

Proposed by:	Administration
First Reading:	11/07/2013
Second Reading:	11/26/2013
Tabled to:	12/05/2013
Postponed to:	12/19/2013
Postponed to:	01/02/2014
Vote: 6 Aye 0 Nay 0 Absent	

**MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 13-29**

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AUTHORIZING THE DISPOSAL OF 5,004 SQUARE FEET OF TRACT B, ASLS 97-61, OF THE TAIYA INLET SUBDIVISION TO THE STATE OF ALASKA FOR IMPROVEMENTS TO THE DYEAL ROAD.

Section 1. Classification. This is a non-code ordinance.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance becomes effective upon adoption by the Skagway Borough Assembly.

Section 4. Purpose. This ordinance is enacted in order to authorize the disposal of a 5,004 square foot easement on Tract B, ASLS 97-61, to the State of Alaska, as defined in Attachment A as Parcel E-11.

NOW THEREFORE, BE IT ENACTED BY SKAGWAY BOROUGH ASSEMBLY that pursuant to Chapter 16.04 of the Municipal Code, the Municipality of Skagway shall dispose of certain municipally owned lands under the terms and conditions set forth in this ordinance.

A. Statement of Ownership: The Municipality of Skagway is the owner of the following described real property:

Tract B of ASLS 97-61 according to Plat No. 2007-6 dated the 29th day of October, 2007, Skagway Recording District, First Judicial District, State of Alaska.

B. Statement of Finding of Public Interest: The Skagway Borough Assembly finds that the disposal of the property is beneficial to Borough residents and visitors as it will assist in improving the safety of Dyea Road. The Skagway Borough Assembly further finds that the lands to be disposed of are not needed for any other public purpose.

C. Purpose of Disposal of Certain Municipal Lands. The purpose of the disposal is to allow the State of Alaska to increase the width of Dyea Road and increase sight distance, reduce sharp, compound or reverse horizontal curves, moderate vertical curves, reduce steep grades and add guardrail where required, through the State of Alaska Department of Transportation and Public Facilities (DOT&PF) Dyea Road Improvements Project #67424.

D. Determination of Price. The lots shall be donated to the State of Alaska per Skagway Municipal Code 16.04.070(A) Disposal to Governmental Agency.

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E. Method of Disposal: This disposal shall be by donated easement for the purposes of improving safety on Dyea Road.

F. Date, Time and Place of Disposal. The disposal shall be finalized in Skagway at the Clerk's office as determined by the Manager.

G. Notice of Disposal. Notice of this disposal shall be done in accordance with Skagway Municipal Code 16.04 et seq.

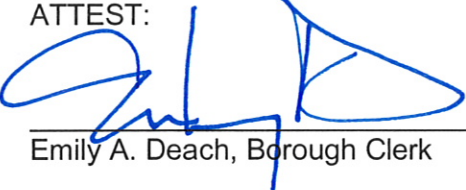
H. Terms of Disposal. The disposal shall be by donation of an easement. All closing costs shall be borne by the Purchaser, State of Alaska.

I. The Municipality of Skagway acknowledges its right to receive just compensation for Parcel E-11 of Project No. 67424, and specifically waives this right, and also releases DOT&PF from any obligation to prepare an appraisal for the property.

PASSED AND APPROVED this 2nd day of January, 2014.



Mark Schaefer, Mayor

ATTEST:


Emily A. Deach, Borough Clerk

(SEAL)





THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Transportation
and Public Facilities

SOUTHEAST REGION
DESIGN & ENGINEERING SERVICES
Preconstruction

6860 Glacier Highway
PO Box 112506
Juneau, Alaska 99811-2506
Main: 907.465.4444
Toll free: 877.305.6630
Fax: 907.465.4414

October 4, 2013

Via E-Mail

Mr. George Edes
Borough Manager
Municipality of Skagway Borough
P.O. Box 415
Skagway, AK 99840

Re: SGY – Dyea Road Improvements
Project No. 67424
FHWA Proj. No. HHE-0997(8)
Parcel No. E-11

Dear Mr. Edes,

Last year this department worked with your predecessor to obtain two easements from the borough as donations for this project. They were identified as Parcels E-5 and E-8. The donation of these property rights was authorized by a borough ordinance (Ordinance No. 12-07 passed on April 5, 2012). Circumstances have now arisen during the construction of the project which require us to seek another easement from the borough. Enclosed are two drawings at different scales which show the area and location of the new easement. This easement is necessary as the state's contractor went beyond the right of way limit in creating a new slope.

