

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to lease an easement within a borough-owned Right of Way to Albert Sacks.

WHEREAS, Lots 1 and 2, Block 8, Townsite Addition, Haines Recording District, First Judicial District, State of Alaska contains a building that faces Second Avenue and encroaches into the borough-owned alley right of way (ROW) to the north; and

WHEREAS, on August 11, 1986, the City of Haines issued a permit allowing the encroachment for the lesser of 30 years or the life of the building or until such time as the northerly wall may be reconstructed; and

WHEREAS, the original permittees recently sold the property and the new property owner, Albert Sacks, appeared before the Haines Borough Planning Commission on March 14, 2013 with a request to purchase the encroachment area; and

WHEREAS, the Planning Commission recommends against selling the area but rather entering into a new lease for a 30-year period or the life of the building, whichever is less, or until such occasion as the encroaching wall is reconstructed; and

WHEREAS, a November 9, 1984 as-built survey corroborates the encroachment which represents an area approximately 85.72 square feet (0.73' by 117.42'), and a January 25, 2012 professional appraisal shows a value of \$10.95 per square foot for that locale, making a total of \$938.63; and

WHEREAS, the borough's assistant assessor reviewed the request and has determined the appraisal value to be a fair assessment of the encroachment area; and

WHEREAS, Borough Code Section 14.16.190(C) states that "...the assembly may, by resolution, authorize the manager to execute the easement under such terms and conditions as are authorized by the assembly"; and

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the borough manager to enter into an easement lease with Albert Sacks for the aforementioned encroachment area that includes the following terms and conditions:

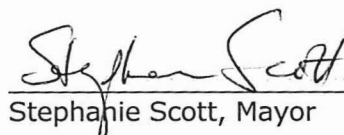
1. The lease term shall be 30 years ending June 30, 2043;
2. Albert Sacks shall pay to the Haines Borough the sum of \$938.63 at the time of lease execution; and
3. Other than normal maintenance of the existing encroachments, any new construction or other improvements within the right of way or encroachment area shall void the lease.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the 23rd day of April, 2013.

ATTEST:


Julie Cozzi, MMC, Borough Clerk




Stephanie Scott, Mayor