

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: August 20, 2003

TO: Planning Commission

FROM: Peter Freer, Planning Supervisor
Community Development Department

FILE NO.: CSP2003-00010

PROPOSAL: Sale of a 0.76-acre parcel of City and Borough-owned land at Huffman Harbor to the adjacent upland owners.

GENERAL INFORMATION

Applicant: City and Borough of Juneau Lands Department

Property Owners: CBJ owns the parcel. Benefiting property owners are Gordon Taylor, John Taber, Heather Drapeaux, Frank Homan, Hal Lincoln and Ed Huizer.

Property Address: 155 So. Seward, Juneau, AK

Legal Description: Lot 10, U.S. Survey 3288

Parcel Code No.: 3-B40-0-102-013-0

Site Size: 0.76 Acres

Zoning: Rural Reserve

Utilities: None

Access: Trail/Water

Existing Land Use: Rural Residential

Surrounding Land Use: North: Glacier Highway/Forested Open Space
West: Boat Launch/Favorite Channel/Lynn Canal
South: Favorite Channel/Shelter Island
East: Glacier Highway/Forested Open Space



BACKGROUND

The City and Borough owns a narrow strip of waterfront land 0.76 acres in size, located between six privately owned upland lots and the shoreline at Huffman Harbor. The lot was part of a three-way land exchange initiated in 1999 but was separated from the exchange to be dealt with as a negotiated land sale at the concurrence of the City and Borough and the benefiting property owners.

See Lands and Resources Officer Cynthia Johnson's attached July 2nd memo to Community Development Director Dale Pernula for additional background, vicinity map, re-plat sketch, chronology of land sale events and recommendations.

Attached to the staff report, after the material from Ms. Johnson, are a color aerial photograph of Huffman Harbor and a color-coded map titled "Juneau Green Zone" showing land in public ownership in the vicinity.

PROJECT DESCRIPTION

The project is a negotiated sale of 0.76 acres of City and Borough-owned land to the six abutting upland property owners. The property has been identified for exchange and/or disposal since 1999. The Assembly authorized negotiations for the sale on March 10, 2003, and the sale has been reviewed by the Public Works, Engineering, Community Development, and Parks and Recreation Departments, and the School District. None of these agencies has objected. The Parks and Recreation Advisory Committee has reviewed and approved sale of the parcel twice, in July 1999, and again in April 2003.

The purchasers will pay fair market value for the property, and will be responsible for subdividing and attaching the land to their individual parcels. Title will transfer subject to easements of record including the State of Alaska's 50-foot public access easement across the property at the mean high tide line.

ANALYSIS

CBJ 49.10.170 requires the Planning Commission is to review City disposals of land and recommend approval or denial to the Assembly. Per CBJ 49.10.170(c), the Commission review of the proposed land disposal is directed as follows:

The report and recommendation of the Commission shall be based upon the provisions of this title, the comprehensive plan and the capital improvements program.

Title 49 Review

CBJ 49.15.430. *The major subdivision procedures shall be used for subdivision of a parcel into five or more lots, including the re-subdivision of existing parcels into five or more lots or the adjustment of the boundary of five or more or more parcels.*

The project is a major subdivision under 49.15.430. Under the terms of the sale, the property owners are responsible for subdividing the City and Borough parcel and attaching it to their respective lots.

Comprehensive Plan

The following provisions of the Comprehensive Plan apply to this project.

Policy 2.20 It is the policy of the CBJ to hold certain lands in the public trust, and to dispose of certain lands for private use when disposal serves the public interest.

Policy 4.17 It is the policy of the CBJ to preserve as public open space publicly-owned lands and shoreline areas which possess important recreational, scenic, wildlife, and other environmental qualities or are subject to natural hazards.

The Comprehensive Plan contains several Guidelines and Considerations for Subarea 2A, which includes Amalga and Huffman Harbors. The second of these Guidelines and Considerations states that it is the City and Borough's intent to, "continue rural

residential development". The negotiated sale of Lot 10 fulfills Comprehensive Plan intent (Policy 2.20) to dispose of City and Borough lands for private use and to continue rural residential development. The sale does not compromise the availability of sufficient and suitable land for parks, recreation and open space.

