

CITY OF DILLINGHAM, ALASKA

**RESOLUTION NO. 2013-36**

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A LONG TERM ENCROACHMENT OF THREE PHASE POWER TO HARBOR LEASE LOT 3**

WHEREAS, a citizen would like to establish a business in the harbor on lease lot three; and

WHEREAS, the City of Dillingham has entered into a long term lease for lease lot three in the harbor to Mr. Ben McDowell; and

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

WHEREAS, in order to develop his business he requires three phase power; and

WHEREAS, the proposed encroachment has been reviewed by the City Public Works Department, Public Safety Department and Fire Departments; as well as Nushagak Cooperatives, with no opposition or further requirements; 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;

WHEREAS, the Dillingham Planning Commission recommends approval of this long term encroachment;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the long term encroachment of utilities to Lease Lot Three with the following conditions:

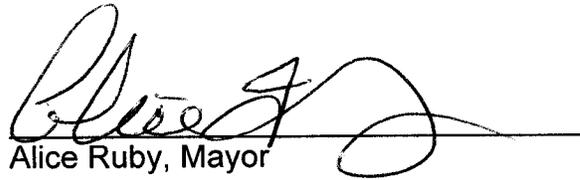
- That Nushagak Cooperatives notify the City of Dillingham Administration, Public Works Department, and the Public Safety Department 48 hours in advance of any work on public lands or in the public rights of way;
- That a new encroachment permit be obtained before the utilities are moved from this location;
- That Nushagak Cooperatives restore the public land or public right of way to this former condition or better after completing the utility installations; and
- That Nushagak Cooperatives provide documentation in the form of as-builts or GPS coordinates, or other reliable information, of the actual location of the installation within one month.

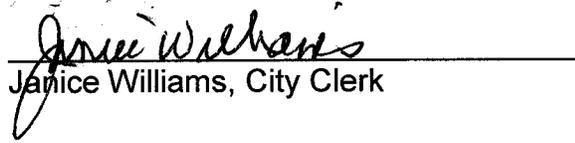
PASSED and ADOPTED by the Dillingham City Council June 27, 2013.



SEAL:

ATTEST:

  
Alice Ruby, Mayor

  
Janice Williams, City Clerk