

CITY OF DILLINGHAM, ALASKA

**RESOLUTION NO. 2015-19**

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A LONG TERM ENCROACHMENT PERMIT FOR CONSTRUCTION OF ADA RAMP BY CHOGGIUNG LIMITED**

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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, Choggiung Limited wishes to construct an ADA compliant ramp for handicapped access at its building at 301 Main Street West; and

WHEREAS, the ramp is expected to encroach into the State Right of Way; and

WHEREAS, it is in the public interest to allow this installation; and

WHEREAS, the Project Manager for the State Downtown Streets Project has assured the City that the ADA ramp will not affect their current design for the pedestrian crossing in that area; and

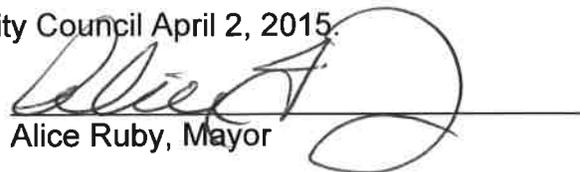
WHEREAS, DMC 12.08 requires City Council and Planning Commission approval for any object belonging to a private owner other than the municipality that is placed in streets, public rights-of-way or other property dedicated to a public use, for longer than one year; and

WHEREAS, per Resolution 2015-01 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 this ADA ramp with the following conditions:

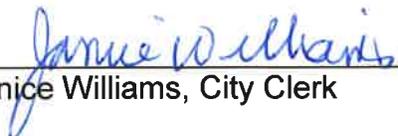
1. That at least 48 hours' notice be given to the City of Dillingham Administration prior to beginning construction;
2. That at some future date, the City may remove the ramp if necessary for City purposes; and
3. That Choggiung work with State engineers to resolve all potential conflicts with the State Downtown Streets project.

PASSED AND ADOPTED by the Dillingham City Council April 2, 2015.

  
Alice Ruby, Mayor

ATTEST:

[SEAL]

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



**City of Dillingham Information Memorandum**

Agenda of: April 2, 2015

Attachment to:

Ordinance No. \_\_\_\_\_ / Resolution No. 2015-19

**Subject:**

Approving Long Term Encroachment Permit for Choggiung Limited to install an ADA compliant ramp for handicapped access to their building at 301 Main St.

City Manager: Recommend Approval

Signature: Rose Doera

Route to	Department Head	Signature	Date
	Finance Director		
X	Planning Director	<i>Jody Sitz</i>	3/16/15
	Public Works Director		
X	City Clerk	<i>J. Williams</i>	3/16/15

Fiscal Note:  Yes  No

Funds Available:  Yes  No

**Other Attachments:**

- Map

**Summary Statement:**

The Planning Department received this application in September but was unable to get any clarification from ADOT and Choggiung about potential impacts to the Downtown Streets project until January 15. See attached email.

Choggiung and ADOT have now communicated and ADOT's Project Manager Aaron Hughes and his staff have determined that the ADA ramp will not affect their project, in particular, the planned pedestrian crossing in that area.

Should the City ever extend the sidewalk beyond the end of the state's project (see attached map) the City may need to have the ramp moved.



Ordinance No. \_\_\_\_\_ / Resolution No. 2015-19 \_\_\_\_\_

**Summary Statement continued:**

The ramp is going to be made of wood, and Choggiung has indicated that it could be easily moved if needed. Both City ordinance 12.08.030, and by resolution, the City reserves the right to move the encroachment if necessary for a public purpose.

DMC 12.08.030 Conditions of permit.

The manager, in the case of a short term permit, or the city council, in the case of a long term permit, may provide for such conditions and limitations to the permit they deem appropriate. The city may, as a condition to the permit, require that should the city deem it necessary to eliminate the encroachment before the expiration of the encroachment permit, the city may move the building onto the lot owned by the applicant at the city's cost. If the city does relocate the building, the city shall be liable for any interruption of rents during the move or for any inconvenience suffered by the owners or tenants during such move so long as the city accomplishes relocation in a reasonably diligent and workmanlike manner. (Ord. 93-13 § 1 (part), 1993.)



