

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2017-21

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A LONG TERM ENCROACHMENT FOR THE PROPERTIES LOCATED AT 119 AND 125 E STREET TO CONNECT TO THE CITY'S SEWER MAIN ON SEWARD STREET

WHEREAS, the property owners of 119 E Street East and 125 E Street East (commonly known as the Bear Paw Inn) would like to resolve their plumbing issues by connecting directly to the sewer main on Seward Street; and

WHEREAS, the property owners have an agreement with the Clark's to run the sewer line through their property to connect to the sewer main in front of the high school; 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; and

WHEREAS, per Resolution 2017-03 the Dillingham Planning Commission recommends approval of this long term encroachment; and

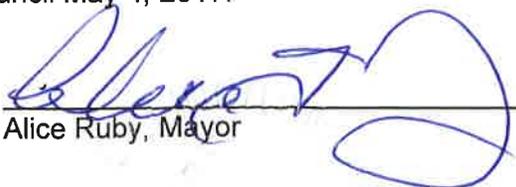
WHEREAS, DMC 12.08 requires City Council and Planning Commission approval for any object belonging to a private owner other than the municipality that is placed in streets, public rights-of-way or other property dedicated to a public use for longer than one year; and

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the long term encroachment of the water line tie in with the following conditions:

- That the property owners 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 the property owners restore the public land or public right of way to this former condition or better after completing the utility installations; and
- That the property owner records the property exchanges/easement document signed by them and the Clark's with the Alaska Department of Natural Resources Bristol Bay Recording District; and
- That property owner provides updated documentation in the form of as-built, documenting the actual location of the sewer connection within one month.

PASSED and ADOPTED by the Dillingham City Council May 4, 2017.

SEAL:


Alice Ruby, Mayor

ATTEST:


Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: May 4, 2017

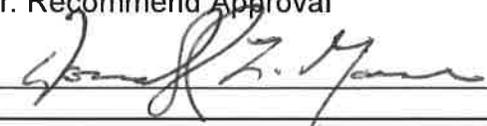
Attachment to:

Ordinance No. _____ / Resolution No. 2017-21

Subject:

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A LONG TERM ENCROACHMENT FOR THE PROPERTIES LOCATED AT 119 AND 125 E STREET TO CONNECT TO THE CITY'S SEWER MAIN ON SEWARD STREET

City Manager: Recommend Approval

Signature: 

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- Planning Commission Resolution 2017-03
- E Street to Seward Street Sewer Main Encroachment Application

Summary Statement:

In August, John Montooth, co-owner of the properties located at 119 and 125 E Street East, commonly known as the Bear Paw Inn, submitted an encroachment application in conjunction with a sewer service connection application to the City of Dillingham. The intent was to connect his properties on E Street East, to the sewer main located on Seward Street. Originally it was thought that the construction would occur over the fall, therefore staff approved a Short Term Encroachment to allow construction to begin. However, no construction occurred in 2016, but is scheduled for this spring/early summer.

All the property owners affected, agreed to an easement which allows the sewer line from E Street to run through the Clark's property, connecting to the sewer main on Seward Street. The document is signed and included as an attachment to the encroachment application. The Planning Commission recommends this easement be recorded with the Alaska Department of Natural Resource's Recording Office.

At their April 19 meeting, the Planning Commission approved 2017-03 which recommends the City Council authorize the long term encroachment. However, this document is marked as DRAFT as it is unsigned at this time due to our Chairman being out of town.

Summary Statement continued:

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 the streets, public rights-of-way or other property dedicated to a public use.

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.

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

RESOLUTION 2017-03
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Supporting a long term encroachment permit for the properties located at 119 E Street East and 125 E Street East to connect to the sewer main on Seward Street.

WHEREAS, the property owners of 119 E Street East and 125 E Street East would like to resolve their plumbing issues by connecting directly to the sewer main on Seward Street; and

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

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, recommends the City Council approve Long Term Encroachment permit 2017-02 to connect the properties at 119 and 125 E Street East to the sewer main on Seward Street, with the following conditions:

- That the property owners 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 the property owners restore the public land or public right of way to this former condition or better after completing the utility installations; and
- That the property owner records the property exchanges/easement document signed by them and the Clark's with the Alaska Department of Natural Resources Bristol Bay Recording District; and
- That property owner provides updated documentation in the form of as-built, documenting the actual location of the sewer connection within one month.