We would also ask that you consider donating the easement rights as you did last year with Parcels E-5 and E-8. This of course is not something that you have to do. If you wish us to purchase the easement, we would begin a process of establishing the fair market value of the easement. The process would culminate in an offer to purchase the rights.

If, however you are willing to donate, I assume it will require an ordinance just as with the other two parcels. If you are willing to donate the easement, I would ask that you include certain language as part of the ordinance that would acknowledge that the borough has the right to just compensation and is willing to waive that right. The requested language is as follows:


The Municipality of Skagway acknowledges its right to receive just compensation for Parcel E-11 of Project No. 67424, and specifically waives this right, and also releases DOT/PF from any obligation to prepare an appraisal for the property.

I am also enclosing with this letter the actual easement that would be executed at some point. I thank you for your consideration. Please call me at 465-4519 if you have any questions. You can also E-mail me at: ray.preston@alaska.gov

Yours truly,



Ray C. Preston
Right of Way Agent

 <p style="text-align: center;">STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES</p> <p style="text-align: center;">EASEMENT (Corporate/Partial Property)</p>	<p>PROJECT NAME: SGY – DYE A ROAD IMPROVEMENTS</p> <p>STATE PROJECT #: 67424</p> <p>FEDERAL-AID PROJECT #: HHE-0997(8)</p> <p>PARCEL #: E-11</p>
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The GRANTOR, the **MUNICIPALITY OF SKAGWAY**, a first class borough, (successor in interest to the City of Skagway) whose mailing address is 700 Spring Street, Skagway, Alaska 99840, for and in consideration of TEN DOLLARS, and other valuable consideration, in hand paid, conveys and warrants to the GRANTEE, the **STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES**, whose mailing address is **P.O. Box 112506, Juneau, Alaska 99811-2506**, its successors or assignees, two perpetual, full and unrestricted easements and right-of-way along, over, and across the following-described tract of land located in the State of Alaska:

A portion of Tract B, ASLS 97-61, Skagway Recording District, First Judicial District, State of Alaska.

As shown on the plat attached hereto and made a part hereof as page three of this instrument and designated as Parcel No. E-11. Said parcel, contains 5,004 square feet, more or less. This parcel is hereby granted to the State of Alaska for the purpose of constructing and maintaining a public highway, and for all highway and utility purposes. The Grantor hereby covenants with the State of Alaska that the Grantor has good title to the above-described tract of land and covenants that the State of Alaska shall have quiet and peaceable possession thereof; and shall have a free and unrestricted right to maintain said facilities as long as the right-of-way of which this easement area is a part, remains a public way.

Dated this _____ day of _____ 2013.

ATTEST:

Print name and Title

MUNICIPALITY OF SKAGWAY

By: _____
George Edes
Borough Manager

ACKNOWLEDGMENT

STATE OF ALASKA)
 : ss
FIRST JUDICIAL DISTRICT)

On this ____ day of _____, 2013, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared

_____ and _____,
of the Municipality of Skagway, known to me to be the identical individuals who executed the foregoing instrument, and who acknowledged to me that they executed the same as their free and voluntary act, with full authority to do so and with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

[NOTARY SEAL]

Notary Public in and for the State of Alaska
My Commission Expires: _____

Filed for Record at the Request of and Return to:
Dept. of Transportation & Public Facilities
Right of Way Section
P.O. Box 112506
Juneau, AK 99811-2506
State Business-No Charge