**RESOLUTION 2015-01**  
**A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION**

Supporting a long term encroachment permit for an ADA compliant ramp to be  
constructed at 301 Main Street

WHEREAS, Choggiung Limited wishes to install a ramp to make their building at 301 Main Street compliant with the American Disabilities Act; and

WHEREAS, the State of Alaska Department of Transportation and Public Facilities is going to reconstruct the City streets in 2016, including the sidewalk into which the ramp will encroach; and

WHEREAS, State engineers have reviewed the plans for the ADA ramp and found that they can design their project to work around the ramp; and

WHEREAS, per Dillingham Municipal Code 12.08.030, the city may issue a long term encroachment permit and may make limitations and conditions on that permit; and

WHEREAS, per DMC 12.08.030, the city may remove permitted encroachments if deemed necessary; and

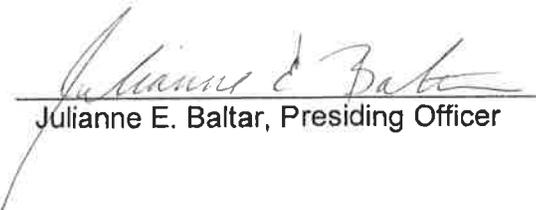
WHEREAS, the ramp is to be constructed of wood and could be easily removed if needed; and

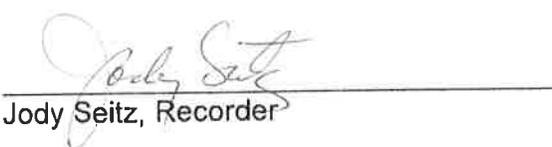
WHEREAS, the Dillingham Planning Commission is required to make a recommendation to the city council for long term encroachments and for excavation and construction in city rights-of-way and city property per DMC 12.08.020 (C) and DMC 12.08.070;

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, recommends the City Council approve a long term encroachment permit for Choggiung Limited to install an ADA ramp to its building at 301 Main Street, with the following conditions:

- That at least 48 hours' notice be given to the City of Dillingham administration prior to beginning construction.
- That at some future date, the City may remove the ramp if necessary for City purposes.
- That Choggiung work with State engineers to resolve all potential conflicts in their two projects.

APPROVED AND ADOPTED THIS 11th DAY OF March, 2015.

  
\_\_\_\_\_  
Julianne E. Baltar, Presiding Officer

  
\_\_\_\_\_  
Jody Seitz, Recorder

## Jody Seitz

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**From:** Rose Loera  
**Sent:** Thursday, January 15, 2015 9:45 AM  
**To:** Hughes, Aaron C (DOT)  
**Cc:** Jody Seitz  
**Subject:** RE: Dillingham Downtown Streets Project - Appraisers

Thanks for the update Aaron. I'm glad that you'll be able to work around the ramp at Choggiung. We'll make sure that when they submit the permit that we have the right to have them remove for our projects. Thanks again.

Rose Loera

**City Manager**

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**From:** Hughes, Aaron C (DOT) [mailto:[aaron.hughes@alaska.gov](mailto:aaron.hughes@alaska.gov)]  
**Sent:** Thursday, January 15, 2015 9:38 AM  
**To:** Rose Loera ([manager@dillinghamak.us](mailto:manager@dillinghamak.us))  
**Cc:** Jody Seitz ([planner@dillinghamak.us](mailto:planner@dillinghamak.us))  
**Subject:** Dillingham Downtown Streets Project - Appraisers

