

Presented by: Lands Comm.
Presented: 06/08/2020
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2894

A Resolution Authorizing the Manager to Convey a Driveway and Utility Easement across a Fraction of City Property in the Vicinity of 11000 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, Roger A. Ramsey and Ann-Marie Ramsey own U.S. Survey 3248, a landlocked parcel adjacent to Lot 1, U.S. Survey 3559; and

WHEREAS, Roger A. Ramsey and Ann-Marie Ramsey are seeking a driveway and utility easement across Lot 1, U.S. Survey 3559 to improve access to their property; and

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

WHEREAS, there are two similar easements through Lot 1, U.S. Survey 3559 along the proposed alignment that were granted in 2005 and 2015; and

WHEREAS, the Planning Commission reviewed this request at the June 11, 2019 meeting and recommended that the Assembly grant this easement; and

WHEREAS, the Lands Committee reviewed this request at the March 2, 2020 meeting and passed a motion of support to the Assembly to grant an access and utility easement to Roger A. Ramsey and Ann-Marie Ramsey for fair market value.

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 Lot 1, U.S. Survey 3559 to Roger A. Ramsey and Ann-Marie Ramsey, owners of U.S. Survey 3248, 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 access to serve a single family or duplex 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) Right-of-Entry. Prior to issuance of the right-of-entry, the applicant shall provide a centerline description of the driveway alignment for approval by the Director of Engineering and Public Works, or designee.

(e) Permits. The grantee shall obtain all authorizations and permits necessary to construct the driveway.

(f) Construction and Maintenance. The grantee is responsible for construction and maintenance of any and all improvements.

(g) Purchase Price. Purchase price of the easement and right-of-entry shall be fair market value, which has been determined by appraisal to be \$13,355.00.

(h) Revocation.

(1) Driveway Not Constructed. The CBJ Manager may revoke the right-of-entry if the applicant or successor-in-interest has not constructed the driveway after five years from the date of issuance of the right-of-entry. The CBJ Manager may extend the right-of-entry for good cause.

(2) Non Use. The easement shall be revoked if the easement holder does not use the driveway for a period of five years.

(3) Publically Maintained Street. The easement shall be revoked if the easement holder's property is served by a publically maintained street.

(i) Rights Retained by CBJ.

(1) Use of Driveway Alignment. The CBJ reserves the right to use portions of the easement for a street.

(2) Public Pedestrian Use. The CBJ reserves the right of public pedestrian access over, along, and across the easement.

(j) Relocation. The grantee may be required to relocate the driveway to a new location upon direction of the Assembly in accordance with CBJ 53.09.300(i).

(k) As-Built Survey. Grantee shall provide CBJ with an as-built survey of the driveway and any improvements within three months of construction.

(l) Other Terms and Conditions. The CBJ Manager may include other terms and conditions deemed to be in the public interest.


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

Adopted this 8th day of June, 2020.

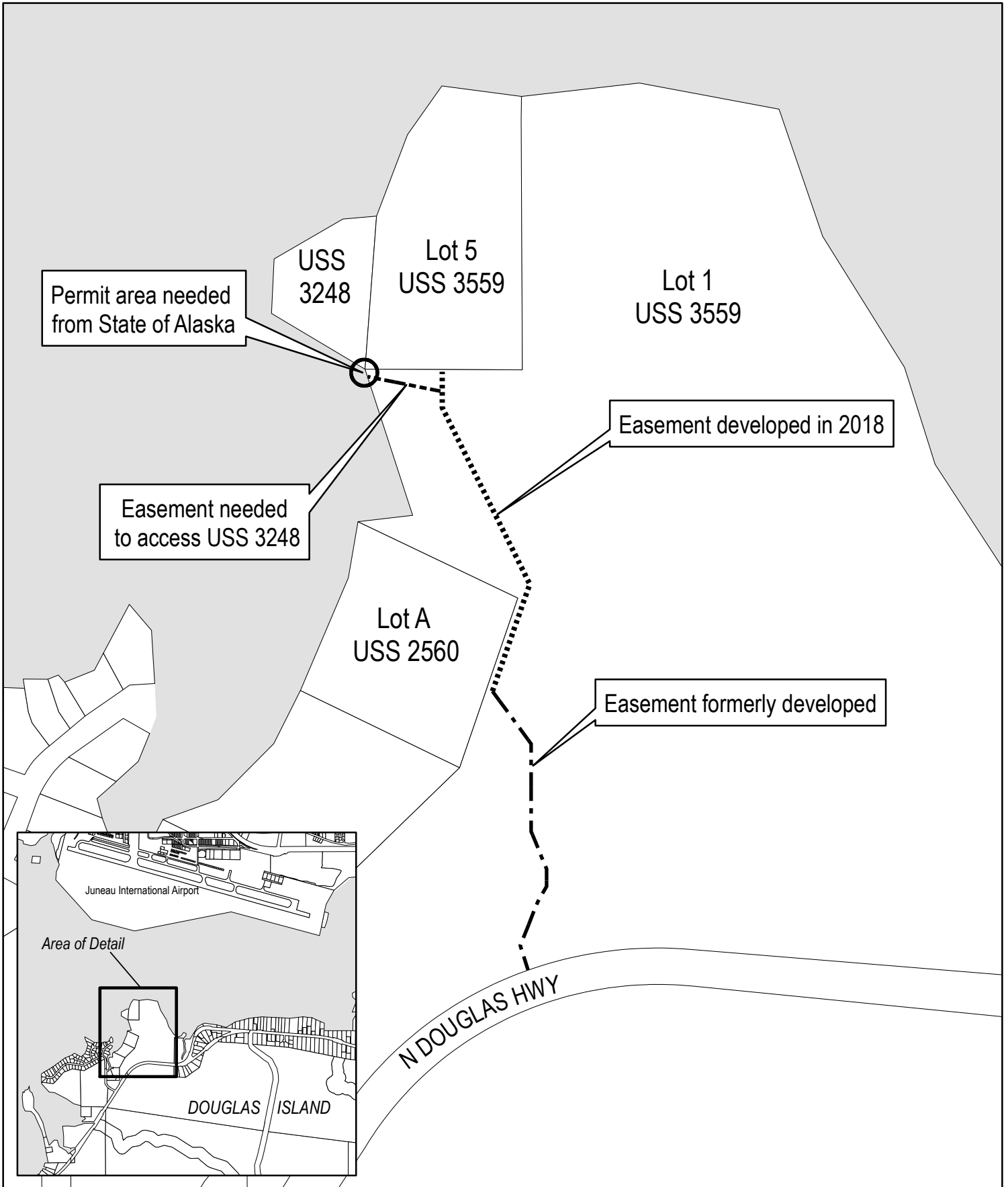


Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk



GIS project source: P:\quinn\Projects\LAW\ramsey_easement.mxd

Exhibit A
Resolution No. 2894

