Presented by: The Manager
Introduced: 12/05/88
Drafted by: C.J./S.J.F.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1343

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A LEASE OF AN EASEMENT OF A PORTION OF LOT 5, U.S. SURVEY NO. 3820, JUNEAU RECORDING DISTRICT, ENCOMPASSING APPROXIMATELY 450 SQUARE FEET OF LAND.

WHEREAS, Richard and Diane Wirth have applied for an easement of a portion of Lot 5, U.S. Survey No. 3820, Juneau Recording District, encompassing approximately 450 square feet of land, for the purpose of maintaining an existing pumphouse and stairs to the pumphouse which service the property located at 11890 Glacier Highway in Juneau, Alaska, and

WHEREAS, after review by the community development department, the Planning Commission, at its meeting of October 25, 1988, recommended approval of the application upon certain terms and conditions, and

WHEREAS, the city and borough assessor has, within the last ninety days, determined the appraised rental value of the easement for the term thereof to be negligible;

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

1. That the manager is authorized to execute a thirty-five year lease of an easement of a portion of Lot 5, U.S. Survey No. 3820, Juneau Recording District, encompassing approximately 450 square feet of land, at no cost to Richard and Diane Wirth for the purpose of maintaining an existing pumphouse and stairs to the pumphouse which service the property located at 11890 Glacier Highway, Juneau, Alaska.

2. That the easement shall be subject to the following conditions:

(a) The easement shall be non-exclusive and shall accommodate public access, overlapping easements, or any other uses in the city and borough's interest;

(b) The easement may be terminated at the sole discretion of the city and borough manager at any time the manager determines the city and borough needs the property for other purposes;

(c) In the event the easement is abandoned, the city and borough manager may at the manager's discretion, terminate the easement;

(d) Upon termination of the easement, for any reason, the lessee shall remove all improvements within the easement;

(e) Prior to the execution of the easement document, the Wirths shall provide the city and borough a survey of the easement premises to the standards required by the city and borough; and

(f) Lessee Wirths shall agree to indemnify, defend, and save the city and borough harmless, from and against any claims or liabilities arising out of lessee's use or nonuse of the easement or any part thereof.

3. That 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 of Juneau in effect on the effective date of this resolution.

4. That the manager may include in the lease agreement for the easement all such terms and conditions as may be necessary to protect the public interest.

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

Adopted this 5th day of December, 1988.

Mayor

Attest:

Clerk