

Introduced by: City Manager Herron  
Date: October 27, 1998  
Public Hearing: November 17, 1998  
Action: Enacted  
Vote: Unanimous

**CITY OF BETHEL, ALASKA  
ORDINANCE #98-24**

**AN ORDINANCE AUTHORIZING THE DISPOSAL OF AN INTEREST IN LAND BY  
THE GRANTING OF A UTILITY EASEMENT TO BETHEL UTILITIES CORPORATION**

**WHEREAS**, Bethel Utilities Corporation (BUC) requires access to real property owned by the City of Bethel (City) and leased to the Association of Village Council Presidents Development Corporation (AVCP-DC). The purpose of this access is for the installation and maintenance of electric utility services to the LuLu Herron congregate care facility presently under construction by AVCP-DC on the leased property; and

**WHEREAS**, said property is described as Lot 1, Block 9, Ptarmigan-Tundra View Subdivision. The City and ACCP-DC are owners of record of the subject property pursuant to a lease executed between them and recorded within the Bethel Recording District, Fourth Judicial District, Book 0077, Pages 523-537, and

**WHEREAS**, no easement currently exists on said property for the purpose of the installation and maintenance of electric utility service; and

**WHEREAS**, the attached Exhibit A, Utility Easement, reflects the best access and land use for the installation of electric utility service; and

**WHEREAS**, the Planning Commission has recommended the granting of such an easement by formal resolution, Resolution 98-2, dated October 8, 1998;

**NOW, THEREFORE, BE IT ENACTED** by the City Council of the City of Bethel, Alaska that:

**Section 1.** Classification Code. This is a non-code ordinance.

**Section 2.** Pursuant to Bethel Municipal Code 4.08.030 (B), Disposal to an Entity Providing a Necessary Public Service, the City Manager is authorized to execute a grant of easement under the following terms and conditions:

BUC, its representatives, agents, and contractors shall have the right to construct, erect, install, operate, maintain, and repair its electric power distribution facilities, including but not limited to poles, conductors, transformers, anchors, guys and other affiliated components and hardware, located or to be located on said easement, in accordance with the provisions of Section 5.5, or amendments thereto, of BUC's tariff as filed with the Alaska Public Utilities Commission, for the purpose of providing electric service to its customers.

BUC may access this easement as may be reasonably necessary or incidental to insuring continuous and unimpeded electric service.

BUC may allow such easement to be accessed by joint users of BUC's poles located within the boundaries of this easement to construct erect, install, operate, maintain, and repair attachments to BUC's poles subject to a joint agreement between BUC and the joint user.

The City, its successor and assigns reserve such rights and privileges as may be used without interfering with or abridging the rights and easement here acquired.

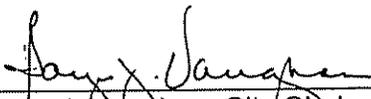
This easement shall run with the land, and may be assigned by BUC for the purpose and rights acquired herein. If BUC, its heirs and assigns ceases to use the easement for the purposes stated herein, it shall cease and terminate and the rights and easement acquired shall revert back to the City, its successor and assigns.

**Section 3.** In consideration of the necessary utility service to the LuLu Herron congregate care facility, a project both advocated for and supported by the City through its nominal lease rate to AVCP-DC, the easement fee is waved.

**Section 4.** Effective Date. This ordinance becomes effective immediately upon adoption.

ENACTED THIS 17<sup>TH</sup> DAY OF NOVEMBER, 1998, BY A VOTE OF 6 YES, 0 NO.

ATTEST:

  
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Gaye J. Vaughan, City Clerk

  
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Agnes L. Phillips, Mayor