



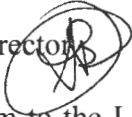
City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

Memorandum

To: Mark Gorman, Municipal Administrator
Mayor McConnell and Assembly Members

From: Scott Brylinsky, Interim Planning Director 

Subject: Ordinance Authorizing an Addendum to the Lease of Approximately 0.04 Acres of Tidelands in Alaska Tidelands Survey 1160 to Wade and Gretchen Parrish

Date: December 30, 2014

The attached ordinance authorizes an addendum to a tidelands lease with Wade and Gretchen Parrish. That lease was renewed for a 30-year term in December of 2013. The addendum is to associate the lease with the upland property to provide a means for the Parrish's to obtain financing for their home.

General procedure set out in ordinance and by historical practice is that tidelands leases are reviewed by the Planning Commission, and authorized by the Assembly through ordinance. The Planning Commission reviewed and approved the addendum on December 16, 2014.

This action item is, so far as we know, the first of its kind to come before the Assembly. The Lessees have encountered a problem with financing of their home, an upland structure adjacent to the leased tidelands. That structure encroaches onto the city leased tidelands. The encroachment is approximately 2 feet in depth, by 6 feet in width on the long leg of the triangle. (Attachment A).

This addendum provides a means for the Parrish's to obtain financing for their property, by allowing their property interest in the tidelands lease to be mortgaged along with the upland property.

The transfer document of these tidelands from the State to the municipality (Attachment B) stipulates that the city may lease the land, but may not sell it. The Municipal Attorney assures us that the terms of the Addendum do not constitute a sale.

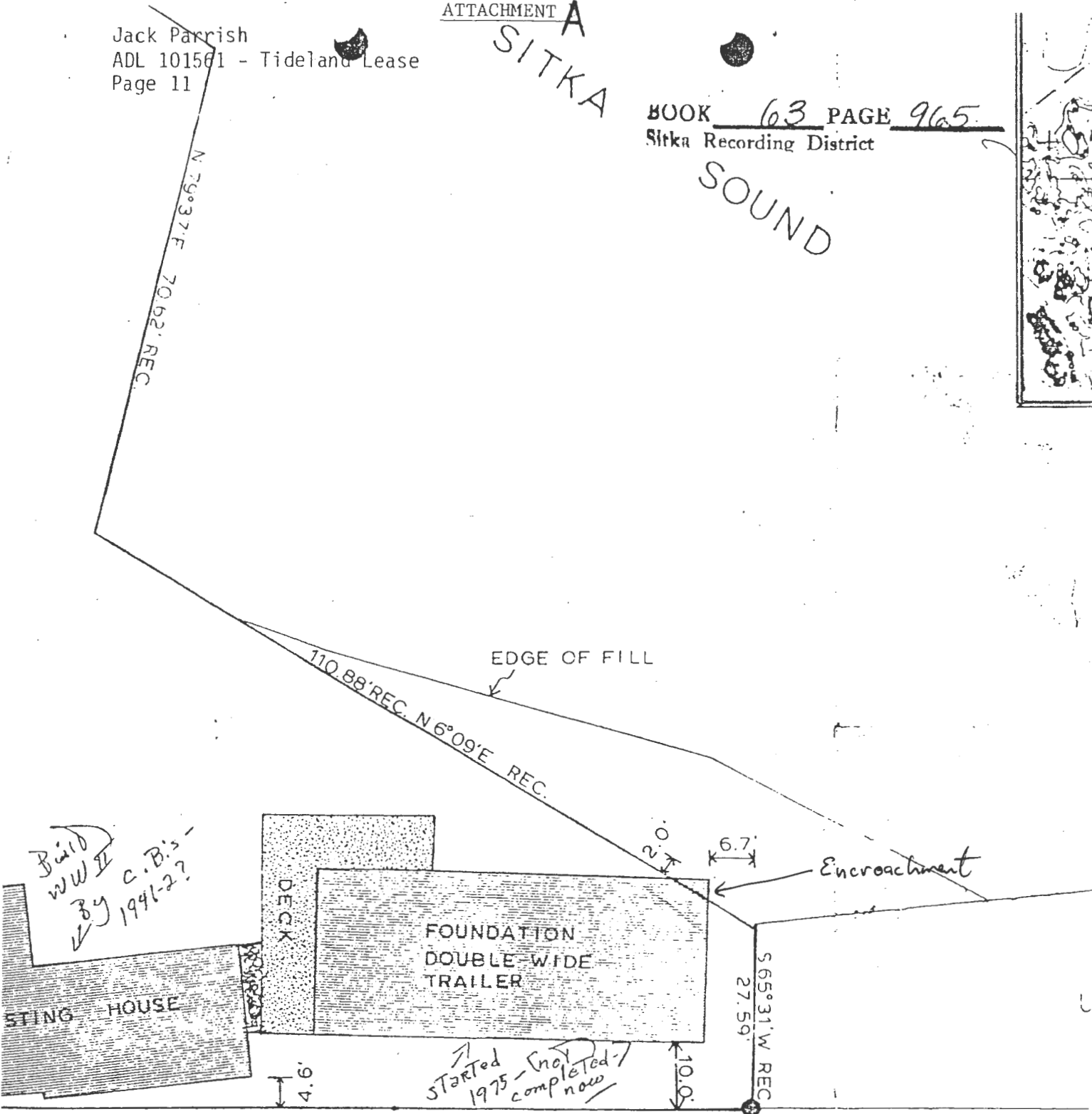
Recommendation: Authorize the Addendum.

