

HAINES BOROUGH

**Adopted**

RESOLUTION 09-03-157

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY AUTHORIZING THE DISPOSAL OF BOROUGH-OWNED LAND DEDICATED TO PUBLIC USE BY VACATION OF RIGHT-OF-WAY TO JIM AND ANNA JURGELEIT.**

**WHEREAS**, Jim and Anna Jurgeleit have requested vacation of a borough right-of-way (ROW) in Block 18 located between Lots 3-6 & Lots 9-12 on Union Street and Sixth Avenue, properties they have owned since 2005; and

**WHEREAS**, the ROW is an undeveloped alley and is not platted on the Jurgeleit property or the adjacent borough-owned block housing Public Works, and a platted alley would only be accessible from Sixth Avenue which is currently developed as a driveway to the Helen Roberts residence; and

**WHEREAS**, if the ROW were developed, the Robert's residence, a surveyed historical structure within the Haines Townsite Local Historic District, would be within the developed (platted) alley, the setback or in close proximity; and,

**WHEREAS**, the developed alley would only serve lots owned by Roberts and the Jurgeleits, with lot sizes ranging from 4,421 to 8,769 square feet, none of which conform to the HBC-required 10,000 square foot minimum lot size; and

**WHEREAS**, the Jurgeleits wish to consolidate their eight nonconforming lots and build a second residence, and have asked the Borough to facilitate this by vacating the ROW; and

**WHEREAS**, the Planning Commission will be required to approve the final plat including the ROW vacation, lot consolidation, and access and utility easement dedication;

**WHEREAS**, per HBC 14.32.030(C), the Planning Commission held a duly-advertised public hearing on February 19, 2009, and unanimously recommended assembly approval of this vacation request and sale of the ROW; and

**WHEREAS**, HBC 14.32.030(E) states that "An assembly resolution must be adopted to authorize the disposal of any vacated rights-of-way. The resolution shall contain a statement that the assembly found the property surplus to its needs as a right-of-way. It must give a legal description of the property to be vacated, the names of the applicants to whom the vacation is to be granted, and the market value of the land to be vacated;" and

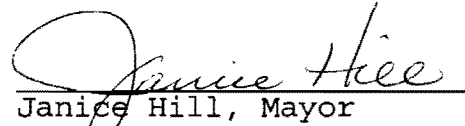
**WHEREAS**, HBC 14.32.030(F) states that "Applicants granted a vacation of a public right-of-way shall pay to the borough an amount not less than the current assessed value of the vacated property as determined by the assessor or land manager;" and

**WHEREAS**, the Borough Assessor has determined the value of the property at \$3.36 per square foot; and

**WHEREAS**, the ROW is approximately 30 feet wide and 116 feet long, and an accurate square footage will be determined prior to sale execution,

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the vacation and sale of the aforementioned borough right-of-way to Jim and Anna Jurgeleit at \$3.36 per square foot.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE BOROUGH ASSEMBLY OF THE HAINES BOROUGH, ALASKA, THIS 24<sup>th</sup> DAY OF MARCH, 2009.

  
Janice Hill, Mayor

ATTEST:

  
Julie Cozzi, Borough Clerk

