

Presented by: The Manager
Introduced: 11/17/86
Drafted by: C.L.J.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1198

A RESOLUTION AUTHORIZING THE MANAGER TO GRANT AN EASEMENT ACROSS MUNICIPAL PROPERTY TO THOMAS E. KOCYBA FOR THE PURPOSE OF CONSTRUCTING A ROAD AND FURTHER AUTHORIZING THE MANAGER TO TERMINATE SAID EASEMENT AND DEDICATE THE SAME AS PUBLIC RIGHT-OF-WAY WHEN THE BEARDSLEY BAY SUBDIVISION PLAT IS RECORDED.

WHEREAS, CBJ 53.09.300 authorizes the manager to execute easements on municipally owned property upon approval of the Assembly by resolution, and

WHEREAS, Thomas E. Kocyba is seeking from the city and borough the dedication of a sixty-foot wide right-of-way encompassing approximately 47,000 square feet of municipal land within Lot 1, Block 4, and Tract C, Tee Harbor Subdivision, and Lot 2, U.S. Survey 3764, and

WHEREAS, Kocyba is seeking said right-of-way in order to provide a better alignment for a road to his property for purposes of subdividing his property, and

WHEREAS, it is in the city and borough's interest to retain fee simple title to the land underlying said right-of-way, and

WHEREAS, Kocyba or his agent will design and construct the road to city and borough standards, and pay all costs associated with said design and construction, and

WHEREAS, it is in the city and borough's interest to grant Kocyba an easement for purposes of constructing a road and to dedicate the same as a public right-of-way only after the road is constructed and shown to meet city and borough standards, and

WHEREAS, said easement/right-of-way is within the City Open Space and Park System, and

WHEREAS, said municipal property is mental health trust land, the status of which is unresolved, and

WHEREAS, at the request of the Interim Mental Health Trust Commission, the city and borough has agreed to not create any additional third-party interests on mental health trust land until the status of those lands is resolved, and

WHEREAS, the city and borough assessor has recommended Kocyba not be charged for said easement/right-of-way because the development of the road according to city and borough standards will increase the value of the adjacent city and borough property and offset the value of the easement/right-of-way, and

WHEREAS, the value of the materials to be removed from city and borough property during construction of the road has been determined to be negligible, and

WHEREAS, the community development, public works, engineering, and parks and recreation departments have reviewed the proposed easement/right-of-way request and have stated nonobjection subject to the conditions noted herein, and

WHEREAS, the planning commission recommended approval of the proposed easement/right-of-way at its meeting on June 24, 1986;

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

1. That upon resolution of the mental health trust lands issue satisfactory to the manager, the manager is authorized to grant an easement to Thomas E. Kocyba encompassing approximately 47,000 square feet of municipal property within Lot 1, Block 4, and Tract C, Tee Harbor Subdivision, and Lot 2, U.S. Survey 3764, subject to the following conditions:

a. the easement shall be surveyed in accordance with city and borough surveying standards;

b. the easement shall be nonexclusive and shall accommodate utility lines, overlapping easements, public access, or any other uses deemed in the city and borough's interest;

c. Kocyba or his agent shall design and construct said road in accordance with all city and borough road construction standards unless the assembly specifically waives certain standards;

d. Kocyba shall post a \$1,000 site restoration bond;

e. Kocyba shall be responsible for all costs incurred in the design and construction of said road;

f. Kocyba shall indemnify and hold the city and borough harmless for any liability associated with design and construction of said road; and

g. if said road is not constructed within one year after the effective date of the easement, the manager may, at his discretion, terminate said easement.

2. That the manager is authorized to grant said easement to Kocyba without imposition of a sale or lease price.

3. That the manager is authorized to terminate said easement and dedicate the same as a public right-of-way when the Beardsley Bay Subdivision plat is recorded.

4. That the manager is authorized to include additional terms in the easement which he deems to be in the public interest.

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

Adopted this 17th day of November 1986.



Mayor

Attest:


Clerk