

HAINES BOROUGH  
RESOLUTION No. 12-08-397

Adopted

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY AUTHORIZING THE BOROUGH MANAGER TO ACQUIRE, IN THE BEST INTERESTS OF THE COMMUNITY, THE FAIR DRIVE ENCROACHMENT PROPERTY CONSISTING OF A PORTION OF U.S.S. 735, ALSO KNOWN AS TL 2-1 TOTALING 19,182.8 SQUARE FEET MORE OR LESS.**

**WHEREAS**, it has been determined that Fair Drive, a Borough-owned and maintained road, is encroaching on property owned by the Chilkoot Indian Association (CIA); and

**WHEREAS**, the property, commonly known as "the Fair Drive encroachment:" a real estate parcel within U.S.S. 735, also known as TL 2-1 Fair Drive, more particularly described as: Commencing at Corner 5, of said U.S.S. 735, thence following the bearing S 12 degrees 15' 30" W 1980 feet more or less to a point of intersection with the south boundary of U.S.S. 735 the point of beginning also located at the intersection of the Haines Cut-off Highway and Fair Drive, thence west 135 degrees 27' 26" W a distance of 27.45 feet, thence south 12 degrees 15' 30" W a distance of 698.8 feet, thence east 135 degrees 27'28" W 27.45 feet, thence north 12 degrees 15' 30" W 698.8 feet to the point of beginning, an area totaling 19,182 square feet more or less; and

**WHEREAS**, the Borough Assembly, at its January 10, 2012 meeting, directed the manager to "begin the Title 14 process of purchasing the CIA property along East Fair Drive that is being encroached upon, including an updated value assessment, survey, and draft resolution containing the purchase method and terms;" and

**WHEREAS**, the market value of the land to be acquired is determined by the Borough Assessor to be \$18,200; and

**WHEREAS**, the Assembly hereby finds that the Borough needs the property for Fair Drive; and

**WHEREAS**, the property is to be conveyed by a good and sufficient Statutory Warranty Deed, free and clear of all liens and encumbrances, except conditions, restrictions, reservations, easements and covenants of record, which are acceptable to the Borough and do not affect marketability of title; and


**WHEREAS**, the closing of this transaction is subject to, and dependent upon, the Assembly's appropriation of funds in the amount required for closing this transaction or a combination of cash and / or fair market property exchange at a value as determined by the Assessor; and

**WHEREAS**, Borough Code Section 14.04.030 states that "[o]nly upon a specific resolution of the assembly, the manager may act on its behalf in the acquisition of real property when the property to be acquired is for a valuable consideration,"

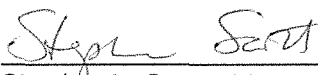
**NOW, THEREFORE, BE IT RESOLVED** that the Borough Assembly hereby authorizes the Borough Manager to acquire the real estate property as described above, from Chilkoot Indian Association for the price and terms hereinabove mentioned.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the 14<sup>th</sup> day of August, 2012.

Attest:

  
Julie Cozzi, MMC, Borough Clerk



  
Stephanie Scott, Mayor