Jack Parrish
ADL 101561 - Tideland Lease
Page 11

ATTACHMENT A
SITKA

BOOK 63 PAGE 965
Sitka Recording District

SOUND



8 4-0 2 8 2
N/C

RECORDED-FILED
SITKA REC.
DISTRICT

FEB 3 3 08 PM '84

REQUESTED BY (AS/DL+WM)

ADDRESS _____

After Recording Mailto:

AK. Dept. of Nat. Resources
Division of Land + Water Mgt.
Contract Administration
Pouch 7-005

State of Alaska



Tidelands Patent No. 439

ADL No. 106345

Know Ye By These Presents that the Grantor, the STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, 550 West 7th Avenue, Suite 1050A, Anchorage, Alaska 99501-3579, pursuant to AS 38.05.825 the regulations promulgated thereunder, and the Final Finding and Decision dated August 11, 1997, for good and valuable consideration, grants and conveys to the Grantee, the CITY AND BOROUGH OF SITKA, whose mailing address of record is 100 Lincoln Street, Sitka, Alaska 99835, Grantee's successors and assigns, those tidelands situated in the Sitka Recording District, State of Alaska, and described as follows:

ALASKA TIDELANDS SURVEY NO. 580, CONTAINING 1.463 ACRES, MORE OR LESS, ACCORDING TO THE SURVEY PLAT RECORDED IN THE SITKA RECORDING DISTRICT ON JULY 16, 2007, AS PLAT 2007-19.

ALASKA TIDELANDS SURVEY NO. 1160, CONTAINING 0.04 ACRE, MORE OR LESS, ACCORDING TO THE SURVEY PLAT FILED IN THE SITKA RECORDING DISTRICT ON OCTOBER 26, 1982, AS PLAT 82-41.

VACATION AND REPLAT OF ALASKA TIDELANDS SURVEY NO. 1286, CONTAINING 0.664 ACRE, MORE OR LESS, ACCORDING TO THE SURVEY PLAT RECORDED IN THE SITKA RECORDING DISTRICT ON MAY 22, 1990, AS PLAT 90-10.

TRACT A OF ALASKA TIDELAND SURVEY NO. 1496, CONTAINING 33.35 ACRES, MORE OR LESS, ACCORDING TO THE SURVEY PLAT FILED IN THE SITKA RECORDING DISTRICT ON OCTOBER 5, 1995, AS PLAT 95-28.

