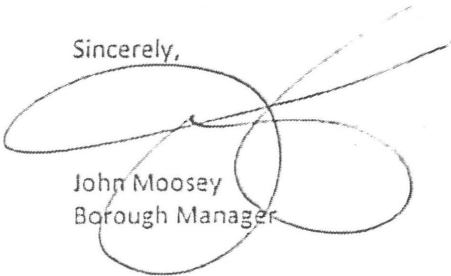
The Matanuska-Susitna Borough requests on-going reimbursement for legal services and court costs associated with the condemnation of the Aldeman property, which is now part of the Clapp-Mack Road Extension project right-of-way (ROW).

In July of 2014, the City of Wasilla, which acquired the majority of ROW for the Clapp-Mack Road Extension project, and the Borough agreed that condemning a portion of the Aldeman property would be necessary for the project to be constructed. Since the Aldeman property was located just outside the city limits, it was also agreed that any condemnation action should fall under the borough's jurisdiction. In September of 2014, the Borough hired the legal firm of Boyd, Chandler and Falconer, LLC to carry the case through the legal process. The first stage of condemnation was granted by the courts to allow for construction to proceed, followed by the long process of determining what the final payment to the property owner should be. The Borough continues working with the courts to make a decision on this matter.

Included with this letter is a flash drive which contains scanned copies of the billings received to-date from Boyd, Chandler and Falconer, LLC. It also contains a copy of the CourtView records indicating the amount of money the Borough has deposited with the courts to-date representing the current estimate of the Aldeman property value. The total to-date is \$38,271.08.

I ask that your administrative and finance staff work directly with Cindy Corey, PM&E Specialist, in the MSB Capital Projects Department, (861-7725 or Cindy.Corey@matsugov.us) regarding the best method to accomplish this financial reimbursement request.

Sincerely,


John Moosey
Borough Manager



CLAPP - MACK ROAD EXTENSION PROJECT		Billing Period	Payment Date	Payment Amt.	Encumbered
Boyd, Chandler & Falconer, LLP	2015-1775				\$ 25,000.00
35403-1001		Services 9/1/14-9/30/14	10/15/2014	\$ 652.50	\$ 24,347.50
		Services 10/1/14-10/1/14	12/22/2014	\$ 2,831.26	\$ 21,516.24
		Services 11/1/14-11/30/14	PAID 1/9/2015	\$ 1,491.44	\$ 20,024.80
		Services 12/1/14 to 12/31/14 = \$498.01 Services 1/1/15 to 1/31/15 = \$579.83 Services 2/1/15 to 2/28/15 = \$950.80	To AP 3/25/15 PAID 4/3/15	\$ 2,028.64	\$ 17,996.16
		Services 3/1/15 to 3/31/15	To AP 5/20/15 PAID 5-27-15	\$ 1,154.54	\$ 16,841.62
		Services 4/1/15 to 4/30/15	6/4/2015 PAID 6/10/15	\$ 382.50	\$ 16,459.12
		Services 5/1/15 to 5/31/15	6/19/2015 PAID 6/26/15	\$ 67.50	\$ 16,391.62
		Services 7/1/15 to 7/31/15	8/24/15 PAID 8/26/15	\$ 248.70	\$ 16,142.92
		Services 8/1/15 to 8/31/15	9/23/15 PAID 9/25/15	\$ 135.00	\$ 16,007.92
		Services 9/1/15 to 9/31/16	11/3/2015 PAID 11/10/15	\$ 135.00	\$ 15,872.92
		Services 10/1/15 to 12/31/15	1/4/2016	\$ 360.00	\$ 15,512.92
		Services 1/1/16 to 1/31/16	2/26/2016	\$ 45.00	\$ 15,467.92
		Services 2/1/16 to 2/29/16	3/31/2016 PD 4/13/16	\$ 456.00	\$ 15,011.92
		Services 3/1/16 to 3/31/16	4/22/2016	\$ 315.40	\$ 14,696.52
		Services 4/1/16 to 4/30/16	5/23/2016	\$ 90.00	\$ 14,606.52
		Service 6/1/16 to 6/30/16	8/23/2016	\$ 67.50	\$ 14,539.02
		Service 7/1/16 to 7/31/16	9/6/2016	\$ 112.50	\$ 14,426.52
		Service 8/1/16 to 8/31/16	9/26/2016	\$ 1,128.98	\$ 13,297.54
		Services 9/1/16 to 9/30/16	10/17/2016	\$ 652.50	\$ 12,645.04
		Services 10/1/16 to 10/31/16	11/28/2016	\$ 93.82	\$ 12,551.22
		Services 11/1/16 to 11/30/16	12/19/2016	\$ 904.48	\$ 11,646.74
		Services 12/1/16 to 1/31/17	2/17/2017	\$ 564.60	\$ 11,082.14
		Services 2-1-17 to 2-28-17 (dp)	3/22/2017	\$ 607.50	\$ 10,474.64
		Services 3/1/17 to 3/31/17	4/20/2017	\$ 180.00	\$ 10,294.64
		Services 4/1/17 to 4/1/17	5/11/2017	\$ 840.38	\$ 9,454.26
		Services 5/1/17 to 5/31/17	6/26/2017	\$ 560.18	\$ 8,894.08
		ADDENDUM TO PO	7/18/2017	\$ -	\$ 10,000.00
		Services 7/1/17 to 7/31/17	8/18/2017	\$ 744.29	\$ 18,149.79

