

Presented by: The Manager
Introduced: 01/09/2006
Drafted by: J.W. Hartle

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2343

A Resolution Authorizing the Manager to Convey a Driveway and Utility Easement Across a Fraction of Lots 2 and 3, U.S. Survey 3816, on the Tip of Mendenhall Peninsula.

WHEREAS, the City and Borough of Juneau owns Lots 2 and 3, U.S. Survey 3816, a parcel of land located on the tip of Mendenhall Peninsula; and

WHEREAS, a group of seven homeowners, of the Smuggler's Cove Pioneers Neighborhood Association, desire driveway access to their landlocked properties, on Lots 1-6, U.S. Survey 3297 and A.S.L.S. 70-3; and

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

WHEREAS, comments on the proposed easement were solicited from Public Works, Engineering, Parks and Recreation, Community Development, and the Fire departments, resulting in no objections to the issuance of the easement; and

WHEREAS, the Planning Commission and the Assembly Lands Committee reviewed this proposed easement and recommended approval at their meetings July 26, 2005 and September 12, 2005, respectively.

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/utility easement, across a fraction of Lots 2 and 3, U.S. Survey 3816 to serve residences on Lots 1-6, U.S. Survey 3297 and A.S.L.S. 70-3, as generally shown in Exhibit A, subject to the terms and conditions established herein.

Section 2. Terms and Conditions.

- (a) The easement shall be perpetual.
- (b) The easement shall be revoked if the homeowners do not use the driveway for a period of five years.
- (c) The easement shall be revoked if the homeowners' property is served by a dedicated, constructed City and Borough street.
- (d) The City and Borough reserves the right to utilize portions of the driveway alignment for a dedicated City street.
- (e) The easement shall be used to serve single family or duplex residences on the homeowners properties. No commercial use is allowed.
- (f) Electric, telephone, water and sewer lines may be located in the easement corridor.
- (g) The easement is not exclusive. The City and Borough may grant other overlapping easements.
- (h) The homeowners are responsible for construction and maintenance of any improvements.
- (i) The City and Borough reserves the right of public pedestrian access along the easement.
- (j) The homeowners may gate the driveway to control vehicular access.
- (k) The homeowners shall provide an as-built survey of the driveway once constructed.
- (l) The driveway may be relocated to a new location upon direction of the Assembly in accordance with CBJ 53.09.300(i).
- (m) The homeowners shall obtain all authorizations and permits necessary to construct the driveway.
- (n) The cost of the easement shall be at the fair market value of \$32,400, as determined by appraisal.

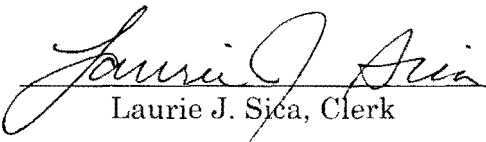
- (o) Such other terms or conditions as the Manager finds to be in the public interest.

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

Adopted this 9th day of January, 2005.


Bruce Botelho, Mayor

Attest:


Laurie J. Sica, Clerk