

# General Conditions

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## Title and Restrictions/Reservations

The CBJ acquired its land at Lena Point from the State of Alaska and the Alaska Mental Health Trust Authority. In conveying their properties to the CBJ, each conveyed the surface estate only, retaining their rights to the subsurface estate, which includes rights to explore and extract oil, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, as provided by state law.

In this land sale the CBJ will be conveying its interest in the surface estate. The State of Alaska and the Alaska Mental Health Trust Authority remain owners of the subsurface estate.

Some portions of the South Lena Subdivision were originally acquired by the CBJ by patent. Lots within the South Lena Subdivision that were acquired by the municipality through patent will be conveyed to successful bidders in this land sale by warranty deed.

The central portion of the CBJ's subdivision was acquired by the CBJ by quitclaim deed. Those lots that lie within the area deeded to the CBJ by quitclaim deed will be conveyed to successful bidders in the land sale by quitclaim deed.



The preliminary title report indicates some lots may be subject to water rights that benefit nearby property owners. Questions about water rights can be answered by Alaska Department of Natural Resources (DNR) staff at (907) 586-3400.

All lots offered in this land sale are restricted from further subdivision by plat note # 4 on the recorded subdivision plat, Plat No. 2006-57.

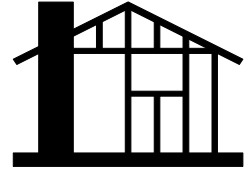
The CBJ will convey its property subject to all existing reservations of record.

Purchasers of CBJ land are required to obtain title insurance. The City will provide a list of three title insurance companies upon a successful bid.

Potential bidders are encouraged to examine the preliminary title report available online. Go to [www.juneau.org](http://www.juneau.org), under "News Items" select "Spring 2016 Lena Land Sale". Purchasers are encouraged to seek any advice on title quality from a title professional or attorney.

## Improvements

Purchasers are responsible for properly locating improvements on their property and obtaining all necessary permits. Improvements must comply with all building setback requirements and all other applicable federal, state, and local regulations and permit requirements. Contact the CBJ's Community Development Department at (907) 586-0715 for information about setbacks and zoning regulations that apply to individual parcels.



Portions of the subdivision encompass areas with steep slopes and bluffs, particularly in the northwestern part of the subdivision. Some parts of individual lots may not be suitable for development.

Potential bidders should physically inspect the property, prior to placing their bids, to ensure the property satisfactorily meets their needs and development goals.

## Wetlands

Many lots within this subdivision include areas identified as wetlands under the jurisdiction of the U.S. Army Corps of Engineers (Corps). Dredging or filling of these wetlands requires a Corps permit.

The CBJ received a Corps fill permit, POA-1996-19-M, for the South Lena Subdivision lots. The permit allows fill to be placed in certain wetland areas in order to accommodate development. In accordance with the permit, the quantity of fill that can be placed on wetlands varies from lot to lot. The quantity of fill permitted for each lot is specified in the "Parcel Descriptions and Maps" section of this brochure, beginning on page 9. The Corps permit also specifies where fill may be placed on each lot. The permit is available online at [www.juneau.org](http://www.juneau.org), under "News Items," "Spring 2016 Lena Land Sale." Purchasers will be given a copy of the permit at closing and asked to sign an acknowledgement and release related to the development of wetlands. The current fill permit is valid until October 31, 2016. The City is currently evaluating the option to renew and extend the permit.



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Purchasers have the choice of filling their lots in accordance with the conditions of Corps permit POA-1996-19-M, or independently seeking their own permit from the Corps. Purchasers who elect to develop their lots, based on the stipulations of POA-1996-19-M, must strictly adhere to the permit conditions. Violation of the permit conditions will be deemed to be wetland fill activity performed without a Corps permit, and may be prosecuted and/or subject to federal enforcement actions.

