

Presented by: The Manager
Introduced: 06-03-76
Referred to:

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 371

A RESOLUTION AUTHORIZING AN EXCHANGE OF QUITCLAIM DEEDS BETWEEN THE CITY AND BOROUGH AND THOMAS K. AND ELEANOR R. DOWNES TO CLEAR CLOUD ON CITY AND BOROUGH PROPERTY AND PROVIDING FOR A CONSTRUCTION EASEMENT TO FACILITATE CONSTRUCTION ON THE CAPITOL ELEMENTARY SCHOOL THIS SUMMER.

WHEREAS, in 1927, Mr. H. R. Vander Leest tendered an option to the City of Juneau to exchange a portion of Lot 7 for a portion of Lot 1 in Block 22 of the townsite of Juneau, Alaska, and

WHEREAS, the City by resolution dated July 30, 1928 authorized the exchange of the property, and

WHEREAS, the City complied with the terms of the option and the resolution by transferring a portion of Lot 1, Block 22 to the Vander Leests, and

WHEREAS, there is evidence in the form of an affidavit signed by the Vander Leests and additional indications in tax and school records that the Vander Leests also complied with the terms of the option and resolution by transferring a portion of Lot 7 to the City of Juneau, but no deed from the Vander Leests to the City can be found, and

WHEREAS, the Thomas K. and Eleanor R. Downes, or their predecessors in interest, appear to have used, occupied and held a portion of Lot 7, Block 22 adversely to all the world since at least 1936, and claim title to such parcel by adverse possession, and

WHEREAS, the City and Borough of Juneau, successor in interest to the City of Juneau, requires access across said portion of Lot 7, Block 22, this summer in order to construct a staircase on the Capitol Elementary School, and requires an additional permanent easement for street access from this staircase, and

WHEREAS, a law suit to clear cloud on title would be both costly and time consuming, and

WHEREAS, the Downes have agreed to a compromise which will fairly resolve the legal interest of both the

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Downes and the City and Borough of Juneau in the property in question and will allow construction on the school to proceed on schedule, and

WHEREAS, the compromise will give the City and Borough of Juneau clear title to the property on which Capitol Elementary School is located including the stairs to be built this summer, a permanent four-foot wide easement from the stairs across Lot 7, Block 22, plus a construction easement to enable use of a portion of Lot 7, Block 22, by the contractor remodeling the Capitol Elementary School, and

WHEREAS, the assembly finds that it is in the public interest to resolve this boundary dispute,

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

1. That the manager is hereby authorized to execute and deliver a quitclaim deed to Thomas K. and Eleanor R. Downes for a portion of Lot 7, Block 22 of the Townsite of Juneau, Alaska, reserving a permanent four-foot wide easement for access to Sixth Street.

2. That in consideration for the above-mentioned quitclaim deed the manager is hereby directed to obtain a quitclaim deed from Thomas K. and Eleanor R. Downes for all of Lot 7, Block 22 excepting only that portion held by them and is authorized to obtain an agreement from Thomas K. and Eleanor R. Downes for a construction easement across a portion of Lot 7, Block 22.

3. That the manager is further authorized to attempt to obtain such quitclaim deeds from the heirs of H. R. and Alexandria Vander Leest as are necessary to further clear cloud on title.

Adopted this 3rd day of June, 1976.



Mayor

Attest:



Clerk