

Presented by: The Manager
Introduced: 02/11/91
Drafted by: S.B.G.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1491

A RESOLUTION AUTHORIZING THE MANAGER TO CONVEY AN EASEMENT ACROSS LOT 1, U.S. SURVEY NO. 3559, NEAR MILE 8 NORTH DOUGLAS HIGHWAY.

WHEREAS, Karen Holmberg has applied for an easement across Lot 1, U.S. Survey No. 3559, for the purpose of providing driveway access and utilities to Lots B and C, U.S. Survey No. 2560, which lots are owned by Ms. Holmberg, and

WHEREAS, after departmental review, the Assembly Lands Committee and the Planning Commission at their meetings of October 24, 1990, and January 8, 1991, respectively, recommended approval of the easement subject to the terms and conditions set forth below, and

WHEREAS, the assessor has, within the last ninety days, established the appraised value of the easement as \$750.00;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

* Section 1. Authorization. The manager is authorized to convey to Karen Holmberg an easement across a portion of Lot 1, U.S. Survey No. 3559, for the purpose of providing driveway access and utilities to Lot C, U.S. Survey No. 2560.

* Section 2. Terms and Conditions. The easement shall be subject to the following terms and conditions:

(a) The alignment of the easement shall be approved by the manager or the manager's designee prior to construction of the driveway.

(b) The final location of the easement shall be subject to an analysis of alternative routes that minimize impact to portions of the city and borough property identified as wetlands within "Category B" according to the City and Borough of Juneau Wetlands Management Plan or other applicable plan, policy, or CBJ code provision.

(c) The applicant shall provide an as-built survey showing the actual location of the easement upon completion of the driveway.

(d) The easement may be relocated at the discretion of the city and borough at any time the city and borough determines that the city and borough property is to be subdivided or used for other purposes.

(e) The easement shall be nonexclusive and shall accommodate overlapping easements or any other uses deemed in the city and borough's interest.

(f) No owners of other property shall be permitted to use the easement without further authorization from the city and borough.

(g) The owner of any other property who subsequently seeks to use the easement must obtain a separate easement from the city and borough which includes a construction and maintenance agreement for access improvements within the easement authorized by this resolution. In the event the grantee Ms. Holmberg, and the owners of the other property are unable to agree on the terms of the easement, the parties shall submit to arbitration under the procedures of the American Arbitration Association, whose decision shall be considered by the city and borough regarding issuance of the easements.

(h) No further subdivision of the private lots served shall be permitted using the easement unless the access is dedicated and constructed to applicable city and borough standards for public maintenance, including compliance with survey and other platting and subdivision requirements.

(i) The city and borough shall not be responsible for construction of any improvements.

(j) The applicant shall agree to provide access to Lot B, U.S. Survey No. 2560, through Lot C, U.S. Survey No. 2560 (the applicant owns both of these lots).

(k) The easement shall be granted solely for the purpose of providing driveway access and utilities to serve single family residences on Lots B and C, U.S. Survey No. 2560.

(l) The city and borough shall not be responsible for maintenance of any improvements until such improvements are built in conformance with city and borough standards and accepted for maintenance by the city and borough.

* Section 3. Easement Price. That the applicant shall be required to pay \$750.00 for the conveyance of the easement.

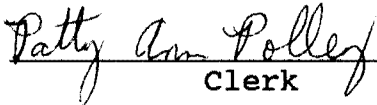
* Section 4. Other Terms and Conditions. That the manager may include in the easement agreement any other terms and conditions deemed in the public interest.

* Section 5. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 11th day of February, 1991.


Mayor

Attest:


Clerk