CERTIFICATE OF ACCEPTANCE

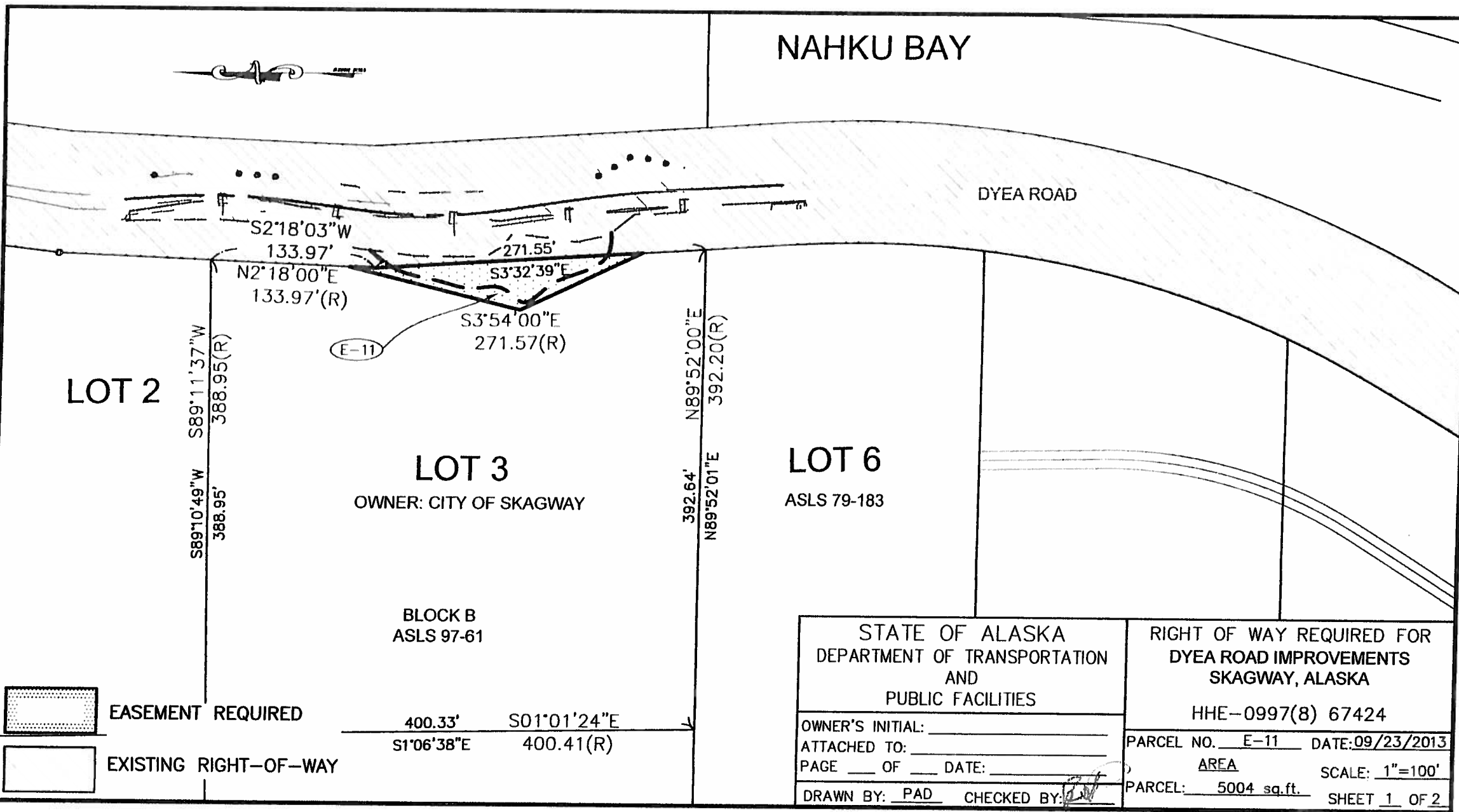
THIS IS TO CERTIFY that the State of Alaska, Department Of Transportation And Public Facilities, Grantee herein, acting by and through its Commissioner, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 2013.

