

Record in the Petersburg Recording District

SPECIAL USE PERMIT

This **SPECIAL USE PERMIT**, issued by the Petersburg Borough, Alaska, PO Box 329, Petersburg, Alaska 99833 (“the Borough”), will allow Jason & Julie Anderson, PO Box 1841, Petersburg, Alaska 99833 (“Permittee”) to allow for placement of a greenhouse, fence and planter boxes partially within the **EXCEL STREET RIGHT OF WAY, adjacent to Parcel #01-106-207 at 208 N. 4th Street; and**

Whereas, the Planning Commission, on June 8, 2021, recommended the approval of a Special Use Permit to allow for placement of a greenhouse, fence and planter boxes partially within the Excel Street right of way adjacent to Parcel #01-106-207 at 208 N. 4th Street, to allow for use of pre-filled (by previous owner), usable and contiguous yard space, upon the following terms and conditions:

- 1) The Permittee agrees a copy of this Special Use Permit shall be duly recorded in the Petersburg Recording District, the cost of which shall be borne by the Permittee.
- 2) The Permittee shall indemnify and save harmless the Borough from and against any and all losses, damages, liabilities, expenses, claims and demands of whatsoever character, whether or not due to the Borough's negligence, direct or indirect, resulting from the Permittee's construction, maintenance and use of the permitted access, or the use or entry upon the permitted access by any other person or entity.
- 3) No future claim of title is granted to the Permittee to that portion of the Excel Street right-of-way on which the structures and fence are placed.
- 4) The Permittee agrees to be wholly responsible for the construction, installation and maintenance of the structures and fence and acknowledges the Borough has no responsibility whatsoever for construction, installation, maintenance, upkeep or repair of same.
- 5) The Permittee acknowledges that a 10” water main is installed on the edge of the Excel Street right of way and is likely under a portion of the fill that extends from the Permittee’s yard. Upon the need to replace or repair this water main, the Permittee, or a future owner of this property, shall remove, at its own expense, any improvements constructed by authority of this

Permit, as deemed necessary by the Borough, or the improvements will be destroyed. The Borough shall not be responsible for replacing any private and encroaching improvements within the right of way.

- 6) The Permittee shall not hold exclusive rights to use all or any portion of the Excel Street right of way, and the Excel Street right of way shall remain open to public access regardless of improvements made by the Permittee.
- 7) If the Permittee keeps, observes, and performs all of the terms and conditions of this Permit, the Permittee and the Permittee's successors in title may peaceably and quietly hold and enjoy the premises for an indefinite term, provided however, that the Borough reserves the right to terminate this Permit, upon one (1) year written notice of intent to terminate. Upon termination of this Permit, the Permittee shall return the premises to the Borough in its original condition or as otherwise may be agreed.
- 8) The Permittee acknowledges that violation of any condition of this permit shall result in the revocation of the permit, and further use of the property shall constitute a violation of the municipal code and shall be punishable accordingly.
- 9) The Permittee acknowledges that this permit shall expire unless the privileges granted are utilized within one year after the granting of the special use permit. Any permittee holding an un-expired permit may apply for an extension of the time within which the Permittee may commence work under that permit when the permittee is unable to commence work within the time required by the municipal code. The Borough Assembly may extend the time for action by the Permittee for a period not exceeding one year upon written request by the Permittee showing that circumstances beyond the control of the Permittee have prevented action from being taken. No permit shall be extended more than two times without an additional public hearing and written recommendation from the Planning Commission.
- 10) The Permittee acknowledges that the Borough Assembly may, in writing, suspend or revoke a permit issued under the provisions of the municipal code whenever a permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any provisions of the municipal code.

SIGNATURES TO FOLLOW

DATED THE _____ day of _____, 2021, at Petersburg, Alaska.

PERMITTEE

PERMITTEE

Jason Anderson

Julie Anderson

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of _____, 2021, before the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Jason and Julie Anderson, to me known to be the person or persons described in and who executed the above and foregoing instrument, and acknowledged to me that he, she or they signed the same freely and voluntarily for the uses and purposes therein mentioned.

Notary Public in and for the State of Alaska residing at
Petersburg, Alaska.

My commission expires _____.

