

MUNICIPALITY OF SKAGWAY, ALASKA
RESOLUTION NO. 12-07R

A RESOLUTION OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING THE EASEMENT ALONG A PORTION OF SPRING STREET ADJACENT TO LOT 12, BLOCK 60, SKAGWAY TOWNSITE.

WHEREAS, an easement for the encroachment of a structure on Lot 12, Block 60, Townsite of Skagway, was recorded with the Skagway Recording District, First Judicial District, State of Alaska, on January 20, 1989, on page 809 of Book 5, and an amendment to the easement was recorded on March 24, 1989, on page 881 of Book 5; and

WHEREAS, the expiration date of the easement was extended to July 31, 2023, with Resolution No. 93-13R, adopted by the City Council on August 19, 1993; and

WHEREAS, bank financing for the property with the existing easement expiration date and stipulations is not feasible and creates a burden for the property owner and potential buyers of the property; and

WHEREAS, SMC 16.06.015(A)(4) allows the granting of easements at the discretion of the Borough Assembly for structures outside of the urbanized area constructed prior to February 1, 1999, that encroach on municipal property;

NOW THEREFORE BE IT RESOLVED that the easement for the portion of Spring Street adjacent to Lot 12, Block 60, Skagway Townsite, shall be a lifetime easement beginning April 6, 2012; is subject to the requirements of SMC 16.05.015(A)(2)(a); and all associated recording fees shall be the responsibility of the property owner; and

BE IT FURTHER RESOLVED that the easement shall terminate in the event of the intentional destruction or demolition of the portion of the structure encroaching onto public property or portions of the structure immediately adjacent to the encroachment; and


BE IT FURTHER RESOLVED that the Municipality of Skagway shall allow the easement to continue for the full term in the event of the reconstruction of such structure after its unintended destruction, and any reconstruction shall be limited to the structure's original footprint.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 5th day of April, 2012.



Stan Selmer, Mayor

ATTEST:


Emily A. Deach, Borough Clerk

(SEAL)

