



Haines Borough
Borough Assembly SPECIAL Meeting
AGENDA

July 31, 2012 – 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

Stephanie Scott,
Mayor

Daymond Hoffman,
Seat A
Assembly Member

Steve Vick,
Seat B
Assembly Member

Debra Schnabel,
Seat C
Assembly Member

Joanne Waterman,
Seat D
Assembly Member

Norman Smith,
Seat E
Assembly Member

Jerry Lapp,
Seat F
Assembly Member

Mark Earnest
Borough Manager

Julie Cozzi,
Borough Clerk

THIS IS A SPECIAL MEETING FOR THE PURPOSE OF ADDRESSING ONLY THE FOLLOWING AGENDA ITEMS, AND THE ASSEMBLY MAY TAKE ACTION. NO OTHER ISSUES WILL BE CONSIDERED AT THIS MEETING.

1. CALL TO ORDER/PLEDGE TO THE FLAG
2. ROLL CALL
3. APPROVAL OF SPECIAL MEETING AGENDA
4. PUBLIC COMMENTS
5. BUSINESS

A. Public Hearing

Ordinance 12-07-299 – First Hearing

An Ordinance of the Haines Borough Assembly approving the sale to the State of Alaska, Department of Transportation and Public Facilities (“AKDOT&PF”) of Parcel 3, Parcel E-4 and Parcel TCE-4 as described and identified by AKDOT&PF for the Haines Ferry Terminal Improvements project (state project #68433).

This is recommended by the borough manager and the planning commission.

Suggested motion: Advance Ordinance 12-07-299 to a second public hearing on 8/14/12.

B. Resolution

Resolution 12-07-392

A Resolution of the Haines Borough Assembly authorizing the disposal of borough-owned land dedicated to public use by vacation of right-of-way to the Chilkoot Indian Association.

This is recommended by the borough manager, director of public facilities, and planning commission. **Suggested motion:** Adopt Resolution 12-07-392.

6. ADJOURNMENT



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-115

Assembly Meeting Date: 7/31/12

Business Item Description:		Attachments:
Subject:	ADOT&PF Offer Letter – Lutak Dock Land Sale	1. Ordinance 12-07-299 (with Memorandum of Agreement and Conveyance Attachments) 2. 7/20/12 Letter from ADOT re. timeframe 3. Planning Commission Action to Classify the Properties for Sale and Recommendation to Assembly 4. Manager's Report re. Sale 5. ADOT Offer Letter 6. Project Drawings
Originator:	Borough Manager (Agenda Bill by Clerks Office)	
Originating Department:	Administration	
Date Submitted:	6/18/12	

Full Title/Motion:
 Motion: Advance Ordinance 12-07-299 to a second public hearing on 8/14/12.

Administrative Recommendation:
 The manager recommends adoption.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$	\$	\$

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos. :	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

The ADOT&PF has made an offer for a portion of the Lutak Dock owned by the borough (Parcel Nos. 3, E-4, & TCE-4). This Borough property is needed for the Haines Ferry Terminal Improvements project. A brief project description and explanation for the requested property is provided in the Offer Letter. The ADOT&PF requested fee simple interest in Parcel 3 (Tract C), a permanent slope easement for Parcel E-4 (Tract A), and a temporary construction easement for Parcel TCE-4. The Planning Commission reviewed this on 7/12/12 and classified Parcels 3 & E-4 for sale and recommends the assembly approve the easement requests. HBC 14.20.100 gives the assembly authority to approve by ordinance a negotiated sale of borough land.

This ordinance was introduced on 7/24/12.

Referral:

Sent to: Planning Commission	Date: 6/26/12
Recommendation: Approve	Refer to: Meeting Date: 7/12/12

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 7/31/12
Meeting Date(s): 6/26, 7/24, 7/31/12	Tabled to Date:

An Ordinance of the Haines Borough Assembly approving the sale to the State of Alaska, Department of Transportation and Public Facilities ("AKDOT&PF") of Parcel 3, Parcel E-4 and Parcel TCE-4 as described and identified by AKDOT&PF for the Haines Ferry Terminal Improvements project (state project #68433).

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is for the specific purpose of approving a sale of three specific parcels of land to AKDOT&PF and shall not become a part of the Haines Borough Code of Ordinances.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective immediately upon adoption.

Section 4. Purpose. This ordinance authorizes the manager to conclude arrangements for the sale of the parcels identified and described in the attached Memorandum of Agreement and conveyance documents for Parcel 3, Parcel E-4 and Parcel TCE-4, upon the terms and conditions described in the Memorandum of Agreement.

Section 5. Authority. This ordinance is adopted under the authority granted the Assembly by HBC 14.20.100 to approve the sale of borough land by negotiation.

Section 6. Approval. The attached Memorandum of Agreement between AKDOT&PF and the Haines Borough for the sale of Parcel 3, Parcel E-4 and Parcel TCE-4 by the borough to AKDOT&PF for \$302,000 is hereby approved, provided that in accordance with HBC 14.20.100(D), all costs such as but not limited to surveying, platting, appraisal, escrow, and recording fees associated with this negotiated sale shall be paid by AKDOT&PF. The manager and mayor are hereby authorized to take all such steps as may be necessary to finalize and sign the Memorandum of Agreement and conveyance documents on behalf of the Haines Borough.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the ____ day of _____, 2012.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 07/24/12
Date of First Public Hearing: 07/31/12
Date of Second Public Hearing: ___/___/___



**STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES**
P.O. BOX 112500 - JUNEAU, ALASKA 99811-2500

WARRANT DATE: _____
WARRANT NO.: _____
WARRANT REC'D: _____

PURCHASE VOUCHER

PAYEE MUST SIGN THE CERTIFICATION BELOW AND RETURN THIS VOUCHER TO THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES BEFORE PAYMENT CAN BE MADE.

NAME OF PAYEE: HAINES BOROUGH
ADDRESS OF PAYEE: PO BOX 1209, Haines, Alaska 99827
TELEPHONE NO.: (907) 766-2231

Date of Agreement	Project Number 68433 FB-NH-095-5(14)	Parcel Number 3; E-4; & TCE-4	Type of Document Warranty Deed; Easement; TCE	Amount
	RIGHT OF WAY ACQUISITION			
	Parcel 3			\$194,560.32
	Parcel E-4			47,116.60
	Parcel TCE-4			60,323.08
GRAND TOTAL (LESS DEDUCTIONS)				\$302,000.00

PAYEE'S CERTIFICATION: I certify that the above bill is correct and just and that payment therefore has not been received:

Print Name
(HAINES BOROUGH)

SIGNATURES MUST BE IN INK OR INDELIBLE PENCIL

APPROVED BY: _____
RIGHT -OF -WAY (NEGOTIATOR)

ACCOUNTS TO BE CHARGED

ACCOUNT CODE	DEBIT	CREDIT	AMOUNT
24433744 57371 30284032 75150			\$302,000.00
I certify that the above services were performed or expenses incurred as stated; that they were necessary and proper; that the amounts claimed are just and reasonable; that no part thereof has been paid.	GRAND TOTAL (NET)		\$302,000.00

