

Presented by: The Manager  
Introduced: 10/13/2003  
Drafted by: J.W. Hartle

## **RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2229**

### **A Resolution Authorizing the Manager to Convey a Driveway and Utility Easement Across a Fraction of U.S. Survey 3760 in the Vicinity of Amalga and Huffman Harbors.**

WHEREAS, many privately-owned parcels of land in the vicinity of Amalga and Huffman Harbors are accessed by water or footpath, only, and

WHEREAS, many of the property owners currently park their vehicles in the crowded public parking lot at Amalga Harbor, and

WHEREAS, property owners near Amalga and Huffman Harbors have been working together in an effort to improve vehicular access and parking to serve their properties, and have recently formed the Amalga and Huffman Harbors Community Association, to address such issues, and

WHEREAS, the Amalga and Huffman Harbors Community Association has proposed developing a driveway that would extend from the harbor parking lot across private properties and CBJ land, and constructing a parking lot for neighborhood use on City and Borough land at the terminus of that driveway, and

WHEREAS, removing neighborhood cars from the harbor parking lot by establishing a separate parking lot for neighborhood use would relieve congestion of the existing public parking lot, and

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

WHEREAS, the Assembly Lands Committee reviewed this proposed easement at its meetings on March 10, 2003, and August 11, 2003, and recommended approval; the Planning Commission reviewed this proposal at its meeting August 26, 2003, and also recommended approval, and

WHEREAS, a companion ordinance, Ordinance 2003-42, has been introduced which authorizes execution of a lease for the proposed parking lot.

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 and utility easement, across a fraction of U.S. Survey 3760 to landowners in the vicinity of Amalga and Huffman Harbors seeking such access, subject to the terms and conditions set forth herein.

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

- (a) **Term.** The easement shall be perpetual.
- (b) **Use.** Use of the easement shall be for the purpose of vehicular access, pedestrian access, and utility lines.
- (c) **Non-Exclusivity.** The easement shall be non-exclusive; CBJ reserves the right to convey overlapping easements.
- (d) **Public Pedestrian Access.** CBJ retains the right on behalf of the public for pedestrian use on and across the easement.
- (e) **Easement Value.** Grantees shall pay market value for the easement.
- (f) **Abandonment and Termination.** The easement may be terminated if unused for a period of five years.
- (g) **Construction and Maintenance.** Grantees shall be responsible for the construction and maintenance of any improvements required for their utility or access purposes.
- (h) **As-Built Survey.** Grantees shall provide the City and Borough with an as-built survey, in accordance with CBJ surveying standards, within ninety days of completion of the driveway improvements.
- (i) **Hold Harmless.** Grantees shall agree to indemnify, defend, and hold harmless the City and Borough, and its agents and employees, from any claim or liability for damages to property, or injury or death to persons, arising in any way out of Grantees' construction or maintenance of improvements within, or use of, the easement.
- (j) **Relocation.** The City and Borough may require Grantees to relocate the improvements, in accordance with CBJ 53.09.300(i). If CBJ 53.09.300(i) is modified subsequent to issuance of the easement, the newer legislation pertaining to relocation shall apply. CBJ shall give Grantees 180 days advance notice of any relocation requirement.
- (k) **Other Terms and Conditions.** The Manager may include other terms and conditions he deems to be in the public interest.

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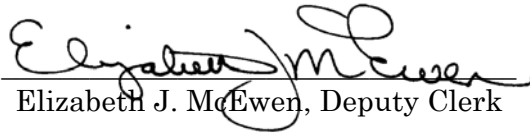
**Section 3. Effective Date.** This resolution shall be effective immediately upon adoption.

Adopted this 13<sup>th</sup> day of October, 2003.



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Sally Smith, Mayor

Attest:



Elizabeth J. McEwen, Deputy Clerk

Vote: Unanimous