

**CITY AND BOROUGH OF SITKA**

**RESOLUTION NO. 2010-30**

**A RESOLUTION OF THE CITY AND BOROUGH OF SITKA TO ENTER INTO A CONSERVATION EASEMENT WITH SOUTHEAST ALASKA LAND TRUST REGARDING TIDELANDS ADJACENT TO LOT 8 OF THE SHELDON JACKSON CAMPUS SUBDIVISION, ACCEPT OWNERSHIP OF LOT 8 FROM SOUTHEAST ALASKA LAND TRUST UPON ITS ACQUISITION OF THIS PARCEL FROM SHELDON JACKSON COLLEGE, WITH LOT 8 SUBJECT TO THE CONSERVATION EASEMENT, AND AUTHORIZE THE MUNICIPAL ADMINISTRATOR TO EXECUTE ALL NECESSARY DOCUMENTS**

**WHEREAS**, Southeast Alaska Land Trust (“Trust”) is a private, not-for-profit organization whose mission is to work with communities and willing land owners to ensure that vital natural areas remain in place for the benefit of each generation; and

**WHEREAS**, Trust is involved in assisting with a mitigation project known as the Sitka Airport Runway Safety Area and Partial Parallel Taxiway Improvements Project (“Airport Project”) to address the Airport Project’s impact on marine resources; and

**WHEREAS**, Trust has identified certain tidelands and uplands properties in Sitka for a conservation easement that could be used as mitigation credits towards the Airport Project, as well as for other projects; and

**WHEREAS**, City and Borough of Sitka (“CBS”) is the owner of these tidelands properties (“Tidelands Properties”), which consists of approximately 5.18 acres at Area A and 1.71 acres in Area B, adjoining Lot 8 of the Sheldon Jackson Campus Subdivision, with Area B currently being leased to the National Park Service; and

**WHEREAS**, Sheldon Jackson College is the owner of the uplands property adjoining the CBS’ Tidelands Properties, at Lot 8, consisting of approximately .65 acres; and

**WHEREAS**, Trust is currently negotiating the purchase of Lot 8 of the Sheldon Jackson Campus Subdivision from Sheldon Jackson College; and

**WHEREAS**, Trust proposes to give CBS ownership of Lot 8 with restricted use for a Sea Walk, and subject to a conservation easement, with Trust retaining the mitigation credits for the Airport Project or for its own use; and

**WHEREAS**, Trust also proposes to pay the CBS the appraisal price of \$248,000 for a conservation easement on CBS tidelands property at Area A, retaining the mitigation credits for the Airport Project;

**WHEREAS**, Trust has negotiated with the National Park Service to terminate its lease with the CBS regarding Area B if CBS will enter into a conservation easement with the Trust regarding this tidelands property, with the CBS retaining the mitigation credits for its own use based on CBS entering into the conservation easement with the Trust; and

**WHEREAS**, this proposal will not only satisfy Airport Project mitigation requirements, it will provide CBS an opportunity to “bank” mitigation credits to offset aquatic resource impacts from future CBS projects; and

**WHEREAS**, the conservation easement will contain provisions that will permanently protect the natural resources and the scenic integrity of the Tidelands; and

**WHEREAS**, the Assembly previously approved on September 14, 2010 directing the Municipal Attorney to prepare the necessary documents to address the Airport Project which would involve accepting ownership from the Trust of Lot 8 with certain restrictions and selling a conservation easement to the Trust on the adjoining tidelands.

**NOW, THEREFORE, BE IT RESOLVED** by the Assembly for the City and Borough of Sitka:


**Section 1.** Municipal Administrator is authorized to enter into a conservation easement for the Tidelands Properties (Areas A and B), as well as for Lot 8 upon its acquisition by the CBS from the Trust, in substantially the same form as the document attached to this resolution, and execute all necessary and related documents upon review and approval of the documents by the Municipal Attorney, which shall be based on the following:

- A. CBS shall enter into a conservation easement with the Trust regarding tidelands property adjoining to Lot 8 of the Sheldon Jackson Campus Subdivision, which consists of 5.18 acres at Area A, and 1.71 acres at Area B;
- B. Termination of the tidelands lease between CBS and the National Park Service regarding Area B, is being negotiated by the Trust, contingent upon the CBS entering into the conservation easement with the Trust that would include Area B ;

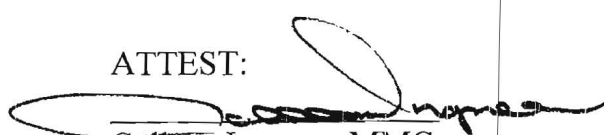
- C. Trust shall pay CBS the appraised value of \$248,000 for the conservation easement for Area A, with the Trust retaining the mitigation credits for the Airport Project;
- D. Trust shall give Lot 8 to CBS as part of the consideration for the CBS entering into this conservation agreement, with restricted use of the property for a Sea Walk, and with Trust retaining any mitigation credits for the Airport Project or its own use; and
- E. CBS shall be eligible to obtain and bank the mitigation credits for its own use regarding Area B upon its entering into a conservation easement with the Trust regarding this tidelands property.

**Section 2.** This resolution shall become effective the day after the date of its passage.

**PASSED, APPROVED AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska, on this 9th day of November, 2010.

  
Cheryl Westover  
Mayor

ATTEST:

  
Colleen Ingman, MMC  
Municipal Clerk

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**WHEREAS**, Southeast Alaska Land Trust (“Trust”) is a private, not-for-profit organization whose mission is to work with communities and willing land owners to ensure that vital natural areas remain in place for the benefit of each generation; and

**WHEREAS**, Trust is involved in assisting with a mitigation project known as the Sitka Airport Runway Safety Area and Partial Parallel Taxiway Improvements Project (“Airport Project”) to address the Airport Project’s impact on marine resources; and

**WHEREAS**, Trust has identified certain tidelands and uplands properties in Sitka for a conservation easement that could be used as mitigation credits towards the Airport Project, as well as for other projects; and

**WHEREAS**, City and Borough of Sitka (“CBS”) is the owner of these tidelands properties (“Tidelands Properties”), which consists of approximately 5.18 acres at Area A and 1.71 acres in Area B, adjoining Lot 8 of the Sheldon Jackson Campus Subdivision, with Area B currently being leased to the National Park Service; and

**WHEREAS**, Sheldon Jackson College is the owner of the uplands property adjoining the CBS’ Tidelands Properties, at Lot 8, consisting of approximately .65 acres; and

**WHEREAS**, Trust is currently negotiating the purchase of Lot 8 of the Sheldon Jackson Campus Subdivision from Sheldon Jackson College; and

**WHEREAS**, Trust proposes to give CBS ownership of Lot 8 with restricted use for a Sea Walk, and subject to a conservation easement, with Trust retaining the mitigation credits for the Airport Project or for its own use; and

**WHEREAS**, Trust also proposes to pay the CBS the appraisal price of \$248,000 for a conservation easement on CBS tidelands property at Area A, retaining the mitigation credits for the Airport Project;

**WHEREAS**, Trust has negotiated with the National Park Service to terminate its lease with the CBS regarding Area B if CBS will enter into a conservation easement with the Trust regarding this tidelands property, with the CBS retaining the mitigation credits for its own use based on CBS entering into the conservation easement with the Trust; and

**WHEREAS**, this proposal will not only satisfy Airport Project mitigation requirements, it will provide CBS an opportunity to “bank” mitigation credits to offset aquatic resource impacts from future CBS projects; and

**WHEREAS**, the conservation easement will contain provisions that will permanently protect the natural resources and the scenic integrity of the Tidelands; and

**WHEREAS**, the Assembly previously approved on September 14, 2010 directing the Municipal Attorney to prepare the necessary documents to address the Airport Project which would involve accepting ownership from the Trust of Lot 8 with certain restrictions and selling a conservation easement to the Trust on the adjoining tidelands.

**NOW, THEREFORE, BE IT RESOLVED** by the Assembly for the City and Borough of Sitka:


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- A. CBS shall enter into a conservation easement with the Trust regarding tidelands property adjoining to Lot 8 of the Sheldon Jackson Campus Subdivision, which consists of 5.18 acres at Area A, and 1.71 acres at Area B;
- B. Termination of the tidelands lease between CBS and the National Park Service regarding Area B, is being negotiated by the Trust, contingent upon the CBS entering into the conservation easement with the Trust that would include Area B ;


- C. Trust shall pay CBS the appraised value of \$248,000 for the conservation easement for Area A, with the Trust retaining the mitigation credits for the Airport Project;
- D. Trust shall give Lot 8 to CBS as part of the consideration for the CBS entering into this conservation agreement, with restricted use of the property for a Sea Walk, and with Trust retaining any mitigation credits for the Airport Project or its own use; and
- E. CBS shall be eligible to obtain and bank the mitigation credits for its own use regarding Area B upon its entering into a conservation easement with the Trust regarding this tidelands property.

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