

RESOLUTION NO. 289

A RESOLUTION OF THE COUNCIL OF THE CITY OF BETHEL, ALASKA, HEREBY GIVING CERTAIN ASSURANCES TO THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, IN CONNECTION WITH THE PROPOSED CONSTRUCTION OF THE BETHEL SMALL BOAT HARBOR.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BETHEL, ALASKA, a second class city and a public agency fully authorized under state laws to give such assurances and financially commitment of fulfilling such measures, that said city does hereby express its willingness, ability and intent to provide all items of local cooperation with the Department of the Army, Corps of Engineers, for the proposed construction of small boat harbor at Lousetown Slough.

1. Provide without cost to the United States all lands, easements and rights-of-ways necessary for the construction and subsequent maintenance of the project and for aids to navigation upon the request of the Chief of Engineers, including suitable areas determined by the Chief of Engineers, to be required in the general public interest for initial and subsequent borrow and disposal of dredged material, and including necessary retaining dikes and embankments thereof, or the costs of such retaining work;
2. Accomplish without cost to the United States all alterations and relocations as required in streets, utilities, and other structures and improvements made necessary by the construction;
3. Assume responsibility for all projects costs, excluding aids to navigation provided by the U.S. Coast Guard, in excess of \$2,000,000;
4. Enter into a written agreement satisfactory to the Secretary of the Army concerning accomplishment of the above preconstruction requirements for the project and that they will:
  - a. Hold and save the United States free from damages due to construction, operation, and maintenance of the project, but not including damages due to the fault or negligence of the United States or its contractors;
  - b. Assume responsibility for construction and installation of the non-Federal dredged berthing basins, the appurtenant berthing facilities and services, and assume all costs for annual operation and maintenance of the berthing areas;
  - c. Provide, maintain, and operate, without cost to the United States, an adequate public landing or wharf with provisions for: the sale of motor fuel and lubricants, potable water, suitable sanitary facilities, and the necessary access roads, parking areas, and other needed public use shore facilities;

d. Establish a competent and properly constituted body empowered to regulate the use, growth, and development of the harbor with the understanding that said facilities shall be open to all on equal terms and harbor land uses shall be limited to development activities that are dependent on water transportation.

e. Reserve berthing spaces adequate for the accommodation of transient craft and craft seeking refuge;

f. Establish regulations prohibiting discharge of untreated sewage, garbage, industrial waste, solid waste, and other pollutants into the water of the harbor by users thereof, which regulations shall be in accordance with applicable laws or regulations of Federal, State, and local authorities responsible for pollution prevention and control;

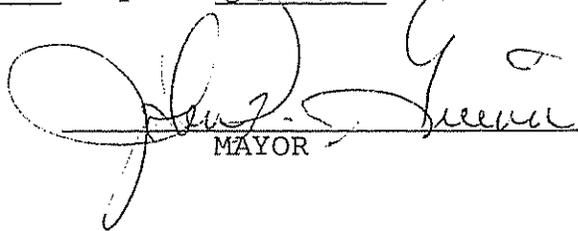
g. Provide a cash contribution to be applied to the cost of Federal major navigation facilities equal to 100 percent of the final construction cost allocated to land enhancement;

h. Retain fee ownership of those lands created by use of Federal dredged material for economic life of the harbor project and limit occupancy of the fill area to development activities that are dependent upon water transportation.

5. Comply with all applicable provisions of Section 210 and 305 of the Uniform Relocation Assistance and Land Acquisition Policy Act of 1970 (Public Law 91-646), and be bound by the terms of an agreement of assurance pursuant to Section 221 of Public Law 91-611 and agrees that it is obligated to pay any damages arising from its failure to perform;

6. Agree to comply with Section 601 of Title VI of the Civil Rights Act of 1964 (PL 88-352).

DATED at Bethel, Alaska this 20 day of June 1980

  
MAYOR

ATTEST:

  
CITY CLERK

I certify that this is a true and correct copy of Resolution as passed by the Bethel City Council June 20, 1980.

  
CITY CLERK