

CITY OF DILLINGHAM, ALASKA

**RESOLUTION NO. 2021-07**

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A LONG TERM ENCROACHMENT FOR NUSHAGAK COOPERATIVE ACROSS SEWARD STREET FOR FUTURE SUPPLEMENTAL HEAT, POWER, AND COMMUNICATION WORK**

---

WHEREAS, Nushagak Cooperative has installed conduit across a City Right-of-Way on Seward Street for the purpose of future supplemental heat, power, and communication work; and

WHEREAS, the Dillingham Planning Commission is required to make a recommendation to the city council for long term encroachments and for excavation and construction in city rights-of-way and city property per DMC 12.08.020 (C) and DMC 12.08.070; and

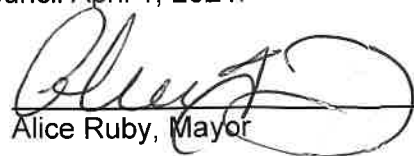
WHEREAS, per Resolution 2021-01 the Dillingham Planning Commission recommends approval of this long term encroachment; and

WHEREAS, DMC 12.08 requires City Council and Planning Commission approval for any object belonging to a private owner other than the municipality that is placed in streets, public rights-of-way or other property dedicated to a public use for longer than one year; and

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the long term encroachment authorizing conduit installation for future expansion purposes with the following conditions:


- That Nushagak Cooperative notify the City of Dillingham Administration, Public Works Department, and the Public Safety Department 48 hours in advance of any work on public lands or in the public right-of-way.
- Nushagak Cooperative is required to receive permission to disturb the road surface after a moratorium of five years, during which no construction would take place unless in an emergency and with permission, with the road surface restored to prior condition or better.
- The long-term encroachment permit be limited to a 50 year term, commencing on 7/1/2021 through 7/1/2070.
- Nushagak Cooperative has provided documentation in the form of as-builts or GPS coordinates, or other reliable information, of the actual location of the installation.

PASSED and ADOPTED by the Dillingham City Council April 1, 2021.

  
Alice Ruby, Mayor

[SEAL]

ATTEST:

  
Lori Goodell, City Clerk

**RESOLUTION 2021-01**  
**A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION**

**Supporting a long term encroachment permit for Nushagak Cooperative across Seward Street for future supplemental heat, power, and communication**

WHEREAS, Nushagak Cooperative has installed conduit across a City Right-of-Way on Seward Street for the purpose of future supplemental heat, power and communication; and

WHEREAS, Nushagak is submitting the required LTE permit now to rectify the situation; and

WHEREAS, there is no objection to the installation that has been completed; and

WHEREAS, the Dillingham Planning Commission is required to make a recommendation to the city council for long term encroachments and for excavation and construction in city rights-of-way and city property per DMC 12.08.020 (C) and DMC 12.08.070;

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, recommends the City Council approve Long Term Encroachment permit 2021-01 which authorizes the conduit installation across Seward Street for future expansion purposes:

- That Nushagak Cooperative notify the City of Dillingham Administration, Public Works Department, and the Public Safety Department 48 hours in advance of any work on public lands or in the public rights of way;
- That Nushagak Cooperative does not need to restore the public land or public right of way to its former condition or better after completing the conduit installation, as this installation was done in conjunction with the City's Street Rehabilitation project; and
- The Nushagak Cooperative is required to receive permission to disturb the road surface after a moratorium of five years, during which no construction would take place unless in an emergency and with permission, with the road surface restored to prior condition or better; and
- The long-term encroachment permit be limited to a 50 year term, commencing on 7/1/2020 through 7/1/2070; and
- That Nushagak Cooperative has provided documentation in the form of as-builts or GPS coordinates, or other reliable information, of the actual location of the installation.

ADOPTED by the Dillingham Planning Commission on this 9<sup>th</sup> day of March, 2021.



Kaleb Westfall, Chair



Cynthia Rogers, Planning Director



**Encroachment Permit Application**  
**City of Dillingham**  
 PO Box 889, Dillingham, Alaska 99576

Application received: \_\_\_/\_\_\_/\_\_\_

Fee Paid \$: \_\_\_\_\_

Applicant Name: Nushagak Coop

Phone Number: 842-5251

Owner's Name: (C.O.A. property) Nushagak Coop conduit

Mailing Address: P.O. Box 350

City, State, Zip Code: DLG, AK 99576

Phone Number: 842-5251 Fax: \_\_\_\_\_

Email: Wchaney@Nushagak.Coop

Property Location/Description: Seward St see attached for lot/long

Basis for encroachment permit request: Future Supplemental Heat, Power, & Comm. possibilities

Other special conditions: \_\_\_\_\_

Short Term Permit  Long Term Permit  Period requested: from 07/01 /2020 to 07/01 /2120

Provide all requested information above and attach appropriate as-built survey. You must include the \$75.00 non-refundable encroachment permit fee with your application to be processed.

*Information included in this permit application is, to the best of my knowledge, true and complete. I acknowledge and will comply with the requirements set forth by this encroachment permit. I acknowledge that this permit does not grant approval to any other federal, state, or city permits that may be required.*

Applicant's signature: William Chaney Date: 2-23-21

Landowner's signature: \_\_\_\_\_ Date: \_\_\_\_\_

**To Be Completed By City:**

<u>Gregg B. Brelsford, Interim City Manager</u> <small>Gregg B. Brelsford, Interim City Manager (Mar 23, 2021 10:24 AKST)</small>	Mar 23, 2021
City Manager	Date
<u>Cynthia Rogers</u> <small>Cynthia Rogers (Mar 2, 2021 13:08 AKST)</small>	Mar 2, 2021
Planning Director	Date
Public Works Director	Date
Action Taken by City: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Incomplete, return to applicant	





Conduit crossing for future

Coordinates  
1552971.842596  
1841940.190204  
2-12" pipes, 2 4" PVC,  
and 2 2" Pvc conduits

Coordinates  
1553034.741508  
1841940.048205