

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2021-07

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A LONG TERM ENCROACHMENT FOR NUSHAGAK COOPERATIVE ACROSS SEWARD STREET FOR FUTURE SUPPLEMENTAL HEAT, POWER, AND COMMUNICATION WORK

WHEREAS, Nushagak Cooperative has installed conduit across a City Right-of-Way on Seward Street for the purpose of future supplemental heat, power, and communication work; and

WHEREAS, the Dillingham Planning Commission is required to make a recommendation to the city council for long term encroachments and for excavation and construction in city rights-of-way and city property per DMC 12.08.020 (C) and DMC 12.08.070; and

WHEREAS, per Resolution 2021-01 the Dillingham Planning Commission recommends approval of this long term encroachment; and

WHEREAS, DMC 12.08 requires City Council and Planning Commission approval for any object belonging to a private owner other than the municipality that is placed in streets, public rights-of-way or other property dedicated to a public use for longer than one year; and

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the long term encroachment authorizing conduit installation for future expansion purposes with the following conditions:

- That Nushagak Cooperative notify the City of Dillingham Administration, Public Works Department, and the Public Safety Department 48 hours in advance of any work on public lands or in the public right-of-way.
- Nushagak Cooperative is required to receive permission to disturb the road surface after a moratorium of five years, during which no construction would take place unless in an emergency and with permission, with the road surface restored to prior condition or better.
- The long-term encroachment permit be limited to a 50 year term, commencing on 7/1/2021 through 7/1/2070.
- Nushagak Cooperative has provided documentation in the form of as-builts or GPS coordinates, or other reliable information, of the actual location of the installation.

PASSED and ADOPTED by the Dillingham City Council April 1, 2021.

Alice Ruby, Mayor

[SEAL]

ATTEST:

Lori Goodell, City Clerk