The Comprehensive Plan also calls for retention of City-owned land that possesses important recreational qualities. Significant amounts of land remain in City ownership in the larger area surrounding Amalga and Huffman Harbors, including an adjacent 80 (plus) acre parcel, the (approximately) 680-acre Amalga Meadows Park and the recently acquired 148-acre parcel along the Herbert River for permanent park and open space. This is in addition to other substantial acreage in public ownership and/or open space in the larger area surrounding Lot 10, including the Amalga Harbor boat launch ramp; State recreation lands on Herbert and Eagle Rivers; the (federal) Eagle Beach Recreation Area; the Boy Scout and Methodist Camps; Earnest Gruening State Park, public cabins (Eagle Lake, Pt. Bridget State Park) and trails.

The larger area from the Breadline to Echo Cove is referred to anecdotally as the 'green zone', with large, contiguous tracts having high suitability and active current use for recreation purposes. Within this larger area, Lot 10 is a small, dis-contiguous parcel accessible only by water or across private uplands, with limited potential for public recreational use. Public access across Lot 10 is protected by a permanent 50-foot public easement that crosses the lot along the Mean High Tide Line.

The boat launch ramp at adjacent Amalga Harbor supports substantial public use and is scheduled for expansion and renovation to continue meeting the needs of the boating public. Lot 10 in Huffman Harbor does not figure in any way in the expansion and improvement of the Amalga Harbor facilities, nor will its disposal affect the use or expansion at Amalga Harbor.

Disposal of the property has a four-year chronology dating to 1999. With substantial public land ownership and recreational activities already in place in the larger area surrounding Lot 10, the parcel has marginal value as a public holding for parks, recreation or open space. The Parks and Recreation Advisory Committee, the Planning Commission, the Assembly Lands Committee and the Assembly have approved disposal of the property.

Capital Improvements Plan

The project is not applicable to the 2004-2009 Capital Improvement Program.

FINDING

The project is consistent with the Land Use code and the Comprehensive Plan. It is unrelated to the 2004-2009 Capital Improvement Program.

STAFF RECOMMENDATION

Staff recommends approval of the sale with the recommendations contained in Lands and Resources Officer's Cynthia Johnson's July 2 memo. To reiterate, these conditions are:

1. Purchasers shall be responsible for subdividing and attaching the City and Borough land to their upland parcels, in accordance with applicable City and Borough code requirements.
2. Purchase price shall be fair market value.
3. Title shall be transferred subject to easements of record, including the State of Alaska's 50-foot public access easement.

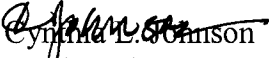
MEMORANDUM
CITY & BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

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TO: Dale Pernula, Director
Community Development Department

FROM: 
Cynthia L. Conson
Lands and Resources Officer

SUBJECT: Planning Commission Review
Sale of Lot 10, U.S. Survey 3288

DATE: July 2, 2003

Please schedule for Planning Commission review, at the earliest opportunity, the proposed sale of a parcel City-owned land at Huffman Harbor to adjacent upland owners. The applicants have approached the City with a proposal to subdivide the City property and attach it to their small upland lots.

Property Description

The City owns Lot 10, U.S. Survey 3288, encompassing approximately 0.76 acres. The waterfront lot is a narrow strip of land wedged between several small, privately owned upland lots and the shoreline. The parcel is under the management of the Parks and Recreation Department.

Background

In 1999, the City embarked on a complex land exchange involving three properties. Lot 10 at Huffman Harbor was one of the trade parcels. The Huffman Harbor property was a particularly complicated part of the transaction. It was unclear how to best subdivide the City's parcel as there were several adjoining owners, most of whom were not otherwise involved in the broader land exchange.

To expedite the larger project, the parties agreed to divide the exchange into separate transactions, dealing with the other two properties first. The Huffman Harbor property was removed from the exchange project to be dealt with later as a negotiated land sale. The Huffman Harbor landowners have now come together with a plan on how to subdivide the City property and are ready to proceed with the purchase.



Drawings

The attached vicinity map shows the location of Lot 10 in relationship to the Amalga Harbor Road and other familiar features. A drawing, prepared by the applicants, is also included. It identifies how the adjacent landowners would like Lot 10 to be subdivided and attached to their upland lots.

Park Status

Lot 10 was designated a Natural Area Park in the 1996 Parks and Recreation Comprehensive Plan. The Parks and Recreation Advisory Committee (PRAC) reviewed and conceptually approve the disposal of Lot 10 on July 6, 1999, when it was included as part of the original exchange. The PRAC reviewed the most current proposal at its meeting April 1, 2003. At that meeting, the PRAC reaffirmed its support for the disposal of Lot 10, with the provision that trail access be protected.

