Presented by: The Manager
Introduced: 09/18/89
Drafted by: C.L.J.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1402

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A LEASE OF AN EASEMENT ENCOMPASSING APPROXIMATELY 31,828.50 SQUARE FEET OF CITY AND BOROUGH OWNED LAND TO ALASKA PURE MOUNTAIN SPRING WATER, INC., FOR INSTALLATION AND MAINTENANCE OF A WATER LINE.

WHEREAS, pursuant to CBJ 53.09.300 the manager is authorized to execute easements on city and borough owned land upon such terms and conditions as authorized by the Assembly by resolution, and

WHEREAS, Alaska Pure Mountain Spring Water, Inc. (APMSW), has applied for an easement 30 feet in width, encompassing approximately 31,828.50 square feet of city and borough owned land located within Tract A, Lot 3, U.S. Survey 5504, north of the Lemon Creek correctional facility, and

WHEREAS, the easement is to be used by APMSW for the sole purpose of installing and maintaining a water line for transporting water to a commercial water bottling facility, and

WHEREAS, the city and borough assessor has determined the annual fair market value of the easement to be $254.62, and

WHEREAS, the Assembly Lands Committee and the Planning Commission reviewed and recommended approval of the easement, subject to conditions set forth in this resolution, at their meetings on July 19, 1989, and August 8, 1989, respectively;

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

1. Lease of Easement Authorized. The manager is authorized to execute a ten-year lease of an easement of a portion of Tract A, Lot 3, U.S. Survey 5504, Juneau Recording District, encompassing approximately 31,828.50 square feet of land, to APMSW subject to the conditions set forth herein.

2. Annual Easement Charge. The annual charge for the easement shall be $254.62, which has been determined by the city and borough assessor to be the annual fair market value of the easement.

3. Survey. Prior to execution of the easement, the applicant shall provide to the city and borough, for its approval, a plat of the easement survey. The survey plat must be certified by a land surveyor licensed in the State of Alaska.

4. Relocation of Water Line. The easement holder shall be required at its sole expense to relocate its water line at such time as the city and borough elects to use the easement property for other purposes. The city and borough shall not be liable to the easement holder for reimbursement of any expenses or compensation for any losses or damages suffered by the easement holder or others arising out of the relocation of the water line. The city and borough makes no guarantee that the easement holder will be allowed to relocate the water line onto other city and borough-owned land.

5. Purpose. The easement shall be for the sole purpose of installing and maintaining a water line for transporting water to a commercial water bottling facility.

6. Other Uses. The easement shall be nonexclusive and shall accommodate public access, overlapping easements, or any other uses deemed in the city and borough's interest.

7. Assignability. The easement is transferable or assignable, under the same terms and conditions, only upon the prior written consent of the city and borough manager.

8. Applicability of CBJ Title 53. The easement shall be subject to the terms and conditions of easements and leases set forth in Title 53 of the code of the city and borough in effect on the effective date of this resolution.

9. Other Terms and Conditions. The manager may include in the easement such other terms and conditions as may be determined to be in the public interest.

10. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 18th day of September, 1989.

Bruce M. Botelho
Mayor

Attest:

Patty Ann Pollen
Clerk