

CITY of BETHEL

P. O. Box 537 • Bethel, Alaska 99559

543-2297 — Area Code 907

RESOLUTION #172

A RESOLUTION FOR THE ROAD EASEMENT RIGHT-OF-WAY BY THE
BETHEL NATIVE CORPORATION TO THE CITY OF BETHEL.

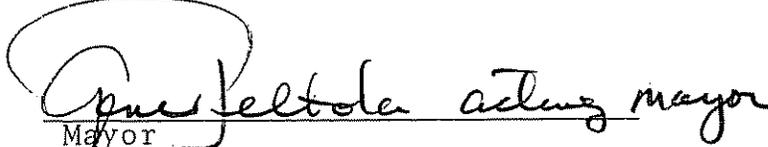
WHEREAS, the City of Bethel is presently engaged in maintaining roads and highways designated as a part of the City's jurisdictional responsibilities;

WHEREAS, the City of Bethel is interested in assuring that access to existing utilities such as electrical lines and power plants is available;

WHEREAS, the City of Bethel is willing to not include that section of land adjacent to the City's Subdivision and Lots 5, 6, and 10, as a part of the City's request for designated land to be provided under the Alaska Native Claims Settlement Act;

NOW THEREFORE LET IT BE RESOLVED: that the City of Bethel requests a local easement be granted by the Bethel Native Corporation to the City of Bethel in accordance with Section 17 (b) of the Alaska Native Claims Settlement Act, in order to maintain a roadway to be developed by the Bethel Utilities Company on the aforementioned section of land which will provide access to existing utilities.

Passed this 24th day of May, 1976


Mayor
City of Bethel


City Clerk
City of Bethel

BETHEL NATIVE CORPORATION

BOX 719
BETHEL, ALASKA 99559

11 June 1976

Bruce Bartlett,
City Manager
Bethel, Alaska 99559

Re: Power house easement

Dear Mr. Bartlett:

The Board of Directors of BNC have considered the cities proposal as contained in "Resolution # 172" regarding the above matter.

After carefully considering the proposal the BNC Board has decided only on the condition that the City relinquish its rights to the parcels designated by the letter "R" on the enclosed map.

We await your reply.

Sincerely,



Thad Tikiun, Jr.,
Manager

TT:mf

cc

Bethel Native Corporation

P. O. BOX 719

BETHEL ALASKA 99559

TELEPHONE (907) 543-2124

RESOLUTION NUMBER 76-44

BE IT RESOLVED that the Bethel Native Corporation will provide an easement across its lands permitting access to the Bethel Utilities new power house only on the condition that the City of Bethel relinquish its rights under the Alaska Native Claims Settlement Act. Section 14 (b) with respect to the parcels of land designated with the letter "R" on the attached map.

PASSED AND APPROVED by the Board of Directors of Bethel Native Corporation
on this 24th day of June, 1976

President

Attest:

Secretary

DICKSON & EVANS

ATTORNEYS AT LAW

880 H STREET, SUITE 200
ANCHORAGE, ALASKA 99501

GEORGE A. DICKSON
M. P. EVANS
BEN J. ESCH

TELEPHONE
AREA CODE 907
276-2272

July 27, 1976

Mr. Bruce Bartlett
City Manager
Bethel, Ak.

Dear Bruce:

With regard to the land swap proposal of BNC, latest communications from BLM make it appear we may have a chance to get somewhere on the thing. The steps seem to be that we both a) request an easement on the land granted to BNC for access to the public utilities and b) request from BLM an interim right of access across this land. With respect to a) I will need the following: a map showing the lot belonging to Bethel Utilities and the immediate surrounding area. The map contained in the letter from BNC is entirely too large. I would appreciate something showing smaller detail. Also, I would request the legal description of the lot owned by Bethel Utilities as well as the legal description of the lot we wish to cross.

With respect to the interim use, the BLM is taking the position that this is public land and access and use of this land to go from one place to another as public land will not be denied; however, it should be borne in mind that there is no guarantee that any use by the City of Bethel or Bethel Utilities would ever ripen to anything like an easement or a right of use. Rather, this would be merely temporary access until such time as the selection process is completed. I am attempting to clarify the basis for our request to cross the land in question and will send you a copy of that letter as soon as it goes out.

With respect to this, we should keep in mind that if BLM allows us to cross this selected land, there is no guarantee that an easement will be granted and if none were granted, any roadway or improvements we put on the land would then go to the regional corporations to be deeded to the

Mr. Bruce Bartlett

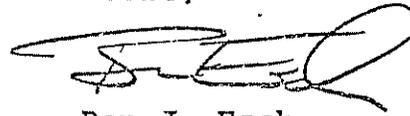
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July 27, 1976

village corporation. Therefore, it may be prudent to have Bethel Utilities build the road and then the City will only be on the hook for maintenance costs on the road during its period of use if no easement were granted. Please have Ed provide me with a map and legal descriptions as soon as possible.

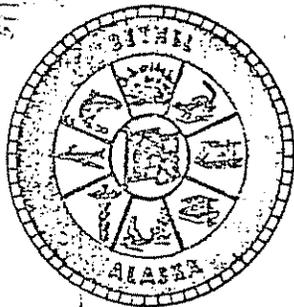
If you have any questions, do not hesitate to call.

Yours,



Ben J. Esch

BJE:ce



CITY of BETHEL

P. O. Box 537 • Bethel, Alaska 99559

543-2297 — Area Code 907

July 30, 1976

Mr. Thad Tikiun, Jr.
Manager
Bethel Native Corporation
Box 719
Bethel, Alaska 99559

Dear Mr. Tikiun:

Pursuant to your letter of June 11, 1976, the City Council of Bethel at a regular meeting on July 28, 1976, unanimously voted to rescind Resolution #172, (A RESOLUTION FOR THE ROAD EASEMENT RIGHT-OF-WAY BY THE BETHEL NATIVE CORPORATION TO THE CITY OF BETHEL), and also unanimously voted to not accept Resolution 76-44 of the Bethel Native Corporation. In addition, the City Council of Bethel at a special meeting on July 30, 1976, unanimously voted to request from the Bureau of Land Management (BLM) approval of an interim right-of-access across the public land delineated in the aforementioned Resolution #172; and to request a permanent easement on such land for access to the electrical utility owned by the Bethel Utilities Corporation.

The right-of-access and permanent easement requests would involve a roadway, constructed relative to minimum standards as promulgated by the State Department of Highways, and electrical distribution lines, constructed in accordance with standards published by appropriate State regulatory agencies.

The Bethel City Council has adopted the aforementioned positions as a result of being responsible for the implementation of comprehensive land use planning policies and procedures relevant to the future growth and development of the municipality of Bethel and its residents. The City Council, as well as myself, are of the opinion that we are not at this time in a position to relinquish the City's future potential right to request, pursuant to Section 14 (b) of the Alaska Native Land Claims Settlement Act, certain specified parcels of land designated in the Bethel Native Corporation's Resolution #76-44.

In conclusion, the City of Bethel considers the need to provide the Bethel Utilities Corporation access to their new power plant to be of paramount importance to the entire community, and for this reason is immediately proceeding to secure interim right-of-access and

permanent easement approval for such access from the BLM.

The City remains interested in continuing to work with the Bethel Native Corporation relative to the reconveyance of land in the Bethel area, in accordance with Section 14 (b) of the Alaska Native Land Claims Settlement Act.

Best Wishes.

Sincerely,



Bruce L. Bartlett
City Manager

cc: City Council
Ben Esch, City Attorney
Ed Lenhart, City Engineer
Planning Commission