Hi Rose,

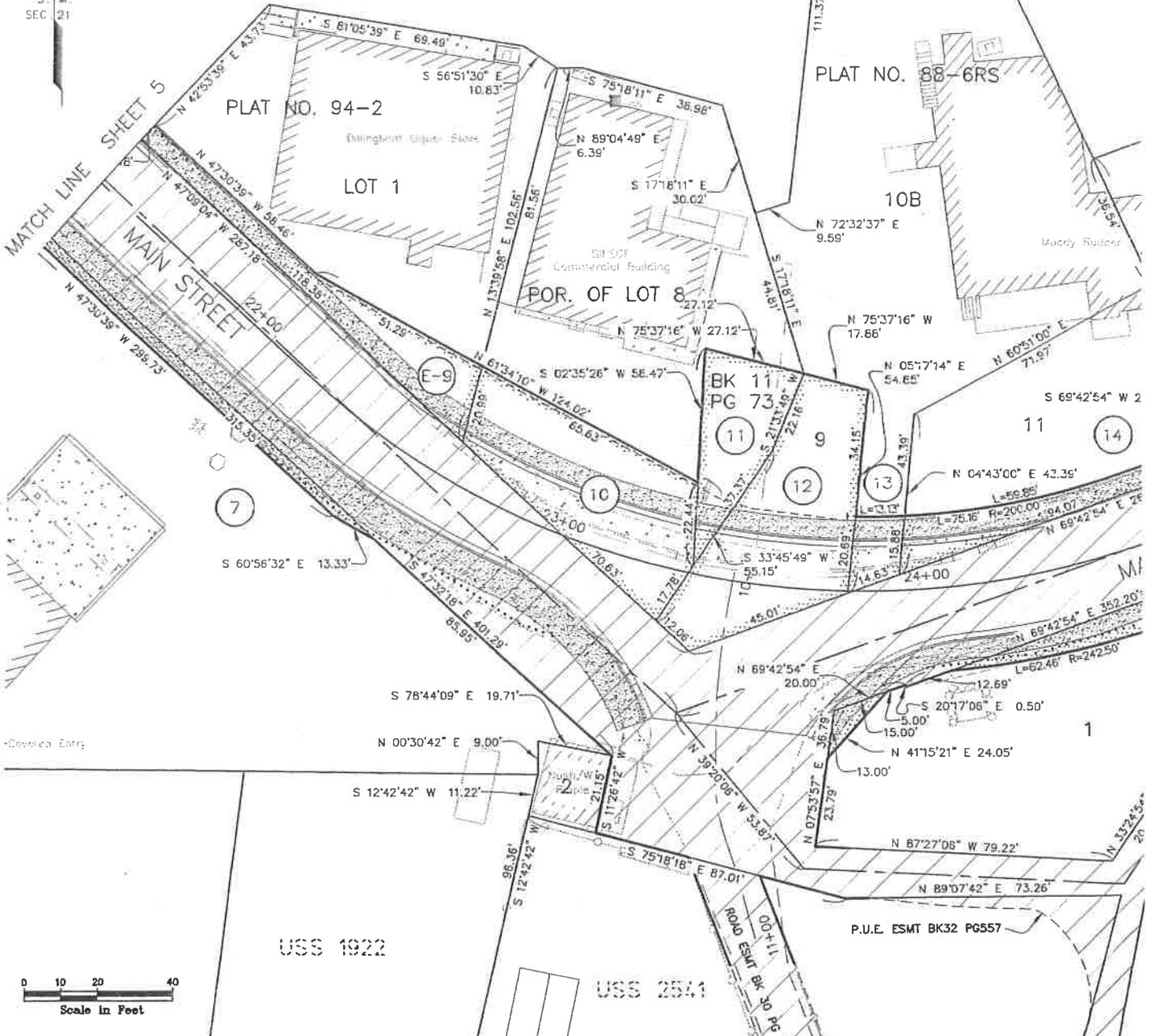
I just wanted to give you a heads up that our appraisers (MacSwain Associates LLC) are planning a trip to Dillingham in late January to early February. I'll notify you once they provide me the actual travel dates.

Also, I spoke with my designers and Choggiung Limited about the ADA ramp at the NushWac Rippie Parlor. It looks like we will be able to work our project around Choggiung's ramp by removing the last section of the sidewalk (see attached figure). It doesn't affect our current design of the pedestrian crossing, but if the City ever extends the sidewalk, the ramp would impact the extension. Choggiung indicated it will be a wood ramp and could easily be removed if needed. The City should have a stipulation in the permit stating Choggiung would have to remove the ramp if the ROW is needed for a City project.

Best regards,

**Aaron Hughes, P.E.**, Aviation Design Project Manager  
State of Alaska DOT&PF, Central Region Aviation Design Section  
4111 Aviation Ave, Anchorage, Alaska 99519-6900  
Phone 907.269.0523

T135155W  
S. M.  
SEC. 21



PARCEL NO.	INTEREST ACQUIRED	OWNER	LARGER PARCEL	TAKE INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER	RECORDED DOCUMENT NUMBER
18	FEE	OMNI ENTERPRISES, INC.	1,208 SF	1,208 SF	1,208 SF	0 SF	
17	FEE	ARCTIC CHIROPRACTIC DILLINGHAM, LLC.	2,659 SF	147 SF	147 SF	2,512 SF	
16	FEE	FREDERICK NIELSEN	5,179 SF	236 SF	236 SF	4,943 SF	
15	FEE	GEORGE L. NELSON	3,203 SF	167 SF	167 SF	3,036 SF	
14	FEE	GEORGE L. NELSON	3,668 SF	700 SF	700 SF	2,968 SF	
13	FEE	GEORGE L. NELSON	10,717 SF	239 SF	239 SF	10,478 SF	
12	FEE	NUSHAGAK ELEC & TELE CO-OP, INC.	2,150 SF	2,150 SF	2,150 SF	0 SF	
11	FEE	??	864 SF	864 SF	864 SF	0 SF	
10	FEE	V&M INVESTMENTS, LLC.	7,708 SF	1,994 SF	1,994 SF	5,713 SF	
E-9	ROW ESMT	BRANNON RENTALS, LLC.	7,124 SF	1,001 SF	1,001 SF	7,124 SF	
7	FEE	??	41,470 SF	928 SF	928 SF	40,542 SF	

24	FEE
23	FEE
22	FEE
21	FEE
20	FEE
19	FEE
PARCEL NO.	INTEREST ACQUIRED

PARCEL INFORMATION

W:\Projects\Highways\BR\STUL\_BAY\_ALEUTIAN\180-D111\Ingham DownTown Streets - ROW Plnset 8/7/2013 9:14:28 AM