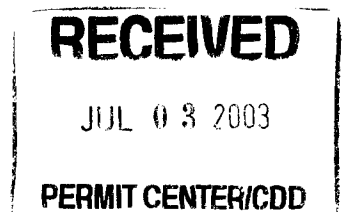
Public Access Easement

The State patent, in which Lot 10 was conveyed to the City, reserved a 50-foot wide public access easement upland of the mean high water. Based on information from the Alaska Department of Natural Resources (DNR), the State intended for the public access easement to "float." In other words, the public access easement was to follow the mean high tide line rather than be fixed along the property line shown in the survey. If accretion has occurred at Huffman Harbor, then the easement might actually lie outside or partially outside of Lot 10.

Regardless of where the easement is, the City will convey the subdivided Lot 10 subject to all easements of record, including the State's 50-foot public access easement along mean high water.

Departmental Review

The Public Works, Engineering, Parks and Recreation, and Community Development departments, and the school district were invited to review and comment on the proposed land sale. No objections were received.

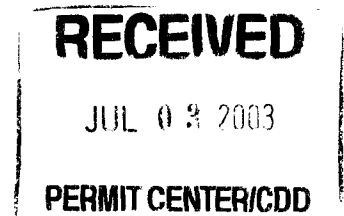


Recommendation

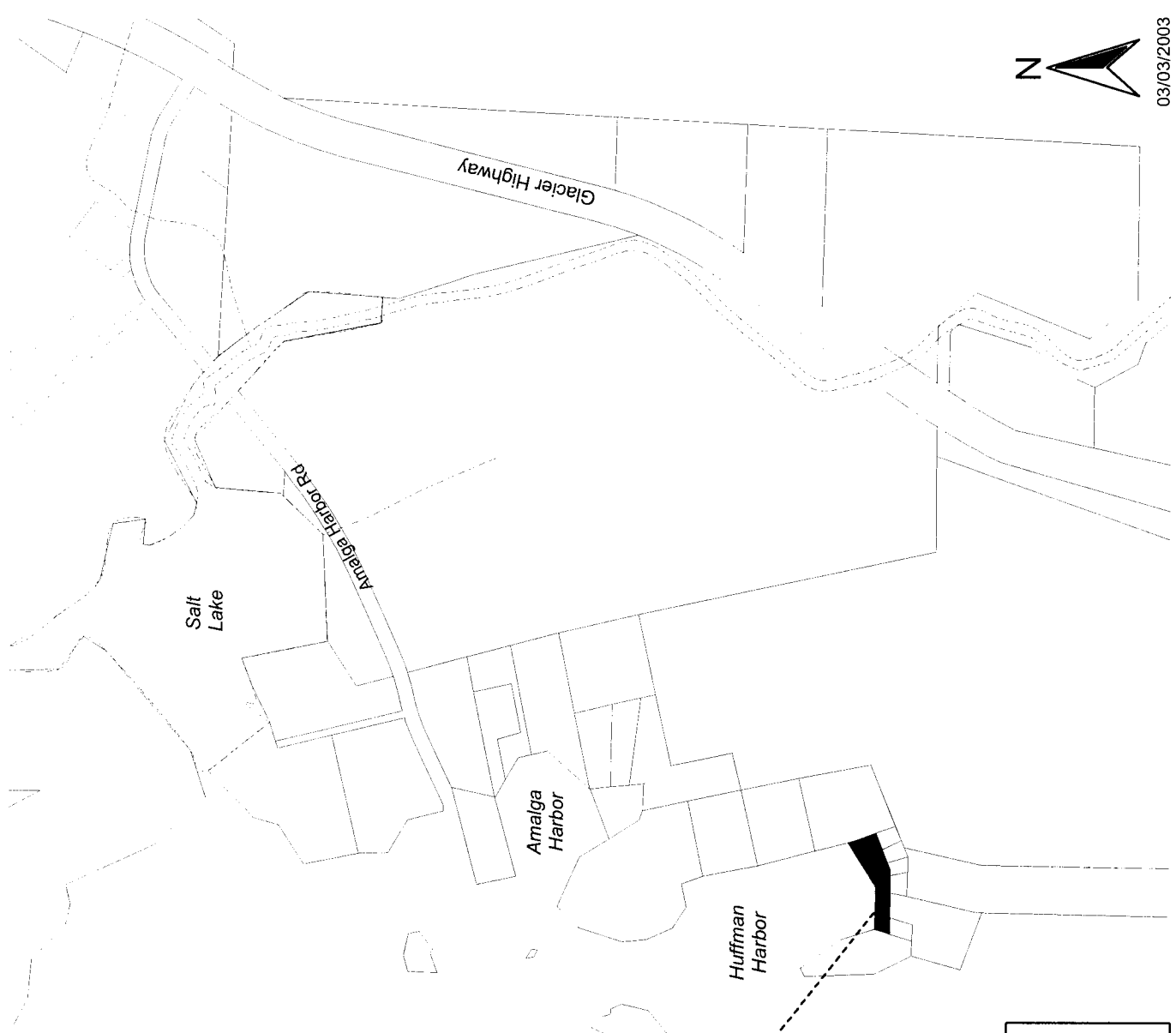
Dispose of Lot 10, U.S. Survey 3288 to adjacent upland owners subject to the following conditions:

1. Purchasers shall be responsible for subdividing and attaching the City land to their upland parcels, in accordance with City standards.
2. Purchase price shall be fair market value.
3. Title shall be transferred subject to easements of record, including the State's 50-foot public access easement.

Attachments



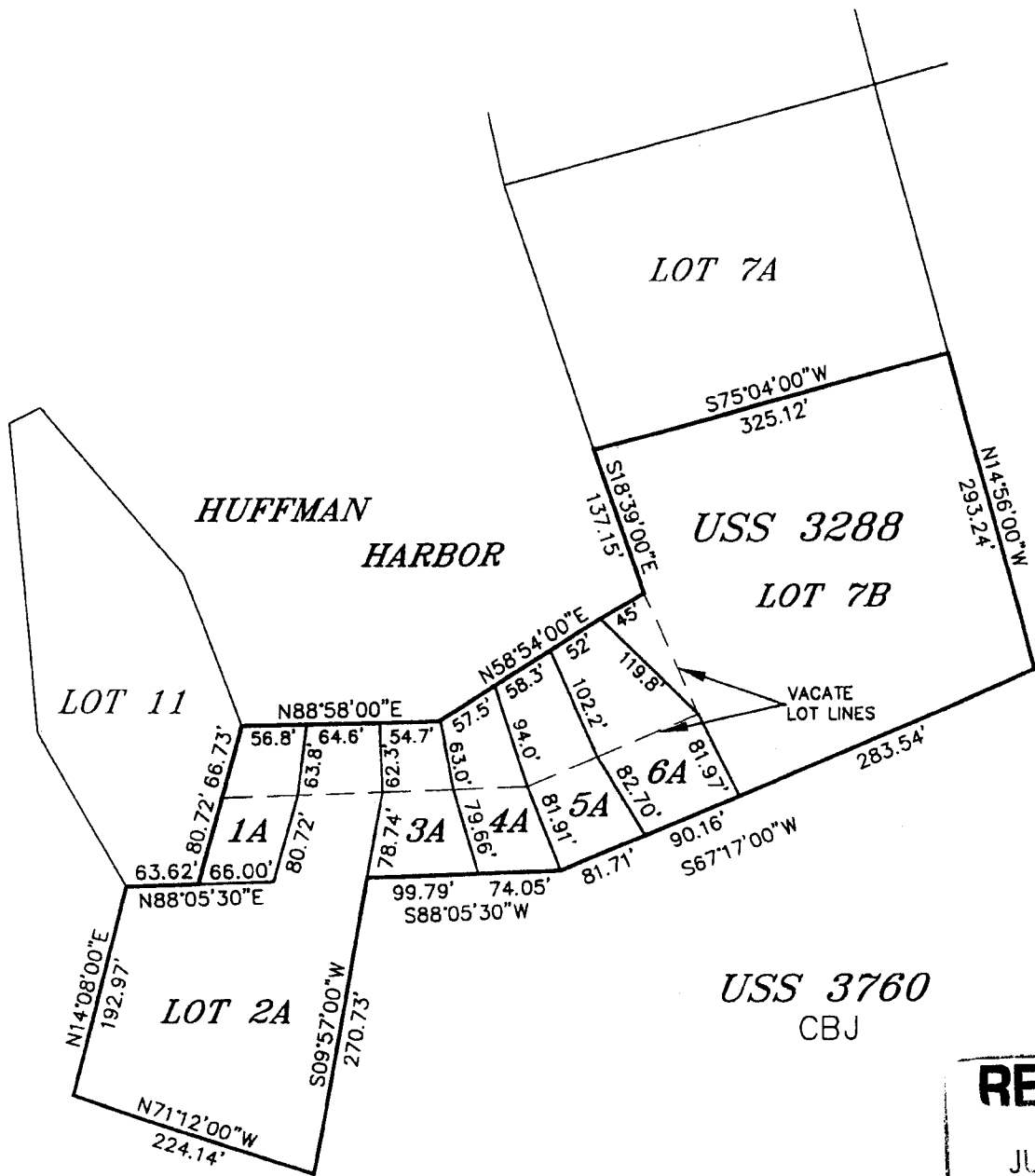
03/03/2003



Lot 10, U.S.S. 3288

VICINITY MAP
CBJ Negotiated Land Sale
Huffman Harbor

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PRELIMINARY SKETCH OF THE PROPOSED
**REPLAT OF LOTS 1 THROUGH 7
& LOT 10, U.S. SURVEY 3288**

NOTE:
THIS SKETCH IS BASED UPON RECORD
DIMENSIONS FOR U.S.S. 3288.

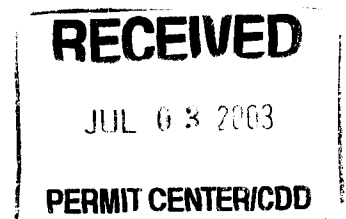
SCALE: 1"=150' JANUARY, 2003

Chronology

Public Review

Disposal of City-Owned Lot 10 U.S. Survey 3288 Huffman Harbor

- April 1, 2003 *Parks and Recreation Advisory Committee*. Recommended approval of sale, with protection of trail.
- March 10, 2003 *Assembly*, by motion, authorized staff to negotiate sale of Lot 10 to upland owners.
- March 10, 2003 *Assembly Lands Committee* recommended the Assembly authorize negotiations to sell Lot 10 to adjacent upland owners.
- November 15, 1999 *Assembly* authorized staff to enter into negotiations to exchange Lot 10 for other property.
- September 28, 1999 *Planning Commission* approved concept of land exchange involving Lot 10 and recommended Assembly authorize negotiations to commence.
- August 25, 1999 *Assembly Lands Committee* recommended Assembly authorize negotiations of a land exchange involving the disposal of Lot 10.
- July 6, 1999 *Parks and Recreation Advisory Committee* approved concept of disposing of Lot 10 at Huffman Harbor as part of a land exchange to acquire other park property at Eagle Harbor.



Amalga & Huffman Harbors Community Association
