

CITY OF DILLINGHAM, ALASKA

**RESOLUTION NO. 2014-47**

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AMENDING LONG TERM ENCROACHMENT PERMIT 2014-02 FOR INSTALLATION OF UTILITIES TO TRACT D MISSION SUBDIVISION FOR A NEW COURTHOUSE**

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WHEREAS, according to Dillingham Municipal Code 12.08.010 an encroachment is 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 rights of way or other property dedicated to a public use; and

WHEREAS, the Dillingham City Council approved a long term encroachment permit with Resolution 2014-39, allowing Nushagak Cooperatives to install utilities along Emperor Way South to serve Tract D of Mission Subdivision; and

WHEREAS, the company needs to install an additional 95' of phone line across Emperor Way at the intersection with Airport Spur Road and an additional 158' of phone line to the Catholic Church's transformer pole; and

WHEREAS, the provision of utilities to the lot is considered a long term encroachment in the public right of way; and

WHEREAS, this is a minor amendment to the project which has already been permitted as a long term encroachment permit #2014-02; and

WHEREAS, the proposed encroachment has been reviewed by the City Public Works Department, 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; and

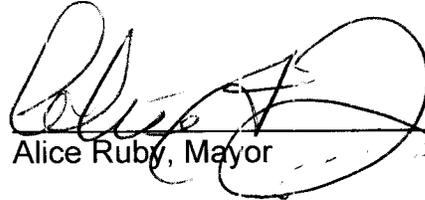
WHEREAS, the Dillingham Planning Commission had previously recommended the project for approval with Resolution 2014-10;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the amendment to Long Term Encroachment Permit 2014-02 for utilities on Emperor Way South between Airport Spur Road and Tract D Mission Subdivision, with the following conditions:

1. That prior to any work on public lands or in the public right of way, at least 48 hours' notice be given to the City of Dillingham Administration, Public Safety, and Public Works Department;

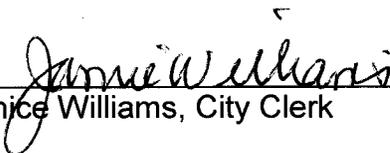
2. That a new encroachment permit be obtained before the utilities are moved from this location;
3. That Nushagak Cooperatives restore the public land or public right of way to not less than its original condition and compaction after completing the utility installations; and
4. That one form of location information be provided after the installation, whether an as-built or GPS coordinates.

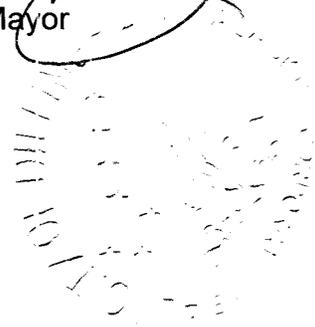
PASSED AND ADOPTED by the Dillingham City Council August 7, 2014.

  
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Alice Ruby, Mayor

ATTEST:

[SEAL]

  
\_\_\_\_\_  
Janice Williams, City Clerk



City of Dillingham Information Memorandum

Agenda of: August 7, 2014

Attachment to:

Ordinance No. \_\_\_\_\_ / Resolution No. 2014-47

Subject:

A Resolution of the Dillingham City Council amending Long Term Encroachment pErmit 2014-02 for installation of utilities to Tract D Mission Subdivision for a new courthouse

City Manager: Recommend Approval

Signature: Rose Doera

Route to	Department Head	Signature	Date
	Finance Director		
X	Public Works Director <i>Acting</i>	<i>[Signature]</i>	7/29/14
X	Planning Director	<i>[Signature]</i>	7/24/14
X	City Clerk	<i>[Signature]</i>	7/23/14

Fiscal Note:  Yes  No

Funds Available:  Yes  No

Other Attachments:

- Staking Sheet for Tract D Mission Subdivision utilities

Summary Statement:

This resolution is to amend Long Term Encroachment Permit 2014-02 which allows utility installation within the utility easements on Emperor Way South and Tract D Mission Subdivision to serve the proposed new Courthouse building. Emperor Way South overlies Endahl Street for much of the way from Airport Spur Road to Tract D. Endahl St. also had a utility easement and was not constructed and never vacated.

The proposed amendment to LTE 2014-02 is to install a 95 foot long phone line crossing Emperor Way South at the intersection with Airport Spur Road and then installing 158 feet of phone line to reach the Catholic Church's transformer pole.

Nushagak Cooperatives already has fiberoptic buried along the Airport Spur Road and three phase power overhead in the path in which they are going to be installing the phone line.

Ordinance No. \_\_\_\_\_ / Resolution No. 2014-47

Summary Statement continued:

