

Presented by: The Manager  
Introduced: 06/17/82  
Drafted by: J.R.C.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 863

A RESOLUTION DECLARING A 60-FOOT RIGHT-OF-WAY THROUGH LANDS HELD OR TO BE HELD BY THE CITY IN THE LEMON CREEK AREA AVAILABLE FOR GRANT OF A NON-PERPETUAL EASEMENT TO HIDDEN VALLEY ASSOCIATES; AND AUTHORIZING THE MANAGER TO NEGOTIATE AND EXECUTE SUCH GRANTS AND AGREEMENTS AS ARE NECESSARY.

WHEREAS, Hidden Valley Associates, an Alaska limited partnership, desires a temporary easement across a portion of Lot 4, U. S. Survey 5504 and portions of Juneau Elimination Survey 1762, management authority for which has been conveyed and title to which is expected to be conveyed from the State of Alaska to the City and Borough, and

WHEREAS, said easements will, together and in combination with easements across property owned by other parties, provide Hidden Valley Associates with access to property owned by it on U. S. Mineral Surveys 582, 585, and 526, and

WHEREAS, the Planning Commission has reviewed the proposed easements, and

WHEREAS, the Assembly finds that creation of the desired access will inure to the benefit of the City and Borough;

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

1. That an easement 60 feet in width and approximately 5,000 feet in length across Lot 4, U. S. Survey 5504 and Juneau Elimination Survey 1762 is available for a temporary easement to Hidden Valley Associates for up to twenty years for the purpose of constructing an access road.

2. That the manager is authorized to execute such easement instruments, concurrences and other agreements as may be necessary to permit construction by Hidden Valley Associates of the desired access road. Such agreements shall include, in substance, the following conditions; significant variations from the intent of which may be accomplished only upon the approval of the Assembly by motion:

A. All road construction within the easement shall be to minimum standard City and Borough specifications.

B. No construction shall commence until the City and Borough has inspected and approved the proposed road centerline within the easement.

C. Hidden Valley Associates shall cut and deck alongside the road for collection, use or disposal by the City and Borough or its designees all trees necessarily removed for construction purposes.

D. Upon termination of the easement to Hidden Valley Associates, title to all improvements shall be in the City and Borough.

E. Consideration for the easement shall be the vesting in the city of title to all improvements, construction of the road by Hidden Valley Associates, and performance by Hidden Valley Associates of any maintenance necessitated by its use of the road.

3. The manager may include in all instruments authorized under this resolution such terms and conditions as he believes are reasonable or are necessary to protect the public interest, including terms and conditions regarding shared-cost maintenance of any of the above-described easements used jointly by the city and others.

Adopted this 1st day of July, 1982.

  
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Mayor

Attest:

  
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Clerk