ADOPTED by the Dillingham Planning Commission on this 19th day of April, 2017.

Gregg Marxmiller, Chair	Courtenay Carty, Recorder



Encroachment Permit Application
 City of Dillingham
 PO Box 889, Dillingham, Alaska 99576

Application received: 31 / AUG / 2017

Fee Paid \$: 75.00

Applicant Name: Jultic Investments LLC

Phone Number: 907-843-0863

Owner's Name: John Mentzsch

Mailing Address: P.O. Box 631

City, State, Zip Code: Dillingham, AK 99576

Phone Number: _____ Fax: _____

Email: john.Mentzsch@yahoo.com

Property Location/Description: 125 + 119 E St. East.

Basis for encroachment permit request: Bear Paw Inn + Steve Libby's old House - I connect to the city
10 in main sewer line going through Richard Clark's yard.

Other special conditions: _____

Short Term Permit Long Term Permit Period requested: from ___/___/___ to ___/___/___

Provide all requested information above and attach appropriate as-built survey. You must include the \$75.00 non-refundable encroachment permit fee with your application to be processed.
 Information included in this permit application is, to the best of my knowledge, true and complete. I acknowledge and will comply with the requirements set forth by this encroachment permit. I acknowledge that this permit does not grant approval to any other federal, state, or city permits that may be required.

Applicant's signature: [Signature] Date: 8-31-16

Landowner's signature: [Signature] Date: 8-31-16

To Be Completed By City:

<u>Rose Doera</u>	<u>11-3-14</u>
City Manager	Date
<u>[Signature]</u>	<u>17 April 2017</u>
Planning Director	Date
<u>[Signature]</u>	<u>4-17-2017</u>
Public Works Director	Date
Action Taken by City: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Incomplete, return to applicant	

Jultie Investment LLC
P.O. Box 1295
Dillingham, AK 99576

Andrew Berkoski
P.O. Box 1296
Dillingham, AK 99576

Richard J Clark and Della O. Clark
P.O. Box 184
Dillingham, AK 99576

RE: Sewer line Easement for a land swap

Agreement Andrew Berkoski, Jultie Investment LLC, and Richard J. Clark and Della O. Clark.

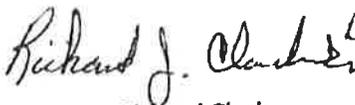
Agreement for a 10 feet sewer easement across Lot 18 Block 6 US Survey 2732, to the city sewer line in exchange for land from lot 17 Block 6 U.S Survey 2732. The land will consist of a line from the fence pole in the northwest corner of the property marker to the property marker by the satellite dish pole, approximately 57 feet from the house. See as-built with line drawn for reference.

Jultie Investment LLC will pay for the surveys and paperwork required by the city and state to complete the land transfer and easement. Also Jultie Investment LLC will pay for the construction and connection of the sewer line.

Jultie Investment LLC will make sure the driveway gravel is level with the existing gravel and install construction cloth under the section that is dug up. If the sinks in the spring Jultie will make sure it is level by adding gravel to the easement portion of the drive.

An escrow will be set up with \$4,000 to make sure the paperwork and easement will be completed if the Clark's feel that it is necessary. The money will be held at First Mortgage Inc located in Anchorage. To release the funds back to Jultie Investments LLC, the subdivision must be complete, easement granted and driveway and surrounding area put back into similar condition. A letter signed from Della or Richard and either John Montooth or Andrew Berkoski that the work is complete is needed to release the funds. Work must be completed by Dec 31, 2017. If work is not completed to satisfaction of the land owner then the funds can be released to Della and or Richard Clark by having an independent contractor state the work is not finished or satisfactory. The three independent contractors in Dillingham are: Jack Libby, Neil Bennett and Gordon Isaacs.

Signed


Richard Clark,


Della Clark,

Date

Date
10/21/16

Signed


Andrew Berkoski


John Montooth

Date 10-24-16

Date 10-21-16

NOTES:
 1. THIS PARCEL IS SERVICED BY PUBLIC WATER AND SEWER.

AS-BUILT CERTIFICATE:

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS DRAWING REPRESENTS A SURVEY MADE BY ME, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT NO ENCROACHMENTS EXIST EXCEPT AS INDICATED.