Total Remaining encumbered on PO

Sub-total MSB legal services to date 8-22-2017 \$ 16,850.21

Court Filing Fee \$ 150.00
Court Misc. Revenue \$ 5.00
Court Trust Civil Deposit \$ 21,265.87

Sub-total Court Fees, Misc. Revenue and Trust Civil Deposit \$ 21,420.87

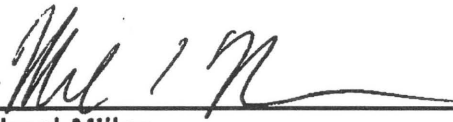
Total expenses requested to be reimbursed to MSB as of 8-22-2017 \$ 38,271.08

Legal Description of

South Mack Drive Right-of-Way Extension

The purpose of this legal description is to describe a parcel of land for Right-of-Way acquisition within Government Lot 2, Section 18, Township 17 North, Range 1 West, Seward Meridian, and more particularly described as follows:

Commencing at the West Quarter ($\frac{1}{4}$) Corner of Section 18 and the Southwest Corner of Government Lot 2, marked with an aluminum cap monument, and the **True Point of Beginning**; thence along the Westerly boundary of Government Lot 2, $N0^{\circ}25'06''W$, 1,010.86 feet, to a point, marked with an aluminum cap on rebar; thence 409.50 feet along a curve to the right, having a radius of 600.00 feet and a chord bearing of $N52^{\circ}50'00''E$, to a point, marked with an aluminum cap on rebar; thence $N72^{\circ}23'08''E$, 231.62 feet, to a point on the Northerly boundary of Government Lot 2, marked with an aluminum cap on rebar; thence along the Northerly boundary of Government Lot 2, $N89^{\circ}38'12''E$, 404.64 feet, to a point, marked with an aluminum cap on rebar; thence $S72^{\circ}23'08''W$, 618.05, to a point, marked with an aluminum cap on rebar; thence 494.44 feet along a curve to the left, having a radius of 480.00 feet and a chord bearing of $S42^{\circ}52'34''W$, to a point, marked with an aluminum cap on rebar; thence parallel with the Westerly boundary of Government Lot 2, $S0^{\circ}25'06''E$, 792.34 feet, to a point on the Southerly boundary of Government Lot 2, marked with an aluminum cap on rebar; thence along the Southerly boundary of Government Lot 2, $S89^{\circ}36'00''W$, 33.00 feet, to the **True Point of Beginning**, containing 133,967 square feet (3.08 acres), more or less, as shown on Exhibit "A" and identified as Parcel No. 34, attached to and a part hereof.


