

Presented by: The Manager  
Introduced: 01/06/2025  
Drafted by: Law Department

## ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

### Ordinance Serial No. 2025-08

#### **An Ordinance Authorizing the Manager to Execute an Agreement with Alaska Electric Light & Power Company and AJT Mining Properties, Inc. for the Purpose of an Access Easement for the Christopher Trail.**

WHEREAS, the City and Borough of Juneau (CBJ) owns and maintains several recreational facilities along Gold Creek, including Cope Park; and

WHEREAS, Alaska Electric Light & Power (AEL&P) owns and maintains the Gold Creek Flume, which provides water to the Gold Creek Hydroelectric Plant, as well as recreational access to the public via a boardwalk on top of the Flume; and

WHEREAS, the CBJ, AEL&P, and AJT Mining Properties, Inc. (“AJT”) share a mutual interest in improving recreational access between Cope Park and the Gold Creek Flume and discourage the construction or use of unauthorized informal trails; and

WHEREAS, the CBJ is prepared to relocate an 86-foot-long timber bridge from the Kaxdigoowu Héen Dei (Brotherhood Bridge Trail) to Cope Park, providing access across Gold Creek; and

WHEREAS, a new trail connection between Cope Park and the Gold Creek Flume would require crossing approximately 250 linear feet of property owned by AJT; and

WHEREAS, the CBJ is currently in negotiations for the purpose of a 10-foot-wide trail for access by the public for recreational use along, over, and across the surface estate of lands owned by AJT Mining Properties, Inc. USMS 926, shown in Exhibit “A”; and

WHEREAS, AJT has offered an easement across its property to the CBJ at no cost; and

WHEREAS, given the contemplated use of the premises, AJT requires the CBJ to indemnify it against any action, claim, or lawsuit arising out of the CBJ’s use of AJT’s property; and

WHEREAS, Alaska Statute 09.65.202 provides a level of immunity for landowners that allow recreational activity on the landowner’s property without charge; and

WHEREAS, pursuant to CBJ Charter 9.13(a) and its prohibition against payment being made or an obligation being incurred without an appropriation, the CBJ is generally prohibited from agreeing to indemnify; and

WHEREAS, CBJ Charter 9.13(c) carves out an exception to that general prohibition:

Notwithstanding Section 9.13(a) of this Charter, the assembly by ordinance may require payment of funds from appropriations of a later fiscal year or of more than one year for any contract, lease or note or bond obligation, or federal or state grant, or any other federal or state program that the municipality may not otherwise participate in.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This is a noncode ordinance.

**Section 2. Agreement.** Pursuant to CBJ Charter 9.13(c), the Manager is authorized to execute an Easement Agreement and agree on behalf of the City and Borough to waive liability and indemnify AJT Mining Properties, Inc. to the extent required by law.

**Section 3. Effective Date.** This ordinance shall be effective upon adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

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Beth A. Weldon, Mayor

Attest:

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Elizabeth J. McEwen, Municipal Clerk