

Presented by: The Manager
Introduced: 06/15/98
Drafted by: J.R. Corso/C.L. Johnson

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1939

A Resolution Authorizing the Manager to Grant an Easement to Marion Hobbs for Construction and Maintenance of a Driveway and Utilities to Serve a Residential Lot Located Along Lena Loop Road.

WHEREAS, Marion Hobbs owns a steep residential lot described as Lot 1, Point Lena View Subdivision, located on the north side of Lena Loop Road, and

WHEREAS, the City and Borough is the owner of the adjacent property, Lot 2, Lena Marie Subdivision, and

WHEREAS, Mr. Hobbs has applied for an easement across the City and Borough property in order to construct a driveway to his property at a gentler grade than what might be possible if he were to develop a driveway entirely on his own lot, and

WHEREAS, the easement might also be used as a utility corridor to serve Mr. Hobbs' residential lot, and

WHEREAS, the City and Borough parcel was offered for sale through a competitive sealed bid process in 1997 but was not sold due to lack of bidders, and

WHEREAS, the City and Borough proposes to offer the lot in an upcoming land sale, and

WHEREAS, sale of the easement will not significantly affect the value of the lot because of its large size and the availability of suitable development sites located outside of the easement area, and

WHEREAS, the Assembly Lands Committee recommended approval of the easement at its meeting of May 13, 1998, and

WHEREAS, the Planning Commission recommended approval of the easement at its meeting of June 9, 1998;

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


Section 1. Authorization. The manager is authorized to grant an easement to Marion Hobbs subject to the following conditions:

- a) Non-Exclusivity. The easement shall be non-exclusive.
- b) Purpose. The easement shall be for the sole purpose of installing and maintaining a driveway and utilities serving one single-family residence and one accessory apartment, located on Lot 1, Point Lena View Subdivision.
- c) Payment. Applicant shall pay fair market value for the easement, as determined by the City Assessor. Payment to the City and Borough shall be made in full prior to grant of the easement.
- d) Termination. The easement or authorization to issue the easement shall terminate if the driveway is not constructed within five years after adoption of this resolution, if it is used for reasons other than specified in the easement document, or if it is abandoned for a period in excess of five years.
- e) Modification of Pedestrian and Buffer Easement. The applicant shall be responsible for obtaining the necessary approvals to alter the Lena Marie Subdivision plat, modifying the existing 60-foot wide pedestrian and buffer easement at the location it intersects the proposed driveway easement, and replacing it with a minimum 30-foot wide pedestrian and buffer easement at a location that will provide suitable pedestrian access to the adjoining city and borough lands. Alignment and construction plans shall be approved by the Manager.
- f) Survey and Legal Description. The applicant, at his expense, shall provide an as-built survey and legal description of the easement.

Section 2. Other Terms and Conditions. The Manager may include in the easement other terms and conditions as the Manager determines to be in the public interest.


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

Adopted this 15th day of June, 1998.



Dennis Egan, Mayor

Attest:



Marian J. Miller, Clerk