25120 Amalga Harbor Road
Juneau, Alaska 99801
907-790-3360

30 January 2003

Steve Gilbertson
Land & Resource Manager
City & Borough of Juneau
155 So. Franklin Street
Juneau, AK 99801

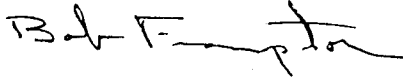
Dear Mr. Gilbertson:

The Board of Directors of the Amalga and Huffman Harbor Community Association completely support and endorse the two Applications To Use Lands Owned By the City and Borough of Juneau regarding a private driveway easement on USS 3760 and a private parking area lease also on USS 3760.

In addition, The Board of Directors completely support and endorse the purchase of USS 3288 Lot 10 by the upland adjoining property owners.

If we may provide additional information or be of assistance, please notify us at your earliest convenience. Thank you.

Sincerely,



Bob Frampton, President
Amalga & Huffman Harbor Community Association

Attachment: Board of Director Signature Pages (7)

CC: Board Members
Bob Frampton -President; USS 3288 Lot 11
John Tabor -Vice President, Legal Affairs; USS 3288 Lot 2
Al Kegler -Vice President, Maintenance & Operations; USS 1286
Tract 1-A
Kaye Sullivan, Secretary/Treasurer, USS 3288 Lot 9
Jim Rehfeldt, USS 3288 Lot 8
Doug Larsen, USS 2387 Lot F Tract B
Ed Huizer, USS 3288 Lot 7 & 7A

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**Amalga and Huffman Harbors Community Association
25120 Amalga Harbor Road
Juneau, AK 99801**

January 20 , 2003

Steve Gilbertson, Lands and Resources Manager
City and Borough of Juneau
155 S. Seward Street
Juneau, AK 99801

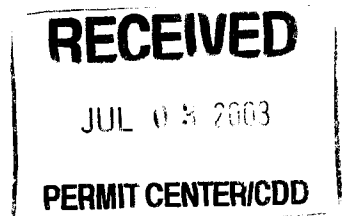
Dear Mr. Gilbertson:

The purpose of this letter (which has been approved and signed by the seven upland property owners at Huffman Harbor) is to request the start of formal negotiations between the owners and CBJ regarding the sale of Lot 10, USS 3288, to us.