Property owners whose development plans call for placing more wetland fill than permitted for their lot, or placing fill in an alternate location or configuration than provided for in Corps permit POA-1996-19-M, must apply to the Corps and receive a separate permit prior to commencing any fill activities.

Like the Corps, the CBJ Planning Commission is interested in protecting wetlands in the Lena area and has limited the maximum amount of fill that can be placed in wetlands on any one lot. That limit, established on the subdivision plat, restricts the fill area for drainfields and housepads (this limit does not apply to driveways) to 12,000 square feet on any lot with wetlands. Development that will exceed the 12,000 square foot wetland fill limit is required to receive CBJ Planning Commission approval prior to commencing any fill activity. This approval is in addition to any permit requirements of the Corps.

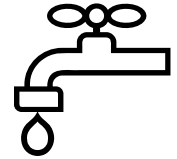
## Eagle Nests

There are currently two (2) known eagle nest trees situated within the South Lena Subdivision, one on Lot 1, Block B, and the other on Lot 4, Block B. Development restrictions vary and are applied based on distance from nest, type of construction activity, season, and whether the nest is active or inactive. Prospective buyers are encouraged to discuss any questions they might have regarding eagle nests and building restrictions with staff at the CBJ's Community Development Department, (907) 586-0715.

## Water, Electric, Cable, and Telephone

As part of this subdivision, the CBJ installed water, electric, cable, and telephone utilities to each lot.

Electric, cable, and telephone utilities run underground along Ocean View Drive, but are overhead along the Point Lena Loop Road.



## Sewer

Sewer lines from municipal treatment plants do not reach Lena Point, and there are no plans to extend sewer lines to Lena Point in the future. Therefore, upon developing their properties, landowners will need to install individual onsite wastewater treatment and disposal systems (OWTDS).

Property owners will be responsible for maintaining their OWTDS. In addition, property owners will be required to have a customer service agreement for system inspection, monitoring and sludge pumping services either with a manufacturer-certified contractor approved by the CBJ or, for a monthly service fee, with the CBJ.

At the time of printing this brochure, the CBJ fee is \$64.13 per month. This fee will be subject to periodic review and rate adjustments, in the same manner as other CBJ utilities.

**Property owners will be responsible for maintaining their OWTDS. In addition, property owners will be required to have a customer service agreement for system inspection, monitoring and sludge pumping services either with a manufacturer-certified contractor approved by the CBJ or, for a monthly service fee, with the CBJ.**

In addition to adhering to the CBJ's pertinent laws and regulations, property owners must also comply with the State of Alaska's statutes and regulations. Contact the Alaska Department of Environmental Conservation (ADEC) at (907) 465-5167 for information on the State of Alaska's requirements for OWTDSs or visit its website at:

[http://www.dec.state.ak.us/water/wwdp/onsite/ww\\_planreview-cklist.htm](http://www.dec.state.ak.us/water/wwdp/onsite/ww_planreview-cklist.htm)

ADEC and the CBJ endeavor to make the OWTDS plan review process both thorough and efficient. Toward that end both organizations are committed to working together to ensure a smooth review process. See Appendices

A and B for the complete CBJ regulations pertaining to OWTDSs. Refer to Appendix C for a description of the permit process for installing an OWTDS.

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Due to a high water table in this area, property owners may need to use options that will enhance performance of their OWTDSs such as importing soils to create a mound drainfield. It may also be necessary to protect the drainfield from surface water runoff by constructing ditches to divert runoff around the drainfield. Topographic constraints on some lots might curtail the number of options for siting an OWTDS on those lots. Property owners should work with their selected engineer to evaluate options most suitable for their specific lots.

## Special Conditions

In addition to the General Conditions described on pages 4 through 6, that apply to all of the lots offered for sale, there are also Special Conditions that apply to specific lots. Each Special Condition, described below, is labeled by a code letter. Beginning on page 9 of this brochure, each lot offered for sale is identified with maps and a brief description of the parcel followed by a list of codes that indicate which Special Conditions apply to that parcel.