PREPARED BY:	APPROVED FOR PAYMENT
R. Preston	
CHECKED BY:	REGIONALCHIEF RIGHT-OF-WAY AGENT



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
MEMORANDUM OF AGREEMENT

PROJECT NAME: HAINES FERRY TERMINAL
IMPROVEMENTS
STATE PROJECT #: 68433
FEDERAL-AID PROJECT #: FB-NH-095-5(14)
PARCEL #: 3, E-4; AND TCE-4

AGREEMENT has been reached this _____ day of _____, 2012, between the owner or owners of the below designated parcel or parcels and the DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, for the purchase of said parcels. The amount to be paid, and other considerations to be given in full satisfaction of this Agreement, are as follows:

Right-of-Way Acquisition:	\$	<u>302,000.00</u>	
Retention Value	\$		
		Total Compensation	\$ <u>302,000.00</u>
Fixtures and improvements purchased:	\$		
Land purchased: Parcel 3: 16,187 sq. ft. Parcel E-4: 3,920 sq. ft.			
		TCE-4: 25,700 sq. ft.	
Damages are a considerations: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no Amount of Damages \$ _____ included in total compensation			
Other Conditions: _____			

1. Taxes and Special Assessments, if any, delinquent from former years, and Taxes and Special Assessments for the current year, if due and/or payable, shall be paid by the vendor or vendors.
2. This Memorandum embodies the whole Agreement between the parties hereto as it pertains to the real estate, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.
3. The vendor or vendors hereby agree that the compensation herein provided to be paid includes full compensation for their interest and the interests of their life tenants, remaindermen, reversioners, liens and lessees, and any and all other legal and equitable interest that are or may be outstanding and said vendor or vendors agree to discharge the same.
4. THIS AGREEMENT shall be deemed a CONTRACT extending to and binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representative, successors and assigns of the parties, only when the same shall have been approved by the Regional Chief Right-of-Way Agent on behalf of the Department.

Of the total amount of compensation hereinabove agreed upon, the sum of \$302,000.00 shall be paid upon execution and delivery of a good and sufficient: Warranty Deed Easement, and Temporary Const. Easement or Other, and the balance of the compensation, amounting to \$ n/a shall be paid upon compliance by the vendor or vendors with the terms hereof.

Disbursement of funds will be made in the following manner:

Vendor or Vendors	Amount of Payment
HAINES BOROUGH	\$302,000.00

The Vendor or Vendors certify that there are no known hazardous materials on the property.
The terms of this Agreement are understood and assented to by us and payment is to be made in accordance with the above. The Vendor occupants will be allowed a thirty-day rent-free period after receipt of the warrant and legal occupants will not be required to vacate the premises without at least ninety days written notice.

DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES Vendor and Vendors

DESIGN PROJECT MANAGER _____ Date _____
Note: Regional Pre-Construction Engineer or Designee must sign when construction consideration is involved

MARK EARNEST Date: _____
BOROUGH MANAGER

BY: _____ Date _____
Right-of-Way Agent

APPROVED FOR PAYMENT AS ABOVE

REGIONAL CHIEF RIGHT-OF-WAY AGENT _____ Date _____
Region:



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

**REVIEW APPRAISER'S DETERMINATION OF
JUST COMPENSATION**

Original

PROJECT NAME: HAINES FERRY TERMINAL
IMPROVEMENTS

STATE PROJECT #: 68433

FEDERAL-AID PROJECT #FB-NH-095-5(14)

PARCELS 3, 4 AND TCE 4

Owner: **City and Borough of Haines**

The following appraisals were reviewed and approved, using Department and nationally-recognized appraisal standards:

Appraiser: Charles Horan

Date of Appraisal: 2/7/2012

Reviewer: L. Bruce Bowler Approved

This Determination was prepared in conformity with 49 CFR 24, the Uniform Standards of Professional Appraisal Practice and Chapter 5 of DOT&PF's Appraisal Guidelines. The data and statements of fact presented in the appraisal have not been verified by this office, and are assumed to be true and correct. All of the assumptions and limiting conditions contained in the appraisal report are also conditions of this review, unless otherwise stated. My Determination is the result of my independent, personal, unbiased professional analysis, opinions, and conclusions, based upon a technical review of the appraisal and other relevant factual data, without significant professional assistance or direction. My compensation is not contingent on the results of this review or the reporting of any predetermined result. I will not benefit in any manner from the acquisition of the property being appraised. I have no direct, indirect, present, or prospective personal interest or bias toward this property or to the parties involved.

I attempted to make a physical inspection of the subject and comparables, but weather prevented it. I am familiar with the property and the area from previous appraisals.

Just Compensation for the property to be acquired is:

\$ 302,000.00 (rd)

Parcel 3 Land: 16,187 SF @\$12/SF	\$ 194,244.00
Parcel 4 Slope Easement: 3,920 SF @ \$12/SF	\$ 47,040.00
TCE-4	\$ 60,225.00
No damages or improvements were noted	
TOTAL	\$ 301,509.00

This determination is based on Mr. Horan's appraisal, which meets existing department and Uniform Act appraisal standards. The reports' analyses, opinions and conclusions appear to be appropriate and reasonable given the data and analyses presented. The land value was rounded in the City's favor.

It is understood that this Determination of Just Compensation is to be used in conjunction with a Federal-Aid or State project, and is intended for use only by the Alaska Department of Transportation and Public Facilities. To the best of my knowledge, items compensable under State Law but not eligible for Federal reimbursement, if any, are attached on a separate sheet.

Federal Participation: \$302,000.00

State Funds: n/a

Date: March 16, 2012

Review Appraiser, AK Certification # 0022



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Transportation
and Public Facilities

SOUTHEAST REGION
Director's Office

6860 Glacier Highway
PO Box 112506
Juneau, Alaska 99811-2506
Main: 907.465.1763
Toll free: 877.305.6630
Fax: 907.465.2016

July 20, 2012

Mr. M. Earnest
Haines Borough Manager
PO Box 1209
Haines, AK 99827

Dear Mr. Earnest,

I am writing in reference to the Department of Transportation and Public Facilities' proposed improvements to the Haines ferry terminal and our need to acquire certain property rights from the Haines Borough for the proposed project. We are doing our best to complete all preliminary matters to include this project in this fiscal year's budget. In order to complete our required property ownership certifications, we must hold all necessary property rights by August 25, 2012. We are concerned about the time that will be necessary to secure approval from the Borough Assembly. If we do not meet that deadline, the proposed project cannot be included in the list of funded projects for this fiscal year. We really do not want this to happen, as it is certainly possible to have this beneficial project funded in a timely manner.

My staff informs me that you expressed an interest in a materials site located just north of the Haines ferry terminal. I understand you inquired about obtaining rights to this materials site in exchange for, or as part of, the transaction for the necessary ferry terminal property. Alaska statutes only allow the department to dispose of rights in land that are in excess of its needs. The subject materials site must be used by the department as part of the proposed project; therefore, the parcel will not be excess to the department's needs at least until the completion of the Haines ferry terminal improvements. We would gladly consider a written request for the department to dispose of its rights in the materials site, but not in the context of acquiring necessary property for a proposed project.