The owners of Lot 11 (Denise Chase and Bob Frampton) already have suitable access to the beach at Huffman Harbor and have decided that they do not need any part of Lot 10. They are signatories to this letter to indicate their approval.

The six property owners involved in the sale are as follows:

1. Gordon Taylor: USS 3288, Lot 1
5555 Thane Road
Juneau, AK 99801
2. John Taber: USS 3288, Lot 2
102 Latigo Road
Durango, CO 81301
3. Heather Drapeaux: USS 3288, Lot 3
141 Behrends Avenue
Juneau, AK 99801
4. Frank Homan: USS 3288, Lots 4 & 5
124 West Sixth Street
Juneau, AK 99801
5. Hal Lincoln: USS 3288, Lot 6
5918 West Bent Tree Drive
Phoenix, AZ 85085
6. Ed Huizer: USS 3288, Lot 7
PO Box 210191
Auke Bay, AK 99823



Please see the attached enlarged copy of part of USS 3288, which shows Lot 10 and the lots of the six owners. We have agreed how we want Lot 10 divided up, and the attached plat copy shows the various

extensions of upland lot lines, the front footages on the surveyed meander line and the square footages of the various parcels.

Additional points, which were discussed at our November 13, 2002, meeting, and to which all of us agree are as follows.


1. The necessary surveying and related matters will be conducted by us at our expense.
2. We each agree to re-plat our respective lots so that no new lots will be created by the sale.
3. We agree to the selection of the Borough Assessor as the person to do the necessary appraisal of Lot 10 at our expense.
4. We each agree to provide easements across our respective parts of Lot 10 to guarantee access for those of us who have lots farther to the westward.

The Amalga and Huffman Harbors Community Association has not yet been formally established. However, the privatization of Lot 10 has been a priority of the nascent association. The Board of Directors, at a meeting on January 17, 2003, unanimously indicated its support of the matters discussed in this letter.

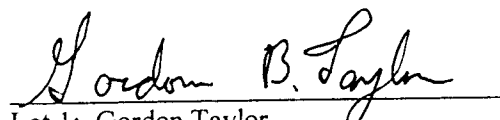
We look forward to the successful conclusion of this project, which has been discussed for so many years. We also want to thank you, Cynthia Johnson, and Kim Kiefer for your unfailing courtesy, assistance, and cooperation over the years.

If you have need to contact us regarding this matter, please call either Ed Huizer (789-9256) or, in his absence, Frank Homan (586-2179)

Sincerely,




 Lot 11: Bob Frampton and Denise Chase

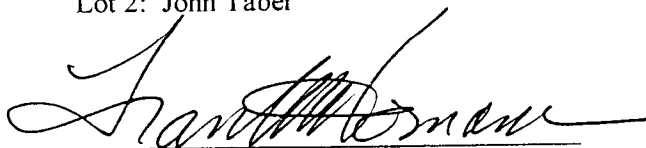


 Lot 1: Gordon Taylor

 Lot 2: John Taber

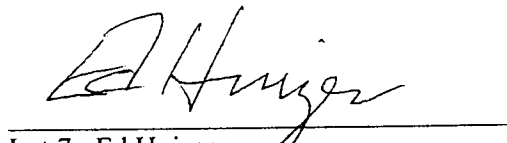


 Lot 3: Heather Drapeaux

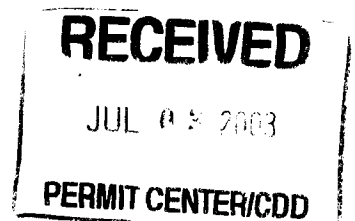


 Lots 4 & 5: Frank Homan

 Lot 6: Hal Lincoln



 Lot 7: Ed Huizer



Note: Signature pages from John Taber and Hal Lincoln (both out of town) have been forwarded to Mr. Gilbertson under separate covers. Please include signature pages to this document.