The CBJ has made its best effort to include descriptions of conditions and restrictions that might be of interest to potential bidders. There might be other restrictions and conditions not included in the list below that apply to the subdivision lots. Potential bidders are encouraged to consult title and legal specialists for any advice on these matters.

**A** A federal access easement (BLM case number A-061617) affects this lot as well as several other lots in the South Lena Subdivision. The degree of impact of this easement on the subdivision lots varies from lot to lot. Prospective buyers should examine the survey plat to determine the impact of this easement on the lots of interest to them. Through the subdivision area, this easement roughly follows and, in many places, overlaps the alignment of Ocean View Drive. The federal easement predates the creation of this subdivision and the construction and dedication of Ocean View Drive. Due to the redundancy of the federal easement, the CBJ has requested the

federal government vacate that portion of its easement that affects the CBJ's subdivision lots. However, it is unknown if or when the federal government will vacate this easement. The CBJ makes no guarantees as to the outcome of its request for the vacation of this easement.

- B** In accordance with plat note # 7 of the South Lena Subdivision plat, ground cover shall be retained for 25 feet bordering Point Lena Loop Road unless it is demonstrated to the CBJ Community Development Department staff that wetlands can be preserved through other means.
- C** In accordance with plat note #9, Lot 4 with frontage along both Point Lena Loop Road and Ocean View Drive, will be allowed access from Ocean View Drive only.
- D** This lot is subject to a 20-foot-wide electric utility easement.
- E** A 15-foot-wide drainage easement is reserved along the eastern lot line.
- F** Lots 9 and 10, Block A are subject to a 30-foot-wide common access easement for the benefit of Lots 9 and 10; this easement is located 15 feet either side of the northern portion of the lot line between Lots 9 and 10. This easement is also reserved for utilities and drainage.
- G** A portion of this lot was formerly owned by the Alaska Mental Health Trust Authority (Trust). The CBJ received title to the Trust property in the form of a quitclaim deed. The CBJ will, therefore, convey this lot by quitclaim deed.
- H** An eagle nest tree is located on this lot. Contact CBJ's Community Development Department at 586-0715 regarding development restrictions in the vicinity of eagle nests.
- I** During construction of Ocean View Drive, Lots 2 and 3, Block A, South Lena Subdivision were filled with organic overburden. These materials

were found to be unacceptable for foundation support and subsequently excavated and replaced in lifts with acceptable gravel and shot rock materials.



stricted to Ocean View Drive only. The CBJ will not accept applications for alternative access proposals off of Merganser Road or through CBJ owned property within Block E.

The unsuitable soils were excavated to what was felt to be in-situ soils. The excavation area measured 40 feet by 80 feet which was to be the designated area that any residence constructed within said lots was to be placed. After excavation, the proposed building site was backfilled with approved gravels or shot rock to form a building pad on each lot. The backfilling was conducted in lifts measuring two feet or less in height and consolidated by heavy equipment. The 40 foot by 80 foot building pads located on Lots 2 and 3, Block A, South Lena Subdivision were;

- Constructed in accordance with the project plans and specifications and are
- Located as shown on the as-built drawings prepared by Toner-Nordling and Associates, Inc. for Lena Access Road Contract No. E02-210, and are
- Suitable for constructing a single family residence with a standard spread footing foundation.
- Lot 2 has 9 feet to 11 feet of the shot rock material.
- Lot 3 has a minimum of 7 feet of the shot rock material. The allowable soil design bearing pressure value shall be a minimum of 1,500 psf.

J Lot 2, Block A is subject to a perpetual 20 foot wide sewer maintenance easement for the benefit of Lot 3, Block A.

K. Lot 8, Block C is subject to a 25-foot by 75 foot access and utility easement for the benefit of the adjoining Lot 7, Block C.

L. Access to Lots 6 through 11, Block C are re-