

Presented by: The Manager  
Introduced: 04/02/2007  
Drafted by: J.W. Hartle

## RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2398(b)

### **A Resolution Authorizing the Manager to Convey Two Related Easements, One Near the Thane Wastewater Treatment Plant and a Second Near Dock Street in Douglas, to GCI Communication, for a Submersible Fiber Optic Cable.**

WHEREAS, GCI Communication Corp. ("GCI") is undertaking upgrades in Juneau in order to create a system redundancy and circuit protection for fiber optic links; and

WHEREAS, to achieve that goal, GCI has installed a submarine cable between Lena Point and Douglas to connect to the company's existing fiber cable in downtown Douglas; and

WHEREAS, to complete its upgrades, GCI has requested two easements over municipal property, one in the vicinity of the Thane Wastewater Treatment Plant and the other near Dock Street in Douglas, as shown on Exhibits A, B, and C, for the purpose of connecting the company's Douglas installation to its Thane Road earth station; and

WHEREAS, the Dock Street property is under the jurisdiction of CBJ Docks and Harbors, and the Thane Wastewater Treatment Plant property is managed by the CBJ Public Works Department; and

WHEREAS, the CBJ Public Works Department has reviewed the proposed project and does not object to issuance of the easements; and

WHEREAS, the Assembly Lands Committee, the CBJ Docks and Harbors Board, and the Planning Commission reviewed and recommended approval of the easements at their meetings on January 22, 2007, January 25, 2007, and February 27, 2007, respectively.

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

**Section 1.** Authorization. Authority is granted as follows for the conveyance of two easements to GCI Communication Corp., each easement being ten feet wide, centered on the final as-built cable route:

The Manager is authorized to convey an easement encompassing a fraction of Tract A, ATS 556, near the Thane Wastewater Treatment Plant, as generally shown on Exhibit B; and

The Port Director is authorized to convey an easement encompassing a fraction of ATS 14, near Dock Street, as generally shown on Exhibit C.

**Section 2. Terms and Conditions.**

- (a) Purpose. The purpose of the easements shall be solely for the construction and maintenance of a fiber optic cable.
- (b) Term. The easements shall be for 25 years with one renewal option for an additional 25 years.
- (c) Non-Use and Abandonment. The easements may be revoked if at any time during the term of the easements, the easement holder ceases to use the easements for a period in excess of two years.
- (d) Non-Exclusivity. The easements will be non-exclusive. The City and Borough may grant other overlapping easements or uses.
- (e) Easement Price. GCI shall pay the City and Borough the appraised market value of the easements, as determined by the City Assessor or fee appraiser.
- (f) Survey. GCI shall provide as-built surveys in accordance with City and Borough surveying standards.
- (g) Relocation. The easements shall be subject to CBJ 53.09.300(i), as it may be modified from time to time, pertaining to the relocation of the easements and improvements.
- (h) Permits. GCI shall obtain all authorizations and permits necessary for construction and maintenance of a fiber optic cable.

- (i) Indemnity. GCI shall indemnify, defend, and hold harmless the City and Borough, its employees and agents, from any and all claims arising in any way from GCI or its agents construction on, or use of, the easement. GCI shall not be obligated to indemnify, defend or hold harmless any party to the extent of such party's own negligence.
- (j) Other Terms and Conditions. The Manager and Port Director are authorized to include other easement terms and conditions in the public interest.

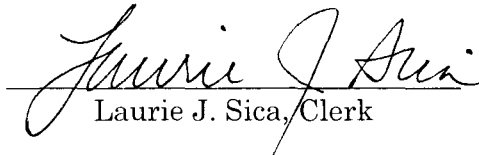
**Section 3. Effective Date.** This resolution shall be effective immediately upon adoption.

Adopted this 2<sup>nd</sup> day of April, 2007.



Bruce Botelho, Mayor

Attest:



Laurie J. Sica, Clerk