

Presented by: The Manager
Introduced: 08/07/95
Drafted by: C.L.J./J.R.C.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1776

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE AN EASEMENT ENCOMPASSING APPROXIMATELY .73 ACRES OF CITY AND BOROUGH-OWNED LAND TO MYRON KLEIN, FOR MAINTENANCE OF A WATER LINE.

WHEREAS, pursuant to CBJ 53.09.300, the manager is authorized to execute easements on city and borough-owned land upon such terms and conditions as authorized by the Assembly by resolution, and

WHEREAS, Myron Klein ("Klein") is owner of Churchill Park, a trailer park in the Switzer Creek area, and

WHEREAS, Klein has applied for an easement 30 feet in width by approximately 1,061 feet in length, encompassing approximately .73 acres, across city and borough property, described as a fraction of Tract A1, Lot 3, U.S. Survey 5504, and

WHEREAS, the easement is intended to accommodate an existing water line service which extends from a natural spring located on the city and borough property (and within this easement), through State of Alaska property, to Klein's trailer park where it serves trailer park tenants as well as a commercial lessee, a water bottling company, and

WHEREAS, Klein will need to obtain a similar easement from the State of Alaska to authorize his use of State lands, and

WHEREAS, the Assembly Lands Committee reviewed the proposed easement at its meeting June 14, 1995, and recommended approval subject to several conditions which have been included in this resolution, and

WHEREAS, the Planning Commission reviewed the proposed easement at its meeting June 25, 1995, and recommended approval subject to the conditions set forth in this resolution;

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

Section 1. Lease of Easement Authorized. The manager is authorized to issue an easement encompassing approximately .73 acres, across a fraction of Tract A1, Lot 3, U.S. Survey 5504, to Klein for the sole purpose of maintaining a water line to serve the residents of Churchill Park for their domestic use and to serve Klein's lessee, a water bottling company.

Section 2. Term. The term of the easement shall be twelve years with one ten-year option to renew by Klein.

Section 3. Payment. The annual payment shall be the fair market value determined by the city and borough assessor or a qualified appraiser whose work is subject to approval by the assessor. The rate shall be reviewed and adjusted after every five years during the term of the easement and the renewal period. The easement holder shall bear the cost of all appraisals required under this section.

Section 4. Relocation of Water Line. The easement holder shall be required at his sole expense to relocate or remove the water line at such time as the city and borough elects to use the easement property for other purposes. The city and borough shall not be liable to the easement holder for reimbursement of any expenses or compensation for any losses or damages, including any loss of business, suffered by the easement holder or others arising from the relocation or removal of the water line. The city and borough makes no assurance that the easement holder will be allowed to relocate the water line onto other city and borough property.

Section 5. Survey. The easement holder shall provide to the city and borough, for its approval, a survey plat of the easement prior to the grant of the easement.

Section 6. Other Uses. The easement shall be nonexclusive and shall accommodate public access, overlapping easements, or any other uses deemed in the city and borough's interest.

Section 7. Water Quality Protection. The easement holder shall be solely responsible for any regulatory requirements pertaining to preparation of and compliance with watershed or wellhead protection plans as they relate to use of the natural spring. The easement holder shall bear all costs associated with such compliance.

Section 8. Additional Impacts to City and Borough Land. The easement is limited to the current extent and type of use. If, for any reason, the easement holder desires a more exclusive use or restrictions on other users of the easement, a modification of the easement must be applied for under CBJ 53.09.300. This easement does not give the holder any rights

to restrict any uses of the adjoining city and borough lands. If, for any reason, the easement holder desires any use of or restrictions upon adjoining lands, an application must be made for such use under CBJ 53.09.300.

Section 9. Assignability. The easement may be transferred or assigned, if the ownership of the benefitted property changes, under the same terms and conditions, upon the prior written consent of the manager.

Section 10. Other Conditions. The manager may add other terms and conditions determined to be in the public interest and consistent with CBJ 53.09, Management of Real Property.

Section 11. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 7th day of August, 1995.



Mayor

Attest:



Clerk