

A Resolution of the Haines Borough Assembly authorizing a mutually-beneficial land swap to correct Vogel's encroachment on the Borough's right-of-way and improve the Borough's utility easement.

WHEREAS, during a survey of the Human Resource Building property, it was discovered the Borough's right-of-way has been encroached upon by adjoining residential property owned by David Vogel; and

WHEREAS, the Borough's utility easement in the same area has been determined to be inadequately narrow for the utility purpose; and

WHEREAS, the Assessor has suggested an exchange of equal square footage would resolve the encroachment issue while also improving the borough's utility easement in a mutually beneficial transaction; and

WHEREAS, in an exchange the Borough would give Mr. Vogel enough of Lot 17, Block 13 (847.9 sq. ft.) to correct the encroachment and, in return, Mr. Vogel would give the Borough the same amount of land along his Lots 15 & 20, Block 22 (847.9 sq. ft.) to widen the five-foot utility easement; and

WHEREAS, there would be no financial impact from this suggested land swap since it is the same amount of land being traded for different portions of these proximate lots; 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, 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 each property to be \$1.50 per square foot and, therefore, each property has a total market value of \$1,271.85; and

WHEREAS, HBC 14.04.030(c) provides that "[n]o assembly approval is necessary to acquire any easement, right-of-way, permit, license, or other interest in real property if necessary for a utility or public improvement where the utility or public improvement has been authorized and approved by the assembly,"

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

Section 1: Authorizes the vacation and sale of the aforementioned 847.9 sq. ft. borough right-of-way to David Vogel at \$1.50 per sq. ft. (\$1,271.85 value); and

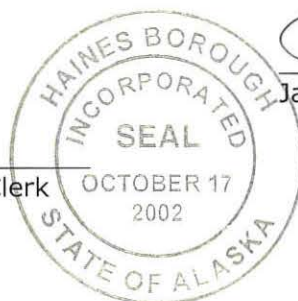
Section 2: Authorizes the acquisition by the borough of the aforementioned 847.9 sq. ft. for the purpose of improving the utility easement at \$1.50 sq. ft. (\$1,271.85 value); and

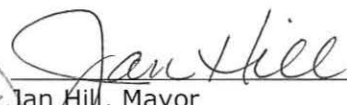
Section 3. No money need actually change hands pursuant to Sections 1 and 2.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the 7th day of November, 2017.

Attest:


Julie Cozzi, MMC, Borough Clerk




Jan Hill, Mayor