

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-37

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING PLANNING COMMISSION RESOLUTION NO. 2013-12 VACATING EASEMENTS

WHEREAS, the Dillingham Municipal Code 17.15.010 (B) requires that a platted street, easement, alley or other public way may not be vacated except on petition of the state, the city, a public utility, or the owners of a majority of the land fronting the part of the area sought to be vacated; and

WHEREAS, the University of Alaska Fairbanks requests the termination of two easements on Lot 1 Block 18 Dillingham Townsite, USS 2732A&B; and

WHEREAS, the easements were created in 1979 to provide access to Lot 3 Block 18; and

WHEREAS, the University acquired this property recently and plans to use the building as the UAF Bristol Bay Campus Applied Science Center; and

WHEREAS, the termination of the easements is warranted because they are not practical for use as access and are not needed to access Lot 3; and

WHEREAS, a notice was provided to 18 different entities, agencies and all adjacent and surrounding landowners, and public notice provided on the radio and by posters posted in five public places on June 11, 2013; and

WHEREAS, no comments were received from the City Public Works, Fire or Public Safety departments, or Nushagak Cooperatives; and

WHEREAS, the Planning Commission of the City of Dillingham, Alaska, recommends in PCR 2013-12 the Dillingham City Council approve the vacation of the easements; and

WHEREAS, the Dillingham Municipal Code, Section 17.15, allows if a vacation of a city street or other public area is involved, the petition shall be forwarded to the City Council with a copy of the Planning Commission recommendation; and

WHEREAS, the Council has forty-five days from the date of the decision of the Planning Commission in which to approve a recommended vacation;

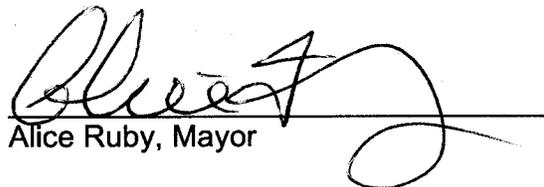
NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves Planning Commission recommendation vacating easements as described:

Right of Entry and Easement," recorded on January 23, 1979 in Book 21 at Page 903 and in Book 21 at Page 907. The easements encumber the same land, "an eight foot strip along the easterly side of Lot 1, Block 18, USS 2732A&B Dillingham Townsite and extending from Alaska Street 75.96 feet to provide access to Lot 3 Block 18 of USS 2732 A&B."

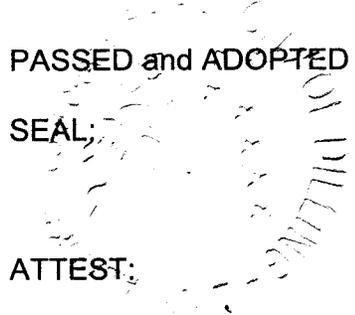
PASSED and ADOPTED by the Dillingham City Council on June 27, 2013.

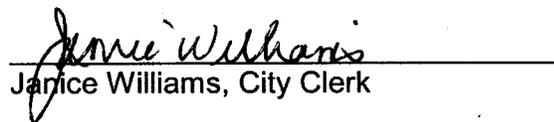
SEAL:

ATTEST:



Alice Ruby, Mayor




Janice Williams, City Clerk

RESOLUTION 2013-12
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending Vacation of Easements on Lot 1 Block 18 USS 2732AB

WHEREAS, the Dillingham Municipal Code 17.15.010 (B) requires that a platted street, easement, alley or other public way may not be vacated except on petition of the state, the city, a public utility, or the owners of a majority of the land fronting the part of the area sought to be vacated; and

WHEREAS, the University of Alaska Fairbanks requests the termination of two easements on Lot 1 Block 18 Dillingham Townsite, USS 2732A&B; and

WHEREAS, the University acquired this property recently and plans to use the building as the UAF Bristol Bay Campus Applied Science Center; and

WHEREAS, the easements were created in 1979 to provide access to Lot 3 Block 18; and

WHEREAS, the easements are not being used for access, and the encumbered land is much needed for upgrades to the building; and

WHEREAS, the termination of the easements is warranted because they are not practical for use as access and are not needed to access Lot 3; and,

WHEREAS, the portion of Lot 1 encumbered by the easements is not practical for access to Lot 3 because of its proximity to the building and the topography;

WHEREAS, the northern half of the alley extending northeast from Alaska Street was vacated by the City of Dillingham in 1985, which reduced the length of the boundary common to the alley and Lot 3 to only 8.2 feet; and,

WHEREAS, the Planning Commission approved a petition to vacate the southern half of the alley with Resolution 2013-01.

WHEREAS, the net effect of the two actions is that the 8 foot-wide strip will not be contiguous to Lot 3 or any right-of-way leading to Lot 3.

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, recommends the Dillingham City Council Approve this Vacation of Easements.

APPROVED AND ADOPTED THIS 18th DAY OF June 2013.



Bill Rodawalt, Presiding Officer



Jody Seitz, Recorder