I thank you for your continued cooperation and support regarding the proposed project, and I truly hope that we can complete any necessary transaction prior to the department's August 25, 2012 deadline.

Sincerely,


for Albert H Clough, CPG
Regional Director

"Get Alaska Moving through service and infrastructure."

Haines Borough
PLANNING COMMISSION
RECORD OF DECISION

DATE: July 16, 2012

TO: Borough Assembly

FROM: Haines Planning Commission

PLANNING COMMISSION DECISION:

Motion: Venables moved to recommend to the Assembly to classify for sale the three parcels of Lutak Dock as indicated in the manager's report for sale.

Motion: Gonce moved to amend the motion to only classify Tracts C and E4 for sale, and the amendment was accepted.

The amended motion carried unanimously.

RATIONALE:

Some Borough property is needed for the Haines Ferry Terminal Improvements project, specifically Parcel Nos. 3, E-4, and TCE-4). The ADOT&PF requested fee simple interest in Parcel 3 (Tract C). Parcel E-4 (Tract A) would be a permanent slope easement, and Parcel TCE-4 is needed as a temporary construction easement. The project would render Parcel E-4 no longer usable as dock space; however, Parcel TCE-4 remains borough property and allows the state to use it during construction. After the project, TCE-4 will continue to be usable as dock space.

On July 12, 2012, the Planning Commission concluded that the sale of Parcel 3, Tract C and establishment of a permanent easement on Lot E-4 (Tract A), and a temporary construction easement on Lot TCE-4 for fair compensation will help facilitate an upgrade for the Haines Ferry Terminal and is of benefit to the Borough. Having Lot E-4 classified for sale gives the manager latitude to negotiate a sale, if necessary.

SUBMITTED BY  (signature)
Rob Goldberg
Planning Commission Chair



Haines Borough Administration
Mark Earnest, Borough Manager
(907)766-2231 • Fax(907)766-2716
mearnest@haines.ak.us

June 26, 2012

ADOT&PF Offer Letter – Lutak Dock

Attached is an Offer Letter from the Alaska Department of Transportation and Public Facilities (ADOT&PF) for a portion of the Lutak Dock. This Borough property is needed for the Haines Ferry Terminal Improvements project (Project No. 68433; FHWA No. FB-NH-095-5(14); Parcel Nos. 3, E-4, and TCE-4). A brief project description and explanation for the requested Borough property is provided in the Offer Letter. The ADOT&PF is requesting fee simple interest in Parcel 3 (Tract C). Parcel E-4 (Tract A) would be a permanent slope easement. Parcel TCE-4 is needed as a temporary construction easement. It should be noted that the project would render Parcel E-4 no longer usable as dock space; however, Parcel TCE-4 would revert to the Borough upon project completion and would be usable as dock space.

The ADOT&PF engaged Horan and Company of Sitka to appraise the value of the property that is needed for the project, including the ADOT&PF's ownership interest and construction easement. The appraisal determined a fair market value of \$301,509, rounded to \$302,000 by the ADOT&PF, for the property in question. Additionally, the ADOT&PF is interested in re-establishing its ownership interest in Tract B.

I have provided below the relevant portion of HBC regarding sales of Borough property by negotiation:

14.20.100 Sales and exchanges by negotiation or competitive proposal.

- A. Upon direction of the assembly by motion, the land manager may commence negotiations for the sale, or exchange or other disposal of borough land.
- B. Upon application, and approval by the land manager, a person may submit a written proposal to purchase, or otherwise acquire borough land for a specified purpose. The proposal shall be reviewed by the planning commission and thereafter forwarded to the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals.
- C. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (A) or (B) of this section, and after review by the planning commission and authorization by the assembly by ordinance, the land manager may conclude arrangements for the sale, or exchange or other disposal of borough land.

When a land exchange is proposed, the planning commission shall evaluate alternative sites, and shall make specific recommendations regarding exchanges prior to execution of the exchange. The final terms of the disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the land manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection.

- D. All costs such as but not limited to surveying, platting, appraisal, escrow, and recording fees associated with the transfer of borough land by negotiated sale, or land exchange shall be paid by the proposer.

The first step of the process is prescribed in paragraph A: Upon direction of the assembly by motion, the land manager may commence negotiations for the sale, or exchange or other disposal of borough land. **I am seeking Assembly direction in the form of a motion to begin negotiations with the ADOT&PF for the sale, or exchange or other disposal of borough land consisting of Parcel Nos. 3, E-4, and TCE-4, as referenced in the attached ADOT&PF project drawings.**

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

SOUTHEAST REGION DESIGN & ENGINEERING SERVICES
PRECONSTRUCTION

SEAN PARNELL, GOVERNOR

6860 GLACIER HIGHWAY
PO Box 112506
JUNEAU, AK 99811-2506

PHONE: (907) 465-4444
TTY/TDD: (907) 465-4647
FAX: (907) 465-4414

May 24, 2012

Mr. Mark Earnest
Borough Manager
Haines Borough
P.O. BOX 1209
Haines, Alaska 99827

LETTER OF OFFER

Re: Haines Ferry Terminal Improvements
Project No. 68433
FHWA No. FB-NH-095-5(14)
Parcel Nos. 3; E-4, and TCE-4

Dear Mr. Earnest,

The Department of Transportation and Public Facilities (the department) has plans to improve the Haines Ferry Terminal. Among other things, the department plans to remove four deteriorated sheet pile cells, and replace them with a new fill slope covered with armor rock. In the process, approximately 49,000 cubic yards of material will be removed and disposed of in a new area of expansion, primarily in an area identified as Parcel 2 shown on the enclosed drawing.

The project requires the acquisition of a parcel of land owned by the borough known as Tract C of A.T.S. 1464. A copy of A.T.S. 1464 also accompanies this letter. For purposes of the project, Tract C has also been identified as Parcel 3. Parcel 3 consists of 16,187 sq. ft. The project will also include a concrete retaining wall on the north side of the terminal building in an area identified on the enclosed drawing as E-4. The retaining wall requires the acquisition of a permanent easement which has been designated as Parcel E-4. Parcel E-4 consists of .09 acre. Parcel E-4 is shown both on the enclosed overall drawing and on a special drawing for the easement which is attached to the enclosed easement conveyance for Parcel E-4. The improvements to the terminal will also require the acquisition of a Temporary Construction Easement (TCE-4) consisting of .59 acres or 25,700 sq. ft. TCE-4 is shown on a drawing attached to an enclosed Temporary Construction Easement form. Parcels E-4, and Parcel TCE-4 are areas also owned by the Haines Borough. They are part of Tract A of A.T.S. 1464.