AGGREGATING 35.517 ACRES, MORE OR LESS.

Subject to: valid existing rights, including reservations, easements, and exceptions in the U.S. Patent or other state or federal conveyance, and in acts authorizing the issue thereof; easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.



Further subject to: the terms and conditions of AS 38.05.825, including the condition the grantee may lease the land, but may not sell it; title to the land conveyed under this authority reverts to the State of Alaska upon dissolution of the municipality and the grantee takes title to the tidelands subject to the rights of the public under the Public Trust Doctrine.

The Grantor hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, all oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right to enter by itself, its or their agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times for the purpose of opening, developing, drilling, and working mines or wells on these or other lands and taking out and removing therefrom all such oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads, pipelines, powerlines, and railroads, sink such shafts, drill such wells, remove such soil, and to remain on said lands or any part thereof for the foregoing purposes and to occupy as much of said lands as may be necessary or convenient for such purposes hereby expressly reserving to itself, its lessees, successors, and assigns, as aforesaid, generally all rights and power in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved.

To Have and to Hold the said land, together with the tenements, hereditaments, and appurtenances thereunto appertaining, unto the said Grantee and Grantee's successors and assigns forever.

[Signature Page to Follow]



In Testimony Whereof the State of Alaska has caused these presents to be executed by the Director of the Division of Mining, Land and Water, Department of Natural Resources, State of Alaska, pursuant to delegated authority, this 21st day of August, 2009.

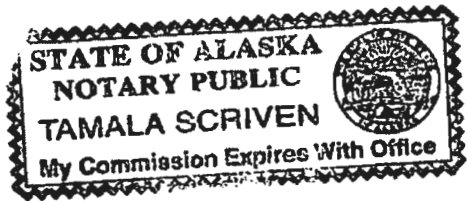
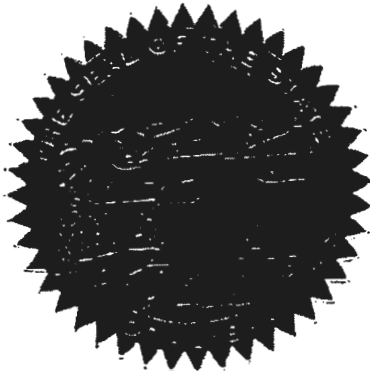
By: Wyn Menefee
Wyn Menefee, Deputy Director
Division of Mining Land & Water
Department of Natural Resources

State of Alaska)
) ss.
Third Judicial District)

This is to certify that on the 21st day of August, 2009, personally appeared before me WYN MENELEE, who is known to me to be the person who has been lawfully delegated the authority of Richard H. Mylius, the Director of the Division of Mining, Land & Water, Department of Natural Resources, State of Alaska, to execute the foregoing document under such legal authority and with knowledge of its contents; and that such act was performed freely and voluntarily upon the premises and for the purposes stated therein.