DATE 7/30/12 REGISTRATION NO. 10406
John O'Connor
 REGISTERED LAND SURVEYOR
 JOHN P. O'CONNOR



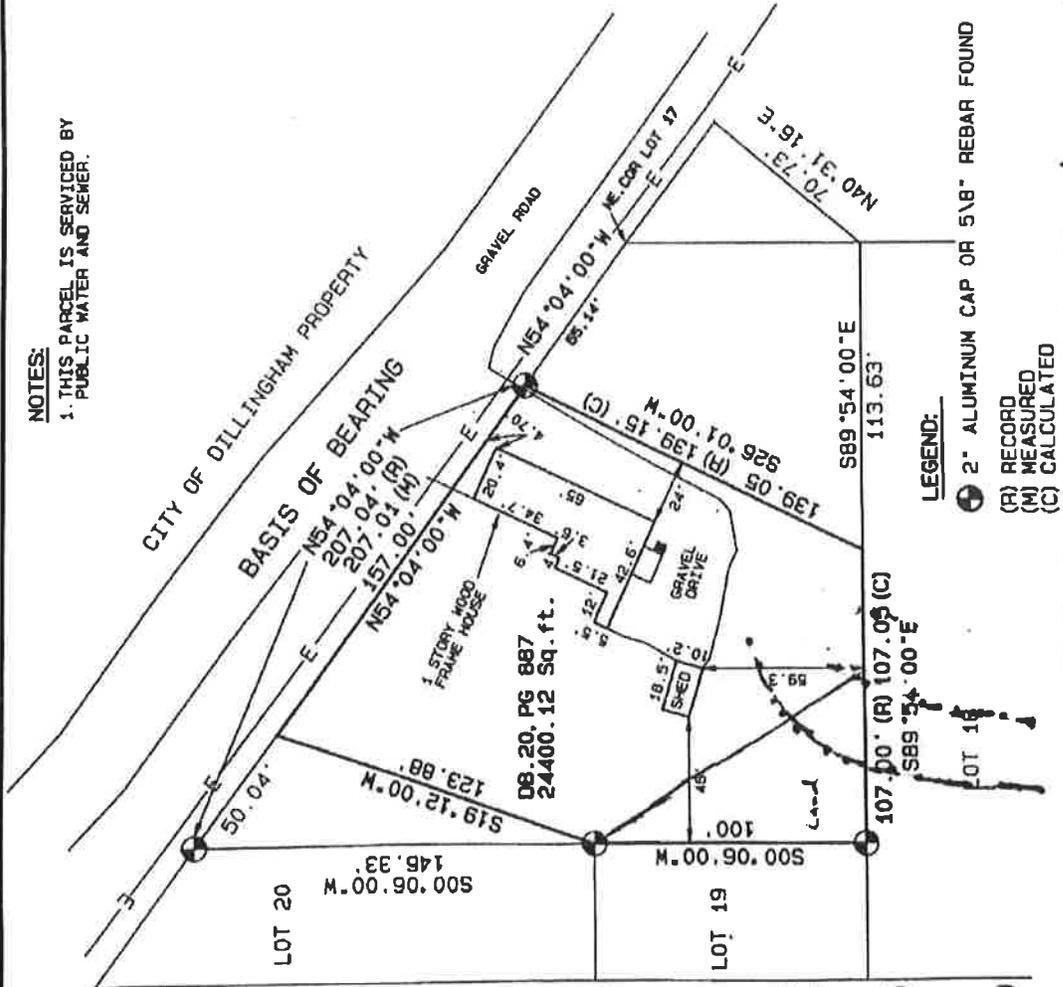
EXCLUSION NOTE:
 IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED PLATS UNDER NO CIRCUMSTANCES SHOULD ANY DATA HEREON BE USED FOR CONSTRUCTION OR BOUNDARY LOCATION.

AS-BUILT SURVEY OF A PORTION OF LOT 17 BLOCK 6 U.S. SURVEY 2732 ASB AS DESCRIBED BY DEED RECORDED IN BOOK 20 PAGE 887, DATED 10-22-1976 IN THE BRISTOL BAY RECORDING DISTRICT

SOUTHWEST ALASKA SURVEYING

2800 N. PARK DR.
 NASTILLA, AK 99854
 PHONE 907-373-1607

SCALE: 1"=50'



J.D.
R.J.C.

A. Benkoski: 10-24-16
 10-24-16

[Handwritten signatures]

— *Line in operation*
 *Case must apply in situation*