The department is duty bound to pay just compensation for all property rights which must be acquired for its construction projects. Accordingly, the department engaged a private

appraiser, Horan and Company of Sitka to appraise the value of the property rights that must be acquired from the Haines Borough. Mr. Horan did perform an appraisal and a copy of his appraisal is enclosed with this letter. Mr. Horan opined that the several property rights involved have a fair market value as follows:

Parcel 3: a fee simple interest in 16,187 sq. ft.:	\$194,244
Parcel E-4: a permanent 3,920 sq. ft. slope easement:	47,040
Parcel TCE-4: a 25,701 sq. ft. temporary construction easement:	<u>60,225</u>
Total:	\$301,509

Mr. Horan's appraisal has been reviewed and approved by one of the department's review appraiser's, Mr. Bruce Bowler. Mr. Bowler also made a determination of just compensation and rounded the total amount to **\$302,000**.

The department hereby offers to purchase all of these rights, and each of them for a total of **\$302,000**.

Assuming that this amount is acceptable to the borough, I have prepared the necessary documents by which the property rights would be conveyed. Enclosed is a warranty deed for Parcel 3 (Tract C), a permanent easement conveyance for Parcel E-4, and a temporary construction easement for Parcel TCE-4. Also enclosed is a Memorandum of Agreement, a Purchase Voucher, and a W-9 form.

Finally, as this process moves forward we would like to clarify or re-establish the department's ownership interest in Tract B of A.T.S. 1464.

If you have any questions or concerns about this offer, please call me at 465-4519. I thank you for your consideration.

Ray C. Preston



Right of Way Agent

enclosures

N63°26'59"W 1528.76'

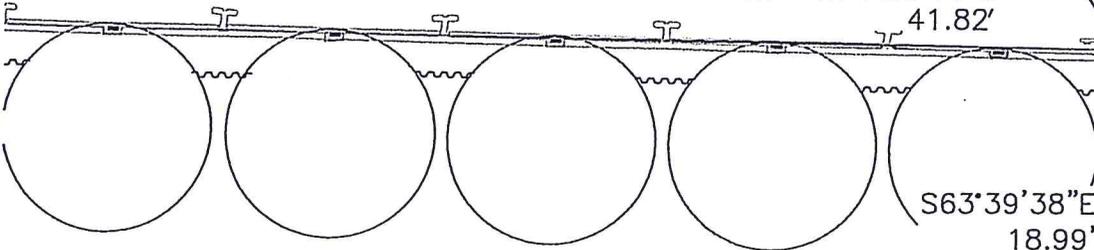
PARCEL	OWNER	AREA	REMAIN	RECORDING DATA
4	HAINES BOROUGH	0.09 AC	11.71 AC	

R = 29.57'
 $\Delta = 90^{\circ}00'25''$
 L = 46.45'
 Ch = N71°20'10"E
 41.82'

C-2,
ATS 1464

S62°49'05"E 640.87'

A.T.S. 1464
 TRACT E
 STATE OF ALASKA
 DOT&PF



RM WC3
ATS 1194

A.T.S. 1464

TRACT D

WC3, ATS 1194

S63°40'03"E

4.94'

S63°39'38"E
18.99'

C-2,
TR. C

A.T.S. 1464
 TRACT A
 HAINES BOROUGH

A.T.S. 1464
 TRACT C
 HAINES BOROUGH

E-4
3920
Sq. Ft.

3

N26°20'22"E
66.01'

S26°20'02"W
101.95'

N63°39'38"W 38.91'

N63°47'14"W
2.22'

N36°25'49"W 13.92'

C-1,
TR. C

N62°12'18"W 385.49'

A.T.S. 1464
 TRACT B
 STATE OF ALASKA
 DOT&PF

S27°52'07"W 94.94'

N62°12'01"W 388.03'

C-2,
ATS 246

DOT&PF EASEMENT
 FROM HAINES BOROUGH

SECTION 10
 GOV'T. LOT 7
 STATE OF ALASKA

STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND
 PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR:
 FB-NH-095-5(14) 68433
 HAINES FERRY TERMINAL
 IMPROVEMENTS

OWNER'S INITIAL: _____

ATTACHED TO: _____

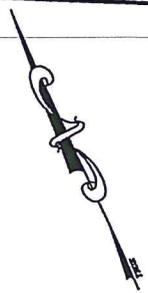
PAGE ___ OF ___ DATE: _____

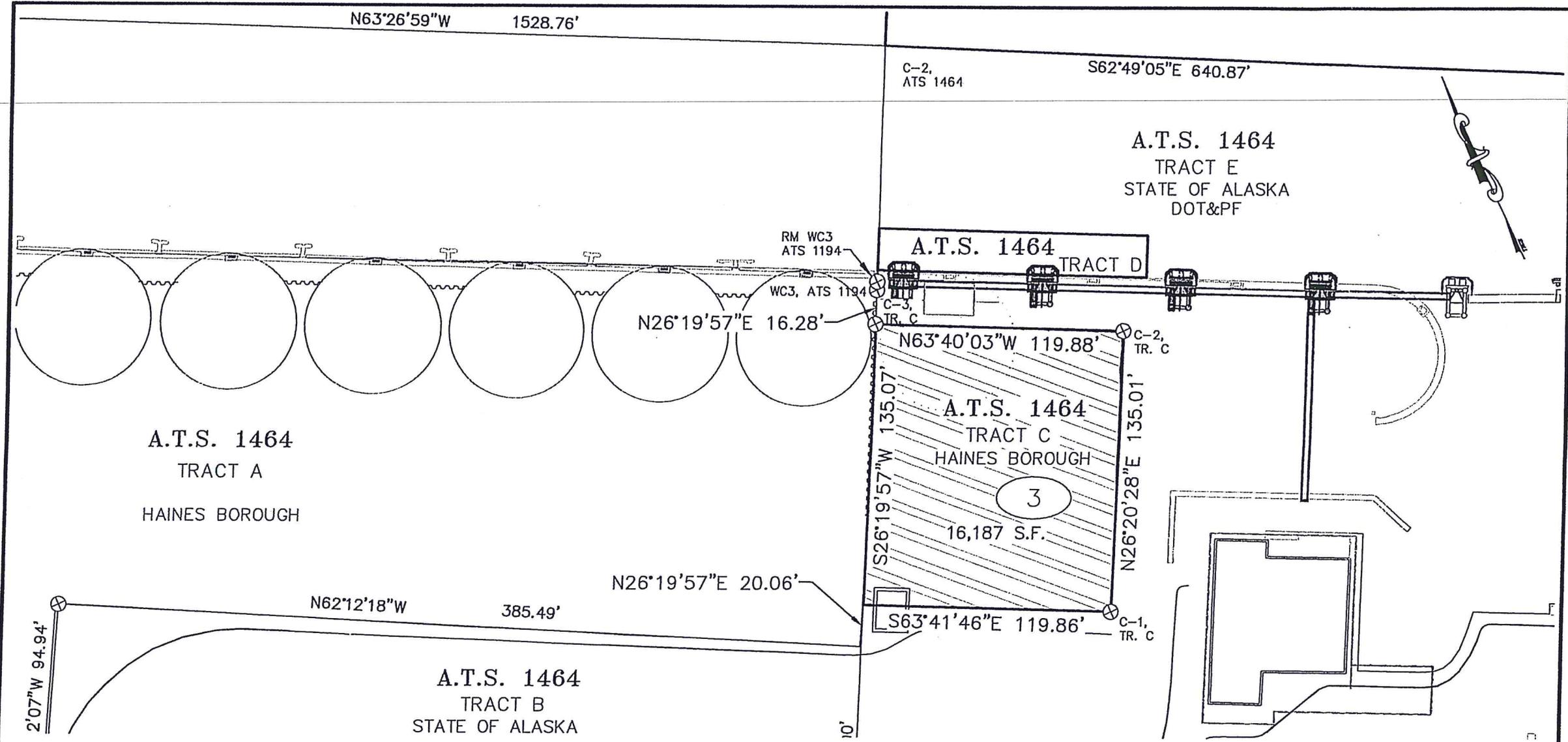
DRAWN BY: RJG CHECKED BY: Rit

PARCEL NO. E-4 DATE: 04/2012

AREA: 3920 S.F. SCALE: 1"=60'

