

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2016-57

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A LONG TERM ENCROACHMENT PERMIT FOR NUSHAGAK COOPERATIVES TO EXTEND THE UTILITY EASEMENT ALONG THE WASKEY ROAD CORRIDOR**

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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, Nushagak Cooperative wishes to extend the utility easement along the Waskey Road corridor; and

WHEREAS, there are no objections to the installation as proposed given that the new pole line is placed 10' off of and parallel to the outer edge of the right-of-way or utility easement, whichever is furthest from Waskey Road centerline. In no case shall a pole or other fixed object (such as a guy anchor) be installed within 30' of the edge of Waskey Road without specific authorization; and

WHEREAS, at intersecting easements and rights-of-ways, Nushagak Cooperatives must place poles and other fixed objects at locations to accommodate future utility extensions in the outer 10' of the intersecting corridors; and

WHEREAS, the City does not represent that it has sole discretion for authorizing placement of utilities in the Waskey Road corridor. If additional permissions are required, it is the applicant's obligation to secure them; and

WHEREAS, it is in the public interest to allow this installation; 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, City of Dillingham staff issued a Short-Term Encroachment Permit to Nushagak Cooperatives on July 29, 2016, to begin construction on this project; and

WHEREAS, per Resolution 2016-04 the Dillingham Planning Commission recommends approval of this long term encroachment;

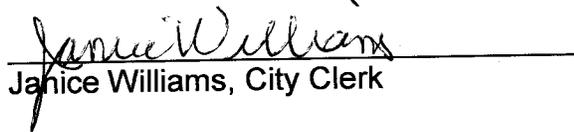
NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the long term encroachment to extend the utility easement along the Waskey Road corridor with the following conditions:

1. That one form of location information be provided after the installation, whether an as-built or GPS coordinates;
2. 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;
3. That prior to working in the street, at least 48 hours' notice be given to the City of Dillingham Department of Public Works, Public Safety and Administration.

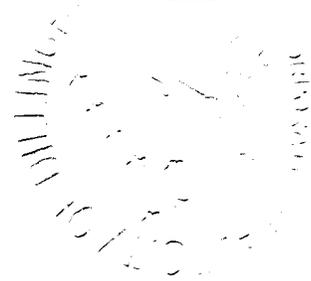
PASSED AND ADOPTED by the Dillingham City Council October 6, 2016.

  
Alice Ruby, Mayor

ATTEST:

  
Janice Williams, City Clerk

[SEAL]



**City of Dillingham Information Memorandum**

Agenda of: October 6, 2016

Attachment to:

Ordinance No. \_\_\_\_\_ / Resolution No. 2016-57

**Subject:**

A resolution of the Dillingham City Council approving a long term encroachment permit for Nushagak Cooperative to extend the utility easement along the Waskey Road corridor.

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City Manager: Recommend Approval

Signature: \_\_\_\_\_

*Rose Loren*

Fiscal Note:  Yes  No

Funds Available:  Yes  No

**Other Attachments:**

- PC Resolution No. 2016-04

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**Summary Statement:**

Approved by the Dillingham Planning Commission at their September 14, 2016 meeting.

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 rights-of-way or other property dedicated to a public use. (Ord. 93-13 § 1 (part), 1993.)

12.08.020 (C) Approval of 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. (Ord. 93-13 § 1 (part), 1993.)

Attachment to:  
Ordinance No. \_\_\_\_\_ / Resolution No. 2016-57

**Summary Statement continued:**

Route to	Department Head	Date
	Finance Director	
X	Planning Director	
X	Public Works Director	
X	City Clerk	

**RESOLUTION 2016-04  
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION**

**Supporting a long term encroachment permit for Nushagak Cooperatives to  
extend the utility easement along the Waskey Road corridor.**

WHEREAS, Nushagak Cooperative wishes to extend the utility easement along the Waskey Road corridor; and

WHEREAS, there is no objection to the installation as proposed; and

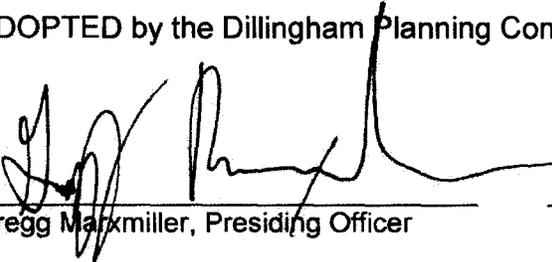
WHEREAS, City of Dillingham staff issued a Short-Term Encroachment Permit to Nushagak Cooperatives on July 29, 2016 to begin construction on this project; and

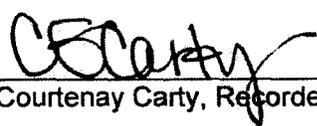
WHEREAS, the Dillingham Planning Commission is required to make a recommendation to the city council for long term encroachments and for excavation and construction in city rights-of-way and city property per DMC 12.08.020 (C) and DMC 12.08.070;

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, recommends the City Council approve Long Term Encroachment permit 2016-08 to extend the utility easement along the Waskey Road corridor, with the following conditions:

- The new pole line is placed 10' off of and parallel to the outer edge of the right-of-way or utility easement, whichever is furthest from Waskey Road centerline. In no case shall a pole or other fixed object (such as a guy anchor) be installed within 30' of the edge of Waskey Road without specific authorization.
- At intersecting easements and rights-of-ways, place poles and other fixed objects at locations to accommodate future utility extensions in the outer 10' of the intersecting corridors.
- The City does not represent that it has sole discretion for authorizing placement of utilities in the Waskey Road corridor. If additional permissions are required, it is the applicant's obligation to secure them.
- Contact Ken Morton, Public Works Director at least 24 hours prior to construction.

ADOPTED by the Dillingham Planning Commission on this 14<sup>th</sup> day of September, 2016.

  
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Gregg Marxmiller, Presiding Officer

  
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Courtenay Carty, Recorder