



## Resolution 19-36

### **A RESOLUTION OF THE ALEUTIANS EAST BOROUGH AUTHORIZING A TEMPORARY CONSTRUCTION EASEMENT AND A DONATION TO THE STATE OF ALASKA FOR THE CONSTRUCTION OF THE SAND POINT DOCK FERRY TERMINAL**

**WHEREAS**, the State of Alaska, Department of Transportation and Public Facilities (DOT&PF) is preparing to construct the Sand Point Dock Ferry Terminal; and

**WHEREAS**, as part of the project, DOT&PF will need to obtain temporary access during construction to the tidelands survey owned by the City of Sand Point (City) and the Aleutians East Borough (Borough); and

**WHEREAS**, the City has an undivided 4/5 interest and the Borough has an undivided 1/5 interest in Tract A, of Alaska Tidelands Survey No. 1232, according to the survey plat filed September 23, 1982 as Plat 82-29 in the Aleutian Islands Recording District, Third Judicial District, State of Alaska excepting therefrom any portion of the above described property which lies within the boundaries of Galovin Harbor Subdivision lots 1 thru 7, according to the survey plat filed January 27, 2014 as Plat 2014-1 in the Aleutian Islands Recording District, Third Judicial District, State of Alaska (Property); and

**WHEREAS**, the City and Borough for and in consideration, of ONE DOLLAR, and other valuable consideration, in hand paid, would convey and warrant to DOT&PF, its successors and assignees, an unrestricted temporary easement, over and across the Property; and

**WHEREAS**, the said Property would be granted to DOT&PF for temporary access for the purpose of a work area for all activities associated with the construction and installation of a new dock; and

**WHEREAS**, the Borough hereby covenants with that State of Alaska that the Borough has good title to the Property and that the State shall have quiet and peaceable possession thereof and use thereof during the period of the temporary construction easement; and

**WHEREAS**, the Temporary Construction Easement will be in effect for a period beginning on the starting date of construction and ending at completion of the project at which time the easement shall expire and be of no force and effect; and

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**WHEREAS**, it is DOT&PF's understating that the Borough will donate for this development; and

**WHEREAS**, the Borough has been informed under Code of Federal Regulations 23 C.F.R 710.505 – 23 C.F.R. 710.507 the Borough is entitled to receive just compensation for the property being donated and the Borough will waive the right to an appraisal of the property by a qualified appraiser; and

**WHEREAS**, the Borough donation for the project to DOT&PF will be made voluntarily and with full knowledge of the Borough entitlement to receive just compensation; and

**WHEREAS**, the Borough will release DOT&PF from the obligation of preparing an appraisal of this donated parcel; and

**WHEREAS**, the Sand Point Dock Replacement is a great development opportunity. This project will enrich the lives of the community of Sand Point and the members of the Aleutians East Borough.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Aleutians East Borough Assembly authorizes the Mayor to issue a temporary construction easement to the State of Alaska, Department of Transportation and Public Facilities for construction of the Sand Point Dock Ferry Terminal; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED THAT** the Aleutians East Borough Assembly authorizes the donation of the Property for the Sand Point Dock Replacement Project.

**PASSED AND APPROVED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH** on this 10<sup>th</sup> day of January, 2019.

IN WITNESS THERETO:

  
Alvin D. Osterback, Mayor

ATTEST:

  
Tina Anderson, Borough Clerk