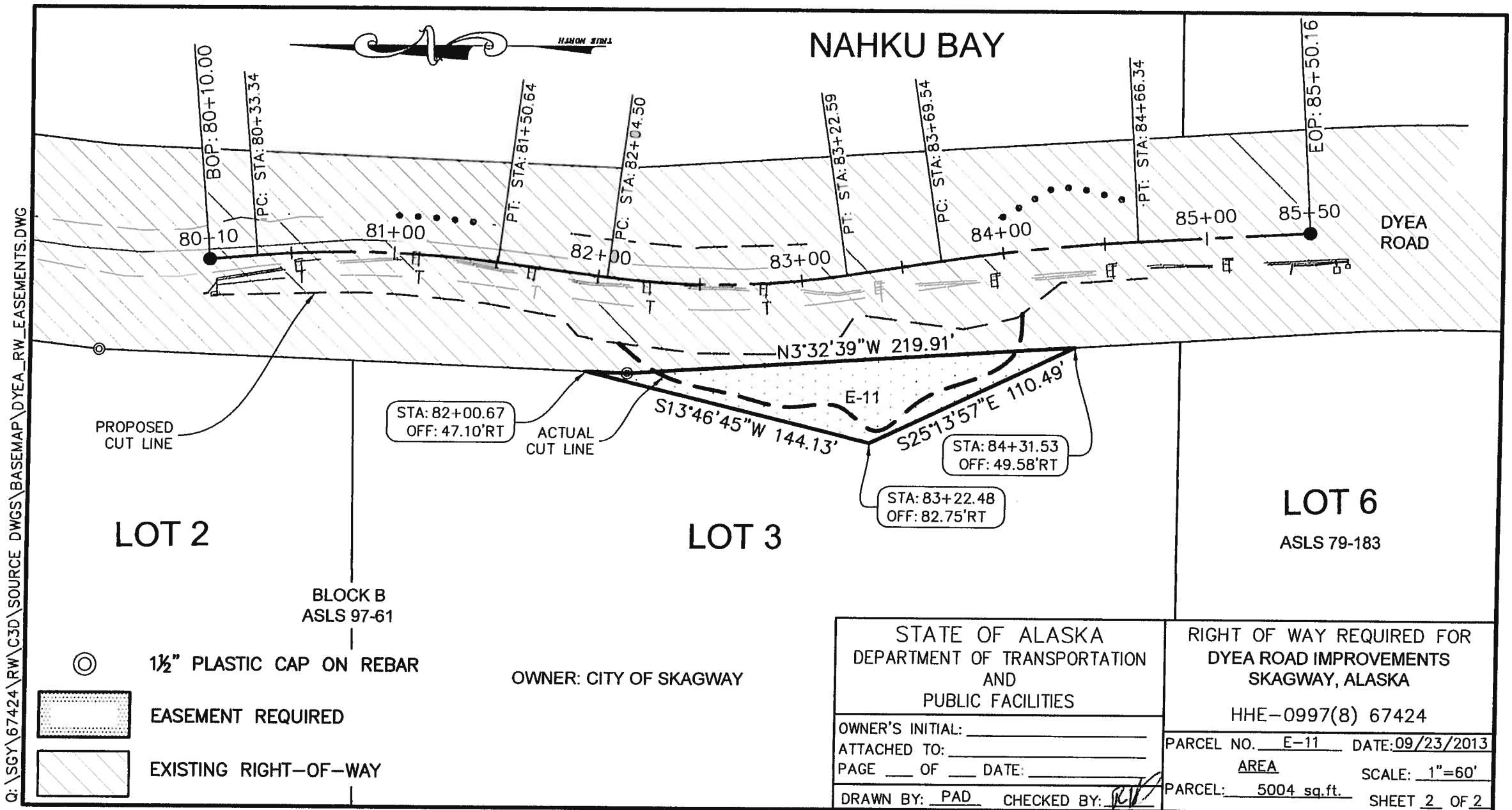
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

By: _____
For the Commissioner



Q:\SGY\67424\RW\C3D\SOURCE DWGS\BASEMAP\DYEA_RW_EASEMENTS.DWG



NAHKU BAY



Q:\SGY\67424\RW\C3D\SOURCE DWGS\BASEMAP\DYEAW_RW_EASEMENTS.DWG

- ⊙ 1/2" PLASTIC CAP ON REBAR
-  EASEMENT REQUIRED
-  EXISTING RIGHT-OF-WAY

OWNER: CITY OF SKAGWAY

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND
PUBLIC FACILITIES

OWNER'S INITIAL: _____
ATTACHED TO: _____
PAGE ____ OF ____ DATE: _____

DRAWN BY: PAD CHECKED BY: *[Signature]*

RIGHT OF WAY REQUIRED FOR
DYE ROAD IMPROVEMENTS
SKAGWAY, ALASKA

HHE-0997(8) 67424

PARCEL NO. E-11 DATE: 09/23/2013

AREA SCALE: 1"=60'

PARCEL: 5004 sq.ft. SHEET 2 OF 2