Michael Miller
Registered Land Surveyor
LS 7222

3/27/14
Date



NEW WASILLA AIRPORT ADD No. 2

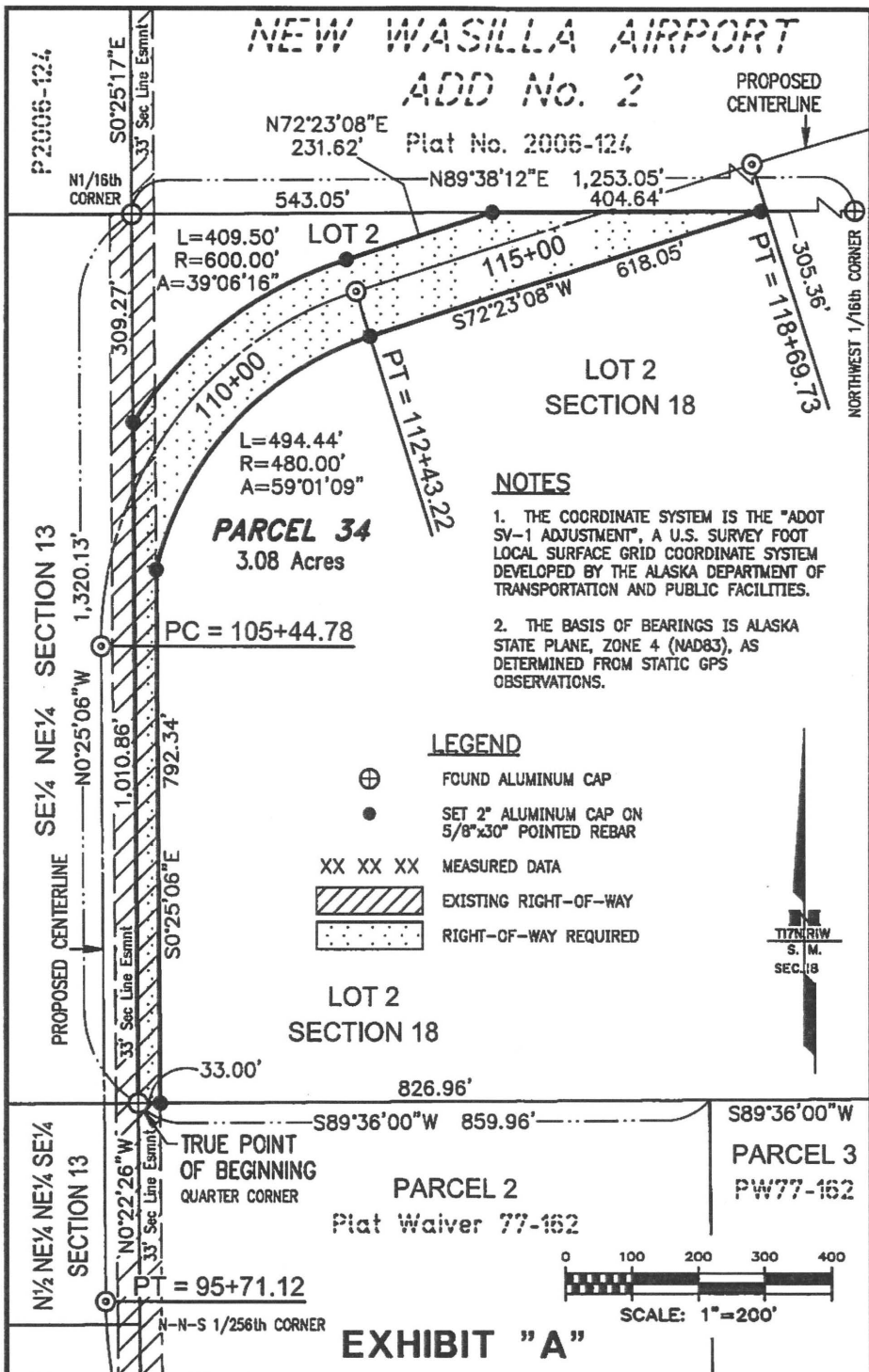


EXHIBIT "A"

MATANUSKA-SUSITNA BOROUGH - CITY OF WASILLA

RIGHT-OF-WAY REQUIRED SOUTH MACK DRIVE EXTENSION No. 54987	OWNER'S INITIAL _____ ATTACHED TO _____ PAGE: ____ OF ____ DATED: _____
DRAWN BY: <u>JC</u> CHECKED BY: <u>MM</u> DATE: <u>3-21-14</u>	GROSS TAKE: <u>3.08 Acres</u> NET TAKE: <u>2.29 Acres</u> REMAIN: <u>34.98 Acres</u> PARCEL NO. <u>34</u>

McCLINTOCK LAND ASSOCIATES, INC.
 16942 N. EAGLE RIVER LP RD
 EAGLE RIVER, AK 99577
 (907) 694-4499