SHEET 1 OF 1





PARCEL	OWNER	AREA	REMAIN	RECORDING DATA
3	HAINES BOROUGH	16,187 S.F.	0.00 S.F.	

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND
PUBLIC FACILITIES

OWNER'S INITIAL: _____
 ATTACHED TO: _____
 PAGE ___ OF ___ DATE: _____
 DRAWN BY: RJG CHECKED BY: _____

RIGHT OF WAY REQUIRED FOR:
FB-NH-095-5(14) 68433
HAINES FERRY TERMINAL
IMPROVEMENTS

PARCEL NO. 3 DATE: 04/2012
 AREA: 16,187 S.F. SCALE: 1"=60'
 SHEET 1 OF 1

N63°26'59"W 1528.76'

EASEMENT	OWNER	AREA	PURPOSE
TCE-4	HAINES BOROUGH	0.59 AC	GRADING ACCESS

$R = 29.57'$
 $\Delta = 90^{\circ}00'25''$
 $L = 46.45'$
 $Ch = N71^{\circ}20'10''E$
 $41.82'$

S63°26'59"E 103.27'

C-2, ATIS 1464

S62°49'05"E 640.87'

A.T.S. 1464
 TRACT E
 STATE OF ALASKA
 DOT&PF

TCE-4
 0.59 Ac.

A.T.S. 1464

TRACT D

A.T.S. 1464
 TRACT A
 HAINES BOROUGH

A.T.S. 1464
 TRACT C
 HAINES BOROUGH

3

N62°12'18"W 385.49'

A.T.S. 1464
 TRACT B
 STATE OF ALASKA
 DOT&PF

S62°12'18"E 103.34'

S27°52'07"W 94.94'

DOT&PF EASEMENT
 FROM HAINES BOROUGH

SECTION 10
 GOV'T. LOT 7
 STATE OF ALASKA

N62°12'01"W 388.03'

C-2, ATIS 246

STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND
 PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR:
 FB-NH-095-5(14) 68433
 HAINES FERRY TERMINAL
 IMPROVEMENTS

OWNER'S INITIAL: _____
 ATTACHED TO: _____
 PAGE ___ OF ___ DATE: _____
 DRAWN BY: RJG CHECKED BY: RW

PARCEL NO. TCE-4 DATE: 04/2012
 AREA: 0.59 Ac. SCALE: 1"=60'
 SHEET 1 OF 1

C:\HNS\68433\RW\HAINES_FT\DWG\HNS_FT_2011_PARCELS.DWG

A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY AUTHORIZING THE DISPOSAL OF BOROUGH-OWNED LAND DEDICATED TO PUBLIC USE BY VACATION OF RIGHT-OF-WAY TO THE CHILKOOT INDIAN ASSOCIATION.

WHEREAS, the Chilkoot Indian Association (CIA) has requested vacation of a borough right-of-way (ROW) to accommodate a planned Community Services Center on tribally-owned land that will serve a valuable public purpose; and

WHEREAS, the ROW consists of 20 feet of undeveloped alleyway servicing Lots 1-10 within Block D, Mission Subdivision, and totals 4,080 square feet; and

WHEREAS, per HBC 14.32.030(C), the planning commission held a duly-advertised public hearing on July 12, 2012, and unanimously recommended assembly approval of this vacation request; and

WHEREAS, HBC 14.32.030(E) states that "[a]n assembly resolution must be adopted to authorize the disposal of any vacated rights-of-way. The resolution shall contain a statement that the assembly found the property surplus to its needs as a right-of-way. It must give a legal description of the property to be vacated, the names of the applicants to whom the vacation is to be granted, and the market value of the land to be vacated;" and

WHEREAS, the assembly hereby finds this property to be surplus to its needs as a borough right-of-way; and

WHEREAS, HBC 14.32.030(F) states that "[a]pplicants granted a vacation of a public right-of-way shall pay to the borough an amount not less than the current assessed value of the vacated property as determined by the assessor or land manager;" and

WHEREAS, the borough assessor has determined the market value of the property to be \$5.00 per square foot and, therefore, the ROW has a total market value of \$20,400; and

WHEREAS, the terms of the purchase, to be negotiated by the borough manager, may include market value of CIA-owned land in exchange for the ROW and/or cash, recognizing that the total payment shall in no case be less than the property value as determined by the assessor,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly,

Section 1: Authorizes the vacation and sale of the aforementioned 4,080 square foot borough right-of-way to the Chilkoot Indian Association at \$5.00 per square foot (\$20,400 value); and

Section 2: Authorizes the borough manager to negotiate the terms of the purchase.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the ____ day of _____, 2012.

Attest:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Chilkoot Indian Association Right-of-way Vacation Request

The Chilkoot Indian Association is requesting from the Borough 3,850 sf of existing alleyway right-of-way existing between Presbyterian Mission plat lots. The right-of-way is entirely surrounded by Tribally-owned land, and the adjacent property owner to the south has already vacated the right-of-way. Property owners across the alleyway to the north have vacated right-of-way.

This vacation will allow the Tribe to construct a Community Services Center. The Center will be a 60X80 building with a conference room for Council and private meetings and an open space for medium-sized public meetings. Office space will be designed for staff and Tribal offices. Over 12,000 sf will be dedicated for parking, and overall uses will be considered in the access plan. The Haines Borough Assembly has endorsed this project concept as a valuable use.

In order to legally construct, the property lines need to be vacated, and the right-of-way also needs to be vacated to allow all nine properties to be developed as a whole. The property owner to the south has already vacated the alleyway within his portion of Block D.



Haines Borough Administration
Mark Earnest, Borough Manager
(907)766-2231 • Fax(907)766-2716
mearnest@haines.ak.us

July 31, 2012

Vacation of Borough Right-of-Way to the Chilkoot Indian Association

The Chilkoot Indian Association (CIA) is requesting vacation of a borough right-of-way (ROW) to accommodate a planned Community Services Center on tribally-owned land. Assembly action in the form of a resolution authorizing the vacation is recommended by the Borough Administration and Planning Commission. This action is supported by the Administration for the following reasons: (1) the property is no longer needed as a Borough right-of-way and (2) the proposed development is believed to be in the best interest of the public.

