

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 O. DON BRAATEN AND E. SUE BRAATEN.

WHEREAS, Otto Don and Sue Braaten have requested vacation of a borough right-of-way (ROW) to correct an error in title and adjust for property encroachment; and

WHEREAS, the ROW consists of 40 feet in excess of the regular ROW width of 60 feet, serving the Braaten property (lot 16) on FAA Road (lot 9); and

WHEREAS, the total area of the ROW to be vacated is 7,627.15 square feet (sq. ft.); and

WHEREAS, one portion (Parcel 1) of the total area to be vacated for purchase is 2,770.45 square feet; and

WHEREAS, another portion (Parcel 2) of the total area to be vacated as a correction is 4,856.70 square feet; and

WHEREAS, the legal description of Parcel 1 is as follows:

Beginning at the North East corner of Lot 16, Section 2, T 31.S, R S9E, CRM, common to the southerly corner of said Lot 9, Sec. 2, T31S., R S9E, CRM, thence N. 0 degrees, 15' 26" E, 39.01 Feet; thence N SS degrees, 02', 09" W, 51.63 Feet; thence N S8 degrees, 36', 11" W, 106.98 Feet; thence S 47 degrees, 06' 44" E, 181.26 Feet, to the point of beginning, contains 2,770.45 Square Feet; and

WHEREAS, the legal description of Parcel 2 is as follows:

Beginning at the North East corner of Lot 16, Sec. 2, T31S., R59 E, C.R.M. common to the southerly corner of said Lot 9, Sec. 2, T31 S., R59E, C.R.M. Thence N 47 degrees, 06', 44" W, 181.26 Feet; Thence S 31 degrees, 41', 00" W, 52.55 Feet; Thence S 59 degrees, 38', 15" E, 23.18 Feet; Thence S 64 degrees, 21', 15" E, 156.83 Feet; to the point of beginning, contains 4,856.70 Square Feet; and

WHEREAS, per HBC 14.32.030(C), the planning commission held a duly-advertised public hearing on August 11, 2016, 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 "*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*"; and

WHEREAS, the borough assessor has determined the market value of the property to be \$1.50 per square foot and, therefore, the ROW for Section 2 has a total market value of \$4,155.68 (2,770.45 sq. ft.); and

WHEREAS, the terms of the purchase, to be negotiated by the borough manager, recognize that the total payment shall in no case be less than the property value as determined by the assessor; and

NOW THEREFORE BE IT RESOLVED that the Haines Borough Assembly,

Section 1: Authorizes the vacation and sale of the aforementioned 2,770.45 sq. ft. borough; and

Section 2: Authorizes the vacation of the aforementioned 4,856.70 sq. ft.; and

Section 3: Authorizes the borough manager to negotiate the terms of the purchase with O. Don Braaten and E. Sue Braaten.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 9th day of May, 2017.


Janice Hill, Mayor

Attest:


Julie Cozzi, MMC, Borough Clerk

