

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-65

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A LONG TERM ENCROACHMENT PERMIT FOR UTILITY INSTALLATION ACROSS EMPEROR WAY NORTH TO INSTALL ELECTRIC AND TELEPHONE LINES TO LOT 8, CREEKSIDE SUBDIVISION

WHEREAS, a citizen wishes to have electric and telephone lines installed to her residence located at Lot 8, Creekside Subdivision; and

WHEREAS, the utility lines have to be installed across Emperor Way North, a public right of way; and

WHEREAS, the installation of these utilities is not anticipated to present a safety hazard now or in the future; and

WHEREAS, the application for the encroachment permit has only recently been filed with the City Planner's office and has not been brought before the Planning Commission;

WHEREAS, it Dillingham Municipal Code Chapter 12.08, Encroachment Permits, requires that the Dillingham Planning Commission review the proposed long term encroachment permit application for compliance; and

WHEREAS, time is of the essence because the weather is turning exceedingly colder and the need for electricity to heat the building and run equipment is urgent; and

WHEREAS, the encroachment permit has been reviewed by City personnel and does not pose any issue; and

WHEREAS, there is no cost to the City for this encroachment permit;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves an Encroachment Permit application for a long term permit to install electric and telephone service to Lot 8, Creekside Subdivision, with the following conditions:

- that the City of Dillingham Planner's Office, Public Works Department, and Public Safety Department be notified 48 hours prior to working in the public right of way;
- that a new encroachment permit must be obtained before the utilities are moved from this location;
- that Nushagak Cooperative restore the public land or public right-of-way to its former condition or better after completing the utility installation; and

- that Nushagak Cooperative provide GPS coordinates or an as-built of the location of the electric and telephone lines to the City Planning Department within one month of installing them.

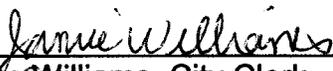
PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on Nov. 1, 2012.

SEAL:

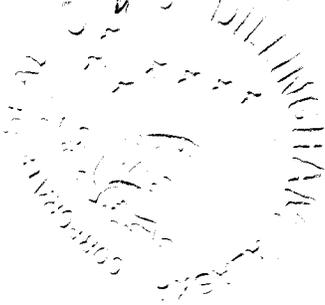


Alice Ruby, Mayor

ATTEST:



Janice Williams, City Clerk



Subject: A resolution of the Dillingham City Council approving a long term encroachment permit for utility installation across Emperor Way North to install electric and telephone lines to Lot 8, Creekside Subdivision

Agenda of: November 1, 2012

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Public Works / Malcolm Brown	<i>MB</i>	
X	Planning / Jody Seitz		
X	City Clerk / Janice Williams	<i>JW</i>	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s): None

Summary Statement.

This resolution approves an encroachment permit to install electric and telephone lines across Emperor Way North to serve Lot 8 Creekside Subdivision. The long term encroachment application was not reviewed and recommended for approval by the Planning Commission, because time is of the essence due to cold weather setting in.

The encroachment permit is necessary to comply with Dillingham Municipal Code: 12.08.010 Definitions. "Encroachments" shall be considered as any object above ground or below belonging to a private owner other than the municipality which has been or caused to be constructed or located within streets, public right-of-way or other property dedicated to a public use.

12.08.020 (C) Approval of a Long Term Permit. The city manager shall refer any encroachment permit application for a period exceeding one year to the city planning commission. The manager shall submit his recommendations regarding the application to the planning commission. The planning commission shall review the application, and forward a recommendation to the city council. The city council shall act upon the encroachment permit application only upon receipt and consideration of the recommendation of the planning commission.