If the ROW vacation is approved by the Assembly, I anticipate that the terms of the transaction will include, at least in part, compensation in the form of Borough acquisition of CIA-owned property along Fair Drive. As you are aware, it has been determined that a portion of Fair Drive, a Borough-owned and maintained road, is encroaching on property owned by the Chilkoot Indian Association (CIA). We expect to have a separate resolution regarding acquisition of this property at the August 14, 2012 Assembly meeting.



Memo

To: Mark Earnest
Borough Manager
From: Dean Olsen
Asst. Assessor
Date: 7/26/2012
Re: Request for Valuation of CIA & Haines Borough Right-of-Way properties.

A land valuation request was submitted to the Assessing Department by Planning and Zoning Technician, Steve Ritzinger, on July 23, 2012, related to the Right of Way, (ROW), for two parcels. The following research outlines the assessment process by Dean Olsen, Assistant Assessor for Haines Borough. This research was reviewed by the Haines Borough Contract Assessor, Mike Renfro.

The goal of this assignment is to objectively determine fair market value of two parcels of land, while striving to honor the ethics required in the valuation process by my membership of the Alaska Association of Assessing Offices, (AAAO), and the International Association of Assessing Officers, (IAAO).

Parcel #1- (Tracks D & C, TL-1, USS 735), owned by Chilkat Indian Association, (CIA), and, encroached upon by Haines Borough due to an error in road placement into Right-of-Way, (ROW).

Chilkat Indian Association, (CIA), has developed a subdivision off of Fair Drive, and across from the Southeast Alaska State Fair grounds parcel. When surveying for a proposed plat for the subdivision it was discovered that the Haines Borough access road, Fair Drive, leading into the subdivision and into the fairgrounds actually encroaches on (CIA) property outside of the ROW.

Parcel #2- Lots 2-9 Blk. D, Haines Townsite, {Proposed "Lot 2A Blk. D }, also owned by (CIA) with (ROW) property within the parcel owned by Haines Borough.

Chilkoot Indian Association plans to develop their property on 3rd Ave, Parcel #2- (Lots 2-9 Blk. D, Haines Townsite, and {Proposed Lot 2A Blk. D}. CIA is requesting to exchange the land the Haines Borough is encroaching on at Fair Drive (Tracks D & C TL-1 USS 735), to make the designated (ROW) more uniform, **in return for** Haines Borough land designated as (ROW) on Parcel #2- (Lots 2-9 Blk. D, Haines Townsite, {Proposed "Lot 2A Blk. D }.

A precedent was set years ago by a former Haines governing body allowing the neighboring property owner to vacate (ROW) of the adjacent property. The same request is being made by (CIA).

Facts to be considered in the valuation process:

1. As stated by Mike Renfro, contract assessor for the Haines Borough, “*We should stay with the DOT guidelines for “takings”. That is, assess the value of the larger parcel first. Then, the parts are valued at the same rate. ”*
2. The encroachments on CIA property on Fair Drive, Tracks D & C, TL-1, USS 735, although now improved with fill to create the access roadbed and road, are connected to larger parcels in a **wetland area**.
3. Designated Borough (ROW) property assigned with Lots 2-9 Blk. D, Haines Townsite, Haines Townsite, is connected with upland parcels, and are valued at a higher rate than **wetlands**.
4. Discussion should take place on whether or not “Adverse Possession” plays a part in the accidental encroachment by the Haines Borough into the parcels owned by (CIA).

Parcel #1- (Tracks D & C, TL-1, USS 735) valuation (“Takings” for Proposed ROW = 19,182.8 SF)

Comparable property Sales for parcel #1:

- C-WES-0A-0400LOT 4, TRACT A, WESTERN SUB. USS 205, sold 5/25/2010 grantor & grantee would not disclose sale information. **However, the 2.08 acre parcel is assessed at \$2.99/SF and owner has not appealed the assessed value.**

Comparable property listings for Parcel #1:

- (Package offer): C-WES-0A-0100 LOT 1, TRACT A WESTERN SUBDIVISION 1.32 acres ; C-WES-0A-0200 LOT 2, TRACT A WESTERN SUBDIVISION 1.31 acres; C-WES-0A-0300 LOT 3, TRACT A WESTERN SUBDIVISION 1.31 acres ; C-WES-0A-0500 LOT 5, TRACT A WESTERN SUBDIVISION 1.81 acres; C-WES-0A-0600 LOT 6, TRACT A WESTERN SUBDIVISION 3.47 acres; C-WES-00-00A1 TRACT A1, WESTERN SUB. PLAT 95-11 8.41 acres. Lots listed with Haines Real Estate with a list price of \$0.25/SF. (The land is assessed at \$0.21/SF.)
- C-735-03-060 is listed for sale a \$1.50/SF. This parcel has fewer wetland issues than the previous listing, but its location and bordering road make it comparable to subject property.

Summary of Parcel #1- (Tracks D & C, TL-1, USS 735)

Listings for “like” property range from a low of \$0.21/SF to a high of \$1.50/SF. Like property has sold recently for an undisclosed amount, but assessed value of \$2.99/SF has not been appealed by new owner. A mid-range value based on listings of similar property is \$0.88/SF, (rounded). The highest and best use of this land currently is access. The utility of land includes water drainage, and snow removal. In my opinion it is unlikely that the subject property would be placed on the market with an asking price equal to the high end of like properties based on the utility & current highest and best use. Therefore, taking all of the listed factors into account, fair market value for the subject property is **\$0.95/SF**. Fair market value of the proposed 19,182.8 SF ROW, (“takings”), owned by CIA equals \$18,200 (rounded).

Parcel #2- Lots 2-9 Blk. D, Haines Townsite valuation. (“Takings” for Proposed ROW = 4,080 SF)

Comparable property Sales:

- C-MIS-0Q-1900 MISSION SUB BLK Q, LOT 19, sold to State of Alaska, Dot for \$4.50/SF.

Comparable property listings:

- C-TNS-05-0300, list price \$45,000.00, size 7,000 SF = \$6.43/SF
- C-TNS-10-0100, list price \$95,000.00, size 16,394 SF = \$5.79/SF

Summary of Parcel #2- Lots 2-9 Blk. D, Haines Townsite valuation.

Listings for “like” property range from a low of \$5.79/SF to a high of \$6.43/SF. Owner reports the property listed for \$6.43/SF has been on the market for over one year without any offers.

Similar property sold recently for \$4.50/SF. However, although the grantor stated they held out for a higher offer, this sale was between the State of Alaska, and a private owner for road improvement, making the sale less than typical. Based on sales information fair market value for the large upland parcel is **\$5.00/SF**. Fair market value of the proposed vacated **4,080 SF** ROW, (“takings”) owned by Haines Borough equals **\$20,400**.

Conclusion of Valuation Study

Recognize that Fair Drive is an access road leading to the Haines Borough water treatment facility, the Southeast Alaska State Fair grounds, and the business establishments located within, and now the new housing project built by Chilkoot Indian Association. This road is necessary for public access to these establishments, and has been in place for many, many years without issue of encroachment. The 2011 Alaska Statute, Sec. 09.45.052. and Haines Borough Code, 14.28.020 addressing “Adverse Possession” should be reviewed and discussed by the negotiating parties if it is considered an issue.

