

Introduced by: City Manager Williams
Introduction Date: June 13, 2017
Public Hearing: June 27, 2017
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Ordinance #17-31

AN ORDINANCE AUTHORIZING THE ACQUISITION OF AN EASEMENT FROM BETHEL NATIVE CORPORATION (BNC)

WHEREAS the City of Bethel "City" has a grant from the State of Alaska (designated legislative grant) to provide for water and sewer improvements known as the institutional corridor piped water supply and sewer collection project;

WHEREAS the City has arranged for a multi-phase project to supply water and collect sewer through described real property, including alignment of mains and service lines and other utilities through easements and rights-of-ways in perpetuity;

WHEREAS the City needs to acquire various easements across the properties involved in the Institutional Corridor water/sewer project;

WHEREAS the proposed easements are in the public interest because the easements allow the City the land necessary for placement of different utility lines for the I.C. project;

WHEREAS in accordance with Section 4.08.020 of the Bethel Municipal Code, the City Council hereby authorizes the acquisition of an easement from Bethel Native Corporation (BNC), as set forth in this ordinance;

WHEREAS Lot 4A, YKHC-BNC Subdivision, filed as Plat No. 2017-xx, in the Bethel Recording District, Fourth Judicial District, State of Alaska,

EXCEPTING THEREFROM the subsurface estate and all rights, privileges, immunities and appurtenances of whatsoever nature accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat 688, 704; 43 USC 1601, 1613(f) (1976) as reserved by the United States of America in the Patent of said land.

Said easement is depicted on the Parcel Maps attached hereto as Pages 6 and 7 and more particularly described as follows:

Parcel 29A

The Basis of Bearing for this description is a local plane bearing between NGS Station BET C and NGS Station BET B. NGS Station BET B bears S25°43'20.9"W a distance of 2672.85 feet from NGS Station BET C. NGS Station BET B has Bethel coordinates of 6,266.8084 N, 7,694.8219 E. U.S. Survey Feet.

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A portion of Lot 4A, YKHC-BNC Subdivision, filed as Plat No. 2017-xx, in the Bethel Recording District, Fourth Judicial District, State of Alaska, being more particularly described by metes and bounds as follows:

Beginning at the most northerly northwest corner of said Lot 4A, common with the northeast corner of Lot 3, U.S. Survey 4000, and a point on the southern boundary of the northern portion of Tract 1, BNC Industrial Park Subdivision, Plat No. 2012-3, being the True Point of Beginning for this description; Thence $S70^{\circ}56'36''E$ 30.54 feet along the northernmost line of said Lot 4A; thence departing said line $S29^{\circ}51'10''W$ 225.12 feet; thence $S48^{\circ}51'29''W$ 136.09 feet; thence $S41^{\circ}05'14''W$ 75.00 feet; thence $S48^{\circ}51'29''W$ 30.00 feet; thence $N41^{\circ}05'14''W$ 30.00 feet, along a 30' waterline and access road easement that runs along the western line of said Lot 4A; to a corner on the westerly line of said Lot 4A, common with the easterly most corner of Lot 1A, YKHC-BNC Subdivision, Plat No. 2017-xx; thence $N41^{\circ}05'14''W$ 75.00 feet along western boundary of said Lot 4A to a corner on west side of said Lot 4A, common with the northeast corner of Lot 1A, YKHC-BNC Subdivision, and the southeast corner of Lot 3 U.S. Survey 4000, thence $N48^{\circ}51'29''E$ 161.04 feet along the west line of said Lot 4A, common with the east line of Lot 3, U.S. Survey 4000, thence $N29^{\circ}51'10''E$ 214.38 feet along the west line of said Lot 4A, common with the easterly most line of Lot 3, U.S. Survey 4000, to the True Point of Beginning of this description. Said easement embraces an area of 13,756 square feet, more or less, as calculated from said courses and distances.

Parcel 29B

The Basis of Bearing for this description is a local plane bearing between NGS Station BET C and NGS Station BET B. NGS Station BET B bears $S25^{\circ}43'20.9''W$ a distance of 2672.85 feet from NGS Station BET C. NGS Station BET B has Bethel coordinates of 6,266.8084 N, 7,694.8219 E. U.S. Survey Feet.

A portion of Lot 4A, YKHC-BNC Subdivision, filed as Plat No. 2017-xx, in the Bethel Recording District, Fourth Judicial District, State of Alaska, being more particularly described by metes and bounds as follows:

Commencing at the most westerly southwest corner of said Lot 4A, common with a corner on the north line of Tract 2, BNC Industrial Subdivision, Plat No. 2012-3; thence $S70^{\circ}48'05''E$ 166.33 feet along the south line of said Lot 4A, common with the north line of Tract 2, BNC Industrial Subdivision, Plat No. 2012-3, to the True Point of Beginning for this description; thence departing said line $N11^{\circ}57'06''E$ 275.83 feet to a point on the southern line of a 10' power line easement as recorded in Book 45, Page 209A; thence along said easement $N69^{\circ}59'15''W$ 121.20 feet; thence departing said easement $N11^{\circ}57'06''E$ 57.59 feet to a point on a line of the west portion

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of said Lot 4A, common with the south line of Lot 5A, YKHC-BNC Subdivision, Plat No. 2017-xx; thence S69°59'15"E 30.30 feet along said line to a corner of the west portion of said Lot 4A, common with the most southerly southeast corner of Lot 5A, YKHC-BNC Subdivision, Plat No. 2017-xx; thence S69°59'15"E 30.30 feet along a 30' waterline and access road easement that runs along the west line of said Lot 4A; thence departing said easement S11°57'06"W 42.44 feet; thence S69°59'15"E 75.75 feet; thence S11°57'06"W 290.77 feet to a point on the south line of said Lot 4A, common with the north line of Tract 2, BNC Industrial Subdivision, Plat No. 2012-3; thence N70°48'05"W 15.12 feet along said line to the True Point of Beginning of this description. Said easement embraces an area of 8,727 square feet, more or less, as calculated from said courses and distances.

NOW, BE IT FURTHER ORDAINED, the City, hereby accepts and shall record the utility easement from the Bethel Native Corporation.

SECTION 1. Classification. This ordinance is of a general nature and shall not become a part of the Bethel Municipal Code.

SECTION 2. Authorization. Pursuant to Bethel Municipal Code 04.08.020 Acquisition of Real Property

SECTION 3. Effective Date. This Ordinance shall become effective upon the passage by the Bethel City Council.

ENACTED THIS 27 DAY OF JUNE 2017, BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.

ATTEST:



Richard Robb, Mayor



Lori Strickler, City Clerk