

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY RATIFYING THE AGREEMENT TO DISPOSE OF BOROUGH-OWNED LAND DEDICATED TO PUBLIC USE BY VACATION OF RIGHT OF WAY TO O. DON BRAATEN AND E. SUE BRAATEN, THE PLANNING COMMISSION'S ACTION, AND DIRECTING THE RECORDING OF THE RESULTING SHORT PLAT.**

**WHEREAS**, on May 9, 2017 the Haines Borough assembly authorized the disposal of borough-owned land dedicated to public use by vacation of right of way to O. Don Braaten and E. Sue Braaten by adoption of Resolution 17-05-719 ("the Resolution"); and

**WHEREAS**, the Resolution conditioned vacation on negotiation of terms of purchase of a portion of the vacated ROW; and

**WHEREAS** on June 8, 2017, the Planning Commission approved the Braaten short plat for lot line adjustment, conditioned upon the corrections recommended by the Planning Commission; and

**WHEREAS** the Planning Commission created three parcels from the previous two parcels, and in the Agreement and the Borough agrees to vacate the following two portions of the ROW described as follows:

**Parcel 1:**

Beginning at the North East corner of Lot 16, Section 2, T 31.S, R 59E, CRM, common to the southerly corner of said Lot 9, Sec. 2, T31S., R 59E, CRM; Thence N. 47degrees, 06' 08" E, 37.12 Feet; thence N 34 degrees, 57'51" W, 11.74 Feet; Thence N 55 degrees, 02'09" W, 54.61 Feet; Thence N62 degrees 55'56"W, 15.00 Feet; Thence S 47 degrees, 06' 08" E, 70.14 Feet, to the point of beginning, contains 464.0 Square Feet;

**Parcel 2:**

Beginning at the North East corner of Lot 16, Sec. 2, T31 S., 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, 06'08" W, 148.62 Feet; Thence S 31 degrees, 41 '00" W, 45.35 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 4,722.9 Square Feet; and

**WHEREAS** the third parcel created by the Planning Commission describes the area to be purchased by the Borough from Braaten, as follows:

**Parcel 3:**

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, 06'08" W, 148.62 Feet; Thence Along a Curve to the Left with a Radius of 230.00 Feet, a Arc Length of 34.36 Feet Thru a Delta of 8 degrees 33'33", with a Chord of N59 degrees, 23'17"W ,34.33 Feet; Thence S 47 degrees, 06' 08" E,

34.03 Feet; to the point of beginning, contains 134.3 Square Feet;  
and

**WHEREAS** on June 20, 2017, the Planning Commission approved the Braaten's requested variance from Rural Mixed Use setback requirements for the proposed replat; and

**WHEREAS** the manager negotiated the attached Agreement to Vacate Right of Way (the "Agreement"); and


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

Section 1: Ratifies the action of the Planning Commission as described above; and

Section 2: Ratifies the Agreement negotiated by the manager with Braaten; and

Section 3: Directs the recording of the replat described in Exhibit B of the Agreement pursuant to HBC 18.100.035(C) as provided in the Agreement.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 25th day of July, 2017.

  
Janice Hill, Mayor

Attest:

  
Julie Cozzi, MMC, Borough Clerk