Fair market value for the proposed **19,182.8 SF** ROW (“takings”) owned by CIA equals **\$18,200** (rounded). Fair market value of the proposed vacated **4,080 SF** ROW, (“takings”) owned by Haines Borough equals **\$20,400**.

Haines Borough
PLANNING COMMISSION
RECORD OF DECISION

DATE: July 16, 2012

TO: Borough Assembly

FROM: Planning Commission

PLANNING COMMISSION DECISION:

Motion: Venables moved to "recommend for the Assembly to vacate the alley within Block D, Mission Subdivision," and the motion carried unanimously.

RATIONALE:

On July 12, 2012, the Planning Commission concluded that the CIA proposal to vacate the alley and consolidate their 9 lots to build a community service facility is a reasonable use of the property, which does not conflict with Haines Borough Interests.

SUBMITTED BY  (signature)
Rob Goldberg
Planning Commission Chair

LEGEND

- SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
- SECONDARY MONUMENT RECOVERED THIS SURVEY REBAR & CAP

- SURVEYED
- - - UNSURVEYED
- CENTERLINE
- - - LOT LINE VACATED THIS SURVEY



TYPICAL SECONDARY MON.
2" ALUM. CAP
5/8" REBAR, 36" LONG

BASIS OF BEARING

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF S80°55'00"E TO A FOUND REBAR & CAP BEING THE SOUTHEAST CORNER OF LOT 1, BLOCK D, PRESBYTERIAN MISSION SUBDIVISION TO A FOUND REBAR & CAP BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK D, PRESBYTERIAN MISSION SUBDIVISION AS SHOWN ON RECORD PLAT HAINES SERIAL NO. 62-329.

CORPORATE OWNERSHIP CERTIFICATE:

I HEREBY CERTIFY THAT CHILKOOT INDIAN ASSOCIATION IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS C/O HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

Date: _____, 2012

OWNER: CHILKOOT INDIAN ASSOCIATION
PO Box 490
HAINES, ALASKA 99827

NOTARY ACKNOWLEDGMENT:

UNITED STATES OF AMERICA } S.S.
STATE OF ALASKA }

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____ 2012 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED _____, C/O, CHILKOOT INDIAN ASSOCIATION TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED AND SEALED THE SAME, FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

Notary Public for Alaska _____
My Commission Expires _____

CERTIFICATE BY THE HAINES BOROUGH

THE REPLAT OF LOTS 2-10, BLOCK D, PRESBYTERIAN MISSION SUBDIVISION, PLAT HAINES SERIAL NO. 62-329, AS DESCRIBED HEREON HAS BEEN FOUND TO COMPLY WITH THE PROVISION SET FORTH IN HC, 18.100 AND IS APPROVED FOR RECORDING WITH THE HAINES RECORDERS OFFICE DATED:

_____, 2012.

ROB GOLDBERG _____ DATE _____
PLANNING COMMISSION CHAIR

STEPHANIE SCOTT _____ DATE _____
MAYOR
HAINES BOROUGH

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED AND REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT ALL DIMENSIONAL DETAILS AND RELATIVE BEARINGS ARE CORRECT AS SHOWN AND THAT ALL EASEMENTS AND RIGHT OF WAYS APPEARING ON THE LAND ARE AS SHOWN.

Date: _____

CERTIFICATION OF BOROUGH ASSESSOR

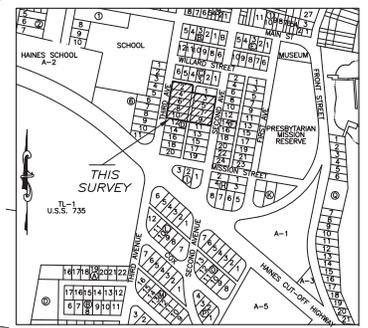
I HEREBY CERTIFY THAT THE APPLICANTS ARE NOT DELINQUENT ON PROPERTY TAXES FOR THE PROPERTY SPECIFIED ON THE SUBDIVISION PLAT SHOWN HEREON.

Dated: _____, 2012.

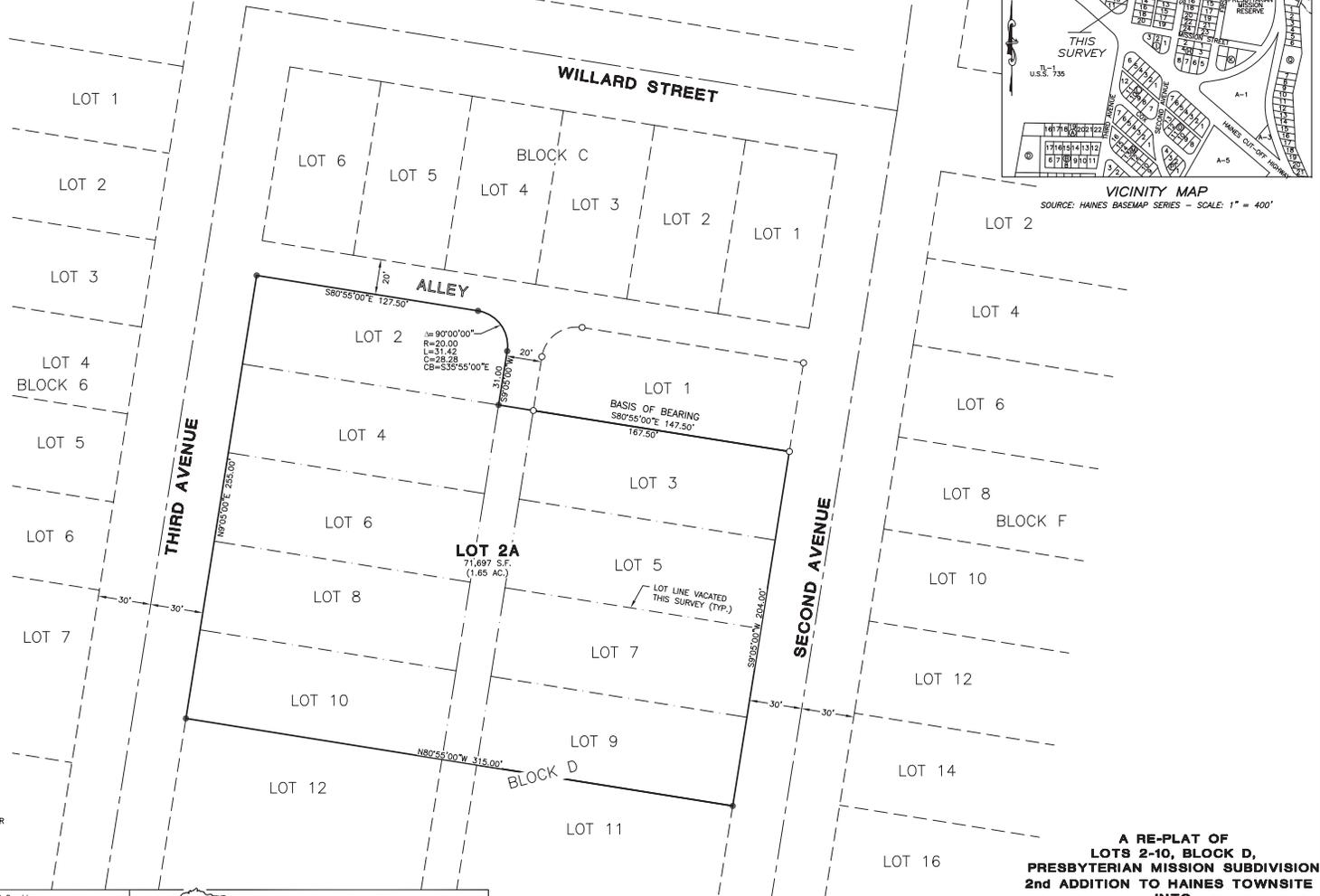
Haines Borough Assessor _____

NOTE:

THIS PLAT IS IN THE SINGLE RESIDENTIAL LAND USE ZONE



VICINITY MAP
SOURCE: HAINES BASEMAP SERIES - SCALE: 1" = 400'



**A RE-PLAT OF
LOTS 2-10, BLOCK D,
PRESBYTERIAN MISSION SUBDIVISION
2nd ADDITION TO HAINES TOWNSITE
INTO
LOT 2A, BLOCK D,
PRESBYTERIAN MISSION SUBDIVISION
2nd ADDITION TO HAINES TOWNSITE
WITHIN CITY OF HAINES, ALASKA
HAINES RECORDING DISTRICT - HAINES, ALASKA**

OWNER:
CHILKOOT INDIAN ASSOCIATION
PO Box 490
HAINES, ALASKA 99827

- NOTES:**
1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
 2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
 3. LOTS WITHIN THIS SUBDIVISION ARE SERVED BY THE HAINES BOROUGH MUNICIPAL WATER AND SEWER SYSTEMS.

G:\BEAN\HAINES\HNS-5612-CHILKOOT-INDIAN\HNS-5612-CHILKOOT-INDIAN LOTS 2-10.DWG 6/22/2012 8:53:08 AM AST



DRAWN BY: GDM Graphics
CHECKED BY: J.W.B.
DRAWING DATE: 6-21-2012
FIELD BOOK:
SCALE: 1"=30'
JOB No.: HNS-5612-CHILKOOT-INDIAN LOTS 2-10
GRID:
REVISED:

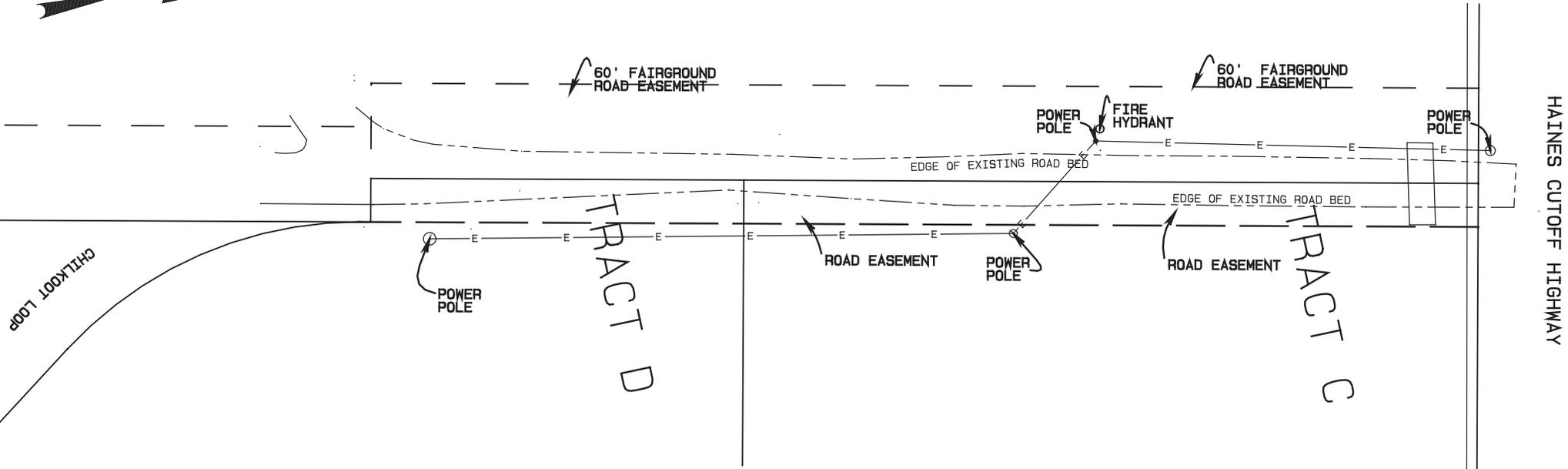
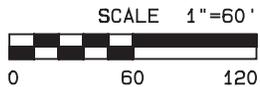
J.W. BEAN INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU, ALASKA
(907) 789-0380
SURVEYOR - PLANNER

ROW wetland area owned by CIA.

ROW upland area owned by Borough.

Mountain Market for a reference point.





I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.

J.W. BEAN
 PROFESSIONAL SURVEYOR
 HAINES, CITY
 F.B.

JOB NqHNS 5-10-11
 SCALE AS-SHOWN
 DATE 7-11-12

AS-BUILT SURVEY OF
 FAIRGROUND ROAD
 TOWNSITE OF HAINES
 HAINES RECORDING DISTRICT



Chapter 14.32

VACATION OF RIGHTS-OF-WAY

14.32.030 Procedures.

The following are the procedures which shall be followed in a vacation of a public right-of-way request:

- A. An application for the vacation shall be signed by all affected property owners and accompanied by an accurate paper plat created by a surveyor licensed by the state of Alaska showing the property in question, along with a \$100.00 nonrefundable filing fee, and filed with the clerk on a form provided by the borough.
- B. The borough shall notify, in writing, all persons who own property within 200 feet of the proposed vacation, giving information on the location of the vacation and scheduling of a public hearing on the vacation at the next appropriate planning commission meeting.
- C. The planning commission shall hold a public hearing on the requested vacation. This hearing must be advertised in the local newspaper at least seven days before the hearing takes place. The planning commission shall make its recommendation to the assembly regarding the request.
- D. If the assembly grants the vacation request, the applicant must have the vacated land surveyed and replatted by a registered land surveyor in a format suitable for filing with the State Recorder's Office.
- E. An assembly resolution must be adopted to authorize the disposal of any vacated rights-of-way. The resolution shall contain a statement that the assembly found the property surplus to its needs as a right-of-way. It must give a legal description of the property to be vacated, the names of the applicants to whom the vacation is to be granted, and the market value of the land to be vacated.
- F. Applicants granted a vacation of a public right-of-way shall pay to the borough an amount not less than the current assessed value of the vacated property as determined by the assessor or land manager. (Ord. 09-01-196)