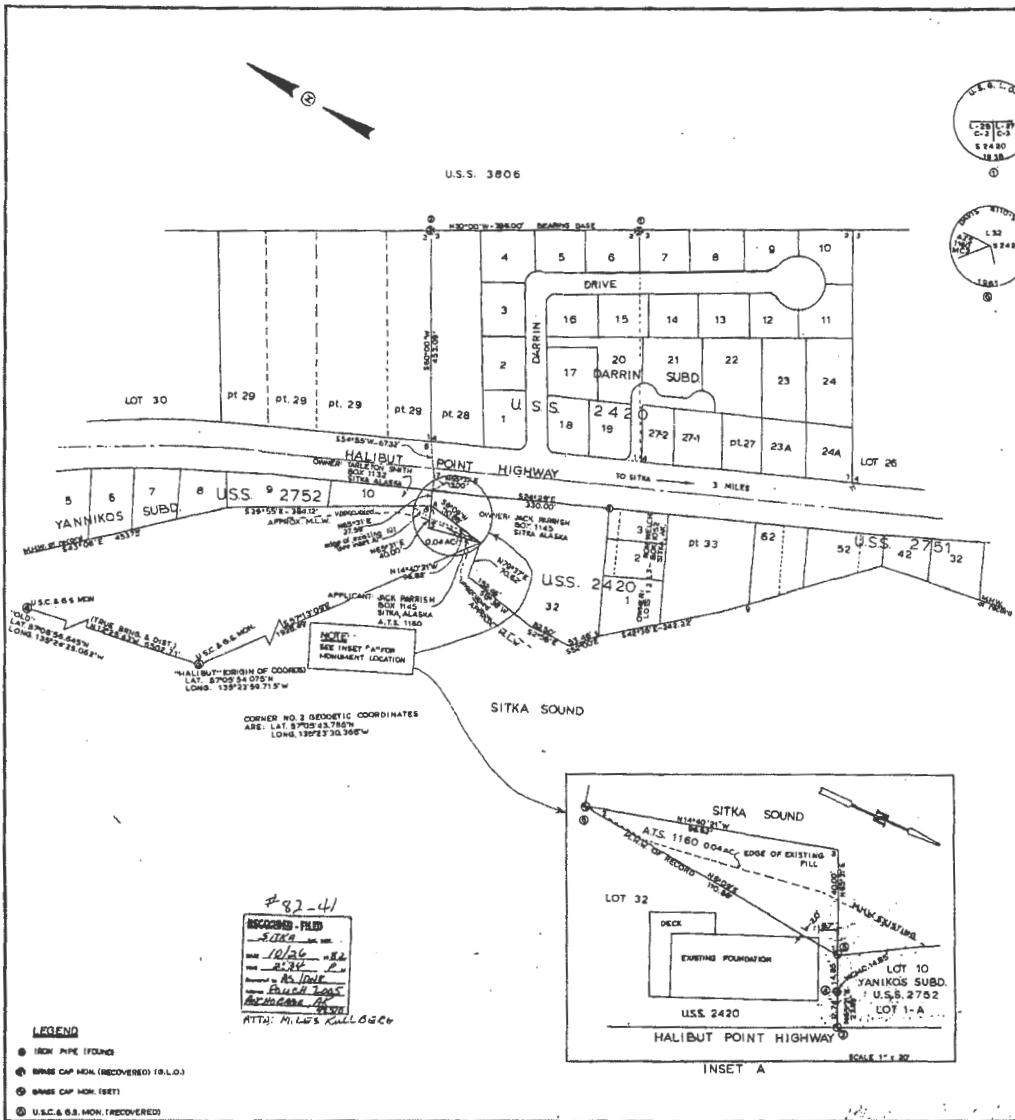
Witness my hand and official seal the day and year in this certificate first above written

Tamala Scriven
Notary Public in and for the State of Alaska
My commission expires with office

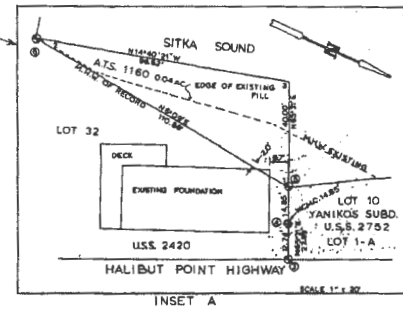


Tidelands Patent No. 439
ADL No. 106345
Location Index:
T. 55 S., R. 63 E., C.R.M.
Sections 16, 27, 34, 35





#72-41
 RECORDED FILED
 5/16/82
 10/26/82
 2/24/82
 BY: *April J. Farwell*
 ATTN: M. L. W. KALLONG



- LEGEND**
- IRON PIPE (FOUND)
 - ⊙ BRASS CAP MON. (RECOVERED) (R.L.O.)
 - ⊙ BRASS CAP MON. (SET)
 - ⊙ U.S.C. & G.S. MON. (RECOVERED)

PLAT # 72-41