

Presented by: The Manager
Introduced: 09/29/2008
Drafted by: J.W. Hartle

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2450

A Resolution Authorizing the Port Director to Convey an Easement Across a Fraction of Alaska Tidelands Survey No. 3, to Juneau I, LLC, for Constructing and Maintaining a Storm Drainage Line Serving the Building Occupied by the Alaska Department of Labor.

WHEREAS, the City and Borough of Juneau owns Alaska Tidelands Survey No. 3 (ATS 3), a parcel of tidelands located near the building currently occupied by the Alaska Department of Labor (ADOL); and

WHEREAS, the existing storm drain outfall pipe from the ADOL building, which was originally installed in the 1980's when the building was constructed, needs to be rebuilt and maintained to protect the ADOL building from flooding; and

WHEREAS, a portion of the storm drain outfall pipe is located on CBJ tidelands; and

WHEREAS, while in the process of preparing for the necessary reconstruction of the storm drainage outfall pipe, it was discovered that there is no known record of an easement for the existing outfall pipe that crosses City and Borough tidelands; and

WHEREAS, Juneau I, LLC has requested that the City and Borough convey an easement across a fraction of ATS 3 to Juneau I, LLC for the purpose of constructing and maintaining the storm drainage line serving the ADOL building; and

WHEREAS, the Port Director authorized early entry to the easement in July 2008 in order to accommodate the schedule for starting reconstruction of the outfall pipe, which work needed to commence as soon as possible; and

WHEREAS, the Docks and Harbors Board is authorized under CBJ 85.02.060(a)(5) to administer tideland, submerged land, and other land under its jurisdiction, and any action required by CBJ Title 53 of the City Manager may be performed by the Port Director; and

WHEREAS, at its meeting on June 26, 2008, the Docks and Harbors Board reviewed this easement request and recommended that the Assembly approve the conveyance of the easement; and

WHEREAS, at its meeting on September 9, 2008, the Planning Commission reviewed this easement request and recommended that the Assembly approve the conveyance of the easement; and

WHEREAS, the CBJ Engineering Department has also reviewed this request and has no objection to the proposed easement.

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

Section 1. Authorization. The Port Director is authorized to convey an easement to Juneau I, LLC (Grantee) on and across fractions of Lots 17 and 18, Block 67, Alaska Tidelands Survey No. 3, more particularly described in Exhibit A attached hereto, containing 1,637 square feet, more or less, of which 427 square feet is contained within Lot 17 and 1,210 square feet is contained within Lot 18; the easement shall be subject to the terms and conditions set out below.

Section 2. Terms and Conditions.

(a) Term. The easement shall be perpetual, provided the easement may need to be relocated in the future due to development of the affected tidelands parcel, which will be determined by City and Borough.

(b) Purpose and Use. The purpose of the easement shall be for the construction and maintenance of a storm drainage line, and access to the line for these purposes, serving the building currently occupied by the Alaska Department of Labor.

(c) Non-Exclusivity. The easement will be non-exclusive. The City and Borough may grant other overlapping easements or uses.

(d) Easement Price. Grantee shall pay the City and Borough the appraised market value of the easement, as determined by the CBJ Assessor or fee appraiser, in the Port Director's discretion.

(e) Survey. Grantee shall provide the City and Borough with as-built survey of the easement and improvements in accordance with City and Borough surveying standards.

(f) Construction and Maintenance of Improvements. Grantee shall be responsible for construction and maintenance of the improvements located within the easement.

(g) Relocation. The City and Borough may require Grantee to relocate its improvements, in accordance with CBJ 53.09.300(i), as that code section may be modified from time to time.

(h) Permits. Grantee shall be responsible for obtaining all authorizations and permits necessary for construction and maintenance of the storm drain outfall line.

(i) Indemnity. Grantee shall indemnify, defend, and hold harmless the City and Borough, and its employees and agents, from any and all claims arising in any way from Grantee's construction on, maintenance, or use of, the easement.

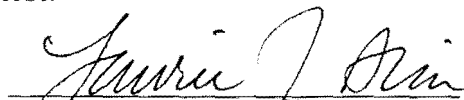
(j) Other Terms and Conditions. The Port Director is authorized to include other easement terms and conditions he finds to be in the public interest.

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

Adopted this 29th day of September, 2008.


Bruce Botelho, Mayor

Attest:


Laurie J. Sica, Clerk