

Introduced:
Posted:
Public Hearing:
Adoption:

CITY OF SELDOVIA

ORDINANCE 18-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, ADOPTING CHAPTER 18.70 EASEMENTS AND ADDING AN EASEMENT DEFINITION TO CHAPTER 18.20 DEFINITIONS

SECTION 1. CLASSIFICATION: This ordinance is permanent in nature and shall become a part of the Municipal Code of the City of Seldovia.

SECTION 2: SEVERABILITY: If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to another person or circumstances shall not be affected thereby.

SECTION 3. AMENDING CHAPTER 18.20 DEFINITIONS BY ADDING LANGUAGE IN HIGHLIGHT TO READ AS FOLLOWS:

Chapter 18.20 Definitions

Sections:

18.20.010 Definitions and Construction of Terms Generally.

18.20.015 Abandoned Sign.

18.20.020 Accessory Use or Structure.

18.20.023 At Large.

18.20.024 Bee Keeping

18.20.025 Easement.

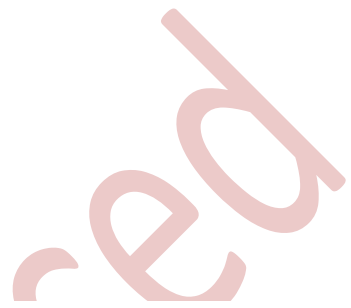
18.20.025 Easement. "Easement" means a nonpossessory interest in city land that entitles the holder to a specified limited use.

SECTION 4. ADOPTING CHAPTER 10.18 MISCELLANEOUS STOPPING, STANDING AND PARKING TO READ AS FOLLOWS:

Chapter 18.70 Easements

Sections:

- 18.70.010 Authorized.
- 18.70.020 Application and fee.
- 18.70.030 Departmental and planning commission action.
- 18.70.040 Access easement.
- 18.70.050 Public utility easement.
- 18.70.060 Survey.
- 18.70.070 Easement price.
- 18.70.080 Improvement and changes.
- 18.70.090 As-built plans.
- 18.70.100 Relocation.
- 18.70.110 Restoration



18.70.010 Authorized. The City Manager, with approval of the Council by ordinance, may convey or lease an easement on City owned land under such terms and conditions as are authorized by the council, except that an ordinance may not be required if the easement:

1. Is necessary for the development of a service area improvement or city facility previously approved by the Council.

18.70.020 Application and fee. The applicant for an easement shall apply to the manager on a form prescribed by the manager. The application shall be accompanied by plans, reports, a narrative and other material sufficient to permit the City to evaluate need for and the use to be made of the requested easement. The application shall also be accompanied by an easement application fee established by the council in the fee schedule. The easement will be recorded with the appropriate District Recorder. The applicant is responsible for the recording fee. **The manager may waive the application fee for a public agency or a public utility. Manager or council waives fee or should there be no fee waiver?**

18.70.030 Departmental and planning commission action. The application for the easement shall be referred to the planning commission for comment. The manager may refer the application to other departments which may have an interest in the parcel subject to the proposed easement. Upon receipt of the comments of other departments, the planning commission shall refer the application and departmental comments and its recommendation to the council. The planning commission may hold a public hearing on the application prior to making its recommendation.

18.70.040 Access easement. The City may grant an access easement for a public purpose or a private purpose. If a private access easement is granted, the City shall reserve the right to unilaterally amend the private access easement to create a public access easement.

1. A public access easement shall comply with the survey, monumentation, platting and construction requirements contained in the Seldovia Municipal Code.
2. The grantee shall, at the grantee's own expense, cause the private access easement to be surveyed and mapped and it may be platted. The grantee shall, at the grantee's own expense, cause a public access easement to be surveyed, mapped and platted.

18.70.050 Public utility easement. A public utility easement shall not be exclusive. The City shall retain the right to allow other uses of the easement and the right to require other utility users to enter into maintenance agreements with the original easement holder.

1. The grantee shall, at the grantee's own expense, cause a public utility to be surveyed and mapped.
2. A utility easement shall be granted for a length of time that is reasonably related to the useful life of the particular improvement. The easement shall be conditioned on continued need and use and the manager shall revoke the easement if the easement holder abandons or ceases to use the easement. The revoked easement shall revert to the City.
3. The City may grant a utility easement only if there is no existing easement suitable for the purposes for which the easement is requested. If the easement would be located over an area of conflicting planned use, then the applicant shall demonstrate that there is no practicable alternate route or location.

18.70.050 Survey. Prior to the execution of an approved easement, the applicant shall provide a survey of the easement to the standards required by the manager.

18.70.060 Easement price. The sale or lease price of an easement shall be the appraised value established not more than 90 days prior to Council authorization of the easement. Upon execution of the easement by the City, the applicant shall pay to the City the market value of any marketable materials, timber or other resources within the easement area which will be destroyed, cut or removed. The manager shall determine the value of resources of any marketable materials, timber or other resources within the easement area which will be destroyed, cut or removed.

18.70.070 Improvements and changes. No improvements or changes to improvements may be made within an easement unless first approved by the manager.

18.70.080 As-built plans. Immediately upon completion of the construction of any improvements within the easement area, the easement holder shall provide the manager with accurate, complete and legible as-built drawings of such improvements. Upon making any changes or additions to such improvements, the permittee shall provide the manager with as-built drawings showing such changes or additions.

18.70.090 Relocation. The council, by resolution, may direct the holder of an easement granted under this section to relocate the holder's improvements within the easement or to relocate the improvements to a new easement granted by the City for that purpose. Such relocation shall be at the sole expense of the easement holder, and the City shall not be liable to the easement holder for reimbursement of any expenses or compensation for any losses or damages suffered by the easement holder or others arising out of the relocation. Unless the council, in the resolution directing the relocation of the improvements, permits otherwise, the easement holder shall remove all improvements he or she has constructed in the area to be vacated. No compensation shall be due the City for the value of resources which must necessarily be cut, damaged or removed to permit the relocation, nor shall the easement holder be liable for the cost of any survey required to describe a new easement area.

18.70.100 Restoration. The manager may require restoration and the posting of such security for restoration as he or she determines necessary.

SECTION 5. EFFECTIVE DATE. This ordinance becomes effective upon its adoption by the City Council.

ADOPTED by a duly constituted quorum of the City Council of the City of Seldovia, Alaska this ____ day of _____, 2018.

ATTEST:

APPROVED:

Heidi Geagel, City Clerk

Dean Lent, Mayor

Vote:
Colberg-
Campbell-
Morrison-
Rojas-
Lethin-
Sweatt-

Not Introduced