

Proposed by:	Administration
Attorney Review:	12/22/2021
Planning & Zoning:	10/14/2021
Vote:	6 Aye 0 Nay 0 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA
RESOLUTION NO. 22-02R**

A RESOLUTION OF THE MUNICIPALITY OF SKAGWAY, ALASKA, AUTHORIZING THE BOROUGH MANAGER TO NEGOTIATE RAIL SPUR EASEMENTS FOR ATS #4, AND BLOCKS 36, 37, AND 45, FOR CONSIDERATION BY BOROUGH ASSEMBLY.

WHEREAS, Pacific and Arctic Railroad and Navigation Company (White Pass) has requested rail spur easements to the Broadway Dock and Ore Dock; and

WHEREAS, the Municipality finds it is in the public interest to negotiate the terms and conditions of the requested easements for later consideration by the Assembly; and

WHEREAS, at its meeting of October 14, 2021, the Planning and Zoning Commission reviewed the White Pass request for rail spur easements and voted unanimously to recommend to the Assembly that it grant the easement request; and

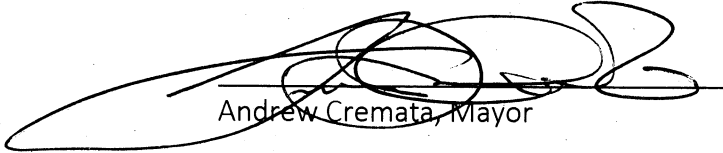
WHEREAS, the Borough Manager may convey an easement in municipally owned land upon approval by the Borough Assembly, per SMC 16.06.010(A), and such easement shall be subject to the regulations set forth in SMC 16.06.010 Easements and SMC 19.06.080 Waterfront Zone, including the need for a new easement survey and appraisal;

NOW, THEREFORE, BE IT RESOLVED by the Borough Assembly of the Municipality of Skagway:

Section 1. Authorization. The Borough Manager is authorized to negotiate the terms and conditions of the above described rail spur easements with Pacific and Arctic Railway and Navigation Company (White Pass) on ATS #4 and Blocks 36, 37, and 45. Following such negotiations, the easement agreement resulting therefrom shall be presented to the Assembly for its consideration. This Resolution does not create any rights of White Pass, or any successor or assign of White Pass, to the easements contemplated by the Resolution in the event negotiations do not result in an easement agreement with terms and conditions satisfactory to the Assembly.

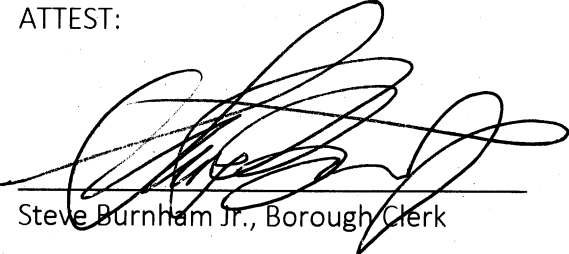
Section 2. Terms and Conditions. The terms and conditions of the above described easements to be negotiated and presented to the Assembly for consideration shall be consistent with Municipal Code and shall include terms and conditions deemed to be in the public interest, whether or not expressly mandated by Municipal Code.

PASSED AND APPROVED this 20th day of January, 2022, by the Assembly of the Municipality of Skagway, Alaska.



Andrew Cremata, Mayor

ATTEST:



Steve Burnham Jr., Borough Clerk

(SEAL)

