

Presented by: The Manager
Introduced: 12/17/2007
Drafted by: J.W. Hartle

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2432

A Resolution Authorizing the Manager to Convey a Driveway and Utility Easement Across a Fraction of Lot 1, U.S. Survey 3559, off of North Douglas Highway.

WHEREAS, the City and Borough of Juneau owns Lot 1, U.S. Survey 3559, a large parcel of land located on the north side of Douglas Island; and

WHEREAS, a portion of Lot 1, U.S. Survey 3559 located north of the Douglas Highway was designated as a Conservation Area in the CBJ's 1996 Parks and Recreation Comprehensive Plan; and

WHEREAS, the estate of Patrick Conheady owns Parcel 1, Lot D, U.S. Survey 2560, a landlocked parcel that adjoins the CBJ property; and

WHEREAS, an existing easement for an overhead electrical line, that crosses CBJ property west of the Conheady property and provides electricity to the Conheady residence, expired earlier this year; and

WHEREAS, Eamon Conheady, son of Patrick Conheady, while in the process of conducting general maintenance and upgrades to his father's property, discovered there is no record of an easement for the existing driveway that crosses CBJ property, Lot 1, U.S. Survey 3559; and

WHEREAS, Mr. Conheady would like to remedy these issues by acquiring an easement from the CBJ to accommodate both the existing driveway and future utilities, including the relocation of the electrical line to lie within the proposed driveway/utility easement; and

WHEREAS, CBJ 53.09.300 authorizes the Manager to convey easements across CBJ land, upon approval of the Assembly by resolution; and

WHEREAS, comments on the proposed easement were solicited from Public Works, Engineering, Parks and Recreation, Community Development, and the Fire departments and there were no objections to the issuance of the easement; and

WHEREAS, the Assembly Lands Committee and the Planning Commission reviewed this proposed easement and recommended approval at their meetings on October 22, 2007 and November 27, 2007, respectively.

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

Section 1. Authorization. The Manager is authorized to negotiate and convey a driveway/utility easement across a fraction of Lot 1, U.S. Survey 3559, to the Patrick Conheady estate or successor in interest, owner of Parcel 1, Lot D, U.S. Survey 2560, as generally shown in Exhibit A, subject to the terms and conditions established herein.

Section 2. Terms and Conditions.

- (a) Term. The easement shall be perpetual.
- (b) Use. Use of the easement shall be for the sole purpose of providing vehicular access, pedestrian access, and utility lines to serve a single family residence on the grantee's property. No commercial use of the easement is allowed.
- (c) Non-Exclusivity. The easement shall be non-exclusive. The CBJ may grant other overlapping easements.
- (d) Permits. The grantee shall obtain all required permits to allow grantee's authorized use and maintenance of the existing driveway and to allow for the construction, use, and maintenance of utilities within the easement.
- (e) Right-of-Entry. Prior to issuance of the right-of-entry, for construction of utilities or maintenance/upgrades to the driveway, the grantee shall demonstrate to the satisfaction of the CBJ General Engineering Department that all pertinent authorizations and permits have been obtained by the grantee.
- (f) Construction and Maintenance. The grantee is responsible for construction and maintenance of any improvements.
- (g) Purchase Price. Purchase price of the easement/right-of-entry shall be fair market value.
- (h) Revocation. The easement shall be revoked if the easement holder does not use the driveway for a period of five years.
- (i) CBJ Street Constructed. The easement shall be revoked if the easement holder's property is served by a dedicated, constructed CBJ street.

(j) Rights Retained by the CBJ:

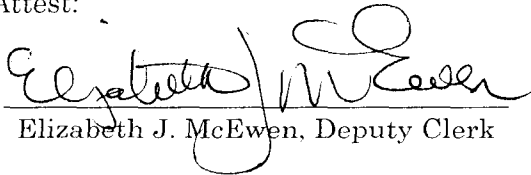
- (1) Use of Driveway Alignment. The CBJ reserves the right to use portions of the driveway alignment for a dedicated CBJ street.
- (2) Public Pedestrian Use. The CBJ reserve the right of public pedestrian access along the easement.
- (k) Relocation. The grantee may be required to relocate the driveway/utilities to a new location upon direction of the Assembly in accordance with CBJ 53.09.300(I).
- (l) As-Built Survey. Grantee shall provide CBJ with an as-built survey of the driveway and any improvements, once constructed.
- (m) Other Terms and Conditions. The CBJ Manager may include other terms and conditions he deems in the public interest.

Section 3. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 17th day of December, 2007.


Bruce Botelho, Mayor

Attest:


Elizabeth J. McEwen, Deputy Clerk