

Presented by: The Manager  
Introduced: 05/07/84  
Drafted by: S.G.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1030(am)

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A LEASE FOR AN EASEMENT ACROSS A PORTION OF LOT 3, U.S.S. 5504 TO HIDDEN VALLEY ASSOCIATES FOR THE PURPOSE OF PROVIDING ACCESS TO PROPERTY IN LEMON CREEK VALLEY.

WHEREAS, Hidden Valley Associates has requested an easement for the purpose of opening a gravel removal operation within Lemon Creek Placer Mining Claim, USMS No. 526, and

WHEREAS, Hidden Valley Associates has received a conditional use permit from the Planning Commission for said gravel operation, and

WHEREAS, after departmental review, the Planning Commission at its meeting of April 24, 1984, recommended approval of said easement upon certain terms and conditions, and

WHEREAS, the assembly concurs with said terms and conditions, and

WHEREAS, the assessor has within the last ninety days established the appraised rental value of the easement at \$0.05 per ton of gravel hauled;

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

1. The manager is authorized to execute the lease of an easement up to 60 feet wide in favor of Hidden Valley Associates across a portion of Lot 3, U.S.S. 5504, all in the Juneau Recording District, First Judicial District, Juneau, Alaska for the purpose of providing access to Lemon Creek Mining Claim, USMS No. 526.

2. That the lease shall be for a term of ten years and subject to the following conditions:

- a. The manager shall reserve the right for the city and borough to utilize said easement for access to adjacent municipal lands and to assign or license this right to other parties.
- b. The city and borough shall be reimbursed for any timber cut or removed from the easement. The manager shall establish the value of such timber and require that it be removed from the city and borough property.

- c. The roadway shall be constructed to U. S. Forest Service haul road standards except as such standards may be modified by the director of the engineering department. No construction may be commenced until the manager has approved the centerline alignment of the road and the engineering department has approved the plans and specifications for the road. The road shall be built in accordance with said plans.
- d. Hidden Valley Associates shall grant to the City and Borough of Juneau access through the Lemon Creek Placer Claim (USMS 526), Neptune Placer Claim No. 3 (USMS 585) and the Glacier Placer Claim (USMS 582) and shall grant such access through Alpha Placer Claim (USMS 609) as is within its power. Such access shall be an easement at least 60 feet in width for access to abutting or nearby municipally owned property for the City and Borough of Juneau, its successors, assigns and designees.
- e. Hidden Valley Associates shall have an option to renew the lease for ten years upon the condition that the road be brought up to city and borough residential road standards, except for any requirement for paving, unless the assembly, at the time of the renewal request, waives or reduces such requirement for renewal.

3. That the rental rate for the first three years shall be based on a royalty payment of \$0.05 per ton of gravel hauled over the easement. Thereafter, the rate shall be adjusted not more often than annually to an amount determined by the assessor to be the market rate. The assessor's determination may be appealed to the assembly.

4. That the manager may include in the lease such other terms and conditions as may be substantially consistent with this resolution and as he may determine are necessary to protect the public interest.

5. That the lease shall be effective upon execution.

Dated this 11th day of May, 1984.

  
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Mayor

Attest:

  
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Clerk