

Presented by: The Manager
Introduced: 12/20/99
Drafted by: J.R. Corso

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2010

A Resolution Authorizing the Manager to Convey an Easement Adjacent to the Twin Lakes Recreation Area Bike Path and an Easement Across Lots 11, 12, 13, and 14, Block 68, Tidelands Addition, Between Whittier Street and Willoughby Avenue to WCI Cable, Inc. for the Installation, Operation, and Maintenance of a Fiber Optic Cable.

WHEREAS, WCI Cable, Inc. has applied for an easement across municipal property adjacent to the Twin Lakes Recreation Area bike path and an easement across Lots 11, 12, 13, and 14, Block 68, Tidelands Addition, between Whittier Street and Willoughby Avenue to WCI Cable, Inc. for the installation, operation, and maintenance of a fiber optic cable, and

WHEREAS, after departmental comment, the Assembly Lands Committee at its meeting of December 6, 1999, and the Planning Commission at its meeting of December 14, 1999, recommended approval of the easement pursuant to CBJ 53.09.300 subject to the terms and conditions set forth below;

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

Section 1. Authorization. The Manager is authorized to convey to WCI, Inc. a nonexclusive easement across municipal property adjacent to the Twin Lakes Recreation Area bike path and a nonexclusive easement across Lots 11, 12, 13, and 14, Block 68, Tidelands Addition, between Whittier Street and Willoughby Avenue to WCI Cable, Inc., as shown on Exhibit A and Exhibit B, respectively, for the installation, operation, and maintenance of a fiber optic cable.

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

(a) WCI shall provide an as-built survey showing the actual location and legal description of the easement upon completion.

(b) The easement shall be nonexclusive and shall be subject to overlapping easements and other uses determined by the City and Borough in its sole discretion to be in the public interest, provided that such uses shall not unreasonably interfere with use of the WCI easement.

(c) The City and Borough shall not be responsible for construction of any improvements.

(d) The area disturbed by the installation of the cable shall be restored as directed by CBJ staff. This will include grass seeding, paving, and repair of any damages to the bike path at Twin Lakes.

(e) The scheduling of the work shall be coordinated with the staff of the Parks and Recreation Department.

(f) The easement shall include a provision for the relocation of the cable at the discretion of the CBJ as necessary for public purposes. WCI will be responsible for the cost of any such relocation.

Section 3. Easement Price. The cost of the easement shall be at fair market value as determined by appraisal.

Section 4. Other Terms and Conditions. The manager may include in the easement agreement any other terms and conditions in the public interest.

Section 5. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 20th day of December, 1999.



Dennis Egan, Mayor

Attest:



Marian J. Miller, Clerk