

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 Heather Island, Inc, PO Box 478, Petersburg, Alaska 99833 ("Permittee") to install and maintain a parking area in the **FIRST STREET SOUTH RIGHT OF WAY, INCLUDING THE IRA II STREET INTERSECTION at FIRST STREET SOUTH, to provide parking for Lot 3B of Block 36, USS 1252, City of Petersburg, Alaska dated August, 1918; and**

Whereas, the Planning Commission, on February 12, 2015, recommended the approval of a Special Use Permit to construct and maintain a parking area in the First Street South right-of-way, including the Ira II intersection at First Street South, to provide dedicated parking for Lot 3B of Block 36, US Survey 1252, City of Petersburg, Alaska, upon the following terms and conditions;

Whereas, this Special Use Permit allows the Permittee to construct and maintain a parking area in the First Street South right-of-way, including the Ira II intersection at First Street South, to access Lot 3B of Block 36, US Survey 1252, City of Petersburg, Alaska, 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 parking area, or the use or entry upon the permitted parking area by any other person or entity.
- 3) No future claim of title is granted to the Permittee to that portion of the First Street South right-of-way, including the Ira II Street intersection, on which the parking area is constructed.
- 4) The Permittee agrees to be wholly responsible for the construction, installation and maintenance of the parking area and acknowledges the Borough has no responsibility

whatsoever for construction, installation, maintenance, upkeep or repair of the parking area. Permittee further agrees to abide by following specific conditions:

- a. All water lines and valves must be located in the field to determine their actual location in proximity to proposed fill area. Water valves within the fill area shall be buried no more than 6" with the exception of the fire hydrant valve, which shall be adjusted to finished grade to remain accessible at all times. Bollards shall be installed around fire hydrant. All valve boxes, including exposed valve boxes, shall be noted on a site drawing with swing tie measurements to each from permanent structures. The drawing shall be provided to Public Works at the completion of the work.
- b. The water main at this location is made of asbestos cement, which can become brittle the longer it is in service. Extreme care shall be taken by permittee when filling on or around the pipe or when operating machinery on or around the pipe. If the water main is found to be buried less than 3' at the site, no shot rock shall be dumped directly onto the pipe location. Compaction of the fill with a large roller will not be possible. If the pipe ruptures during this work, permittee will be responsible for all costs to repair the main.
- c. The storm drain culvert at this location shall also be protected as much as possible. The culvert is quite old and may fail due to operation of equipment and/or dumping of shot rock on top of it. Care should be taken when working over this culvert. Any damage caused by the permittee shall be the permittee's responsibility to repair. Further, the outlet end of the culvert shall not be blocked by any fill materials.
- d. Weight limits for the bridge structure must be observed by permittee during this work. This may require greatly reduced loads of rock per truck trip. This depends greatly on the size of truck used for this operation.
- e. The permittee may remove approximately 36-feet of hand railing and bull railing for permanent access to the project area. All bull rail and hand rail materials removed for this project shall be salvaged in good condition and delivered to the Public Works yard at 303 S. 2nd St.
- f. All pile cap beam ends in contact with the parking area fill must be coated with a tar mastic and heavy roofing felt prior to backfilling to protect the end grain of the bridge beams. Examples of this treatment exist at the site presently.
- g. Deposit good-drainage fill. The elevation of fill adjacent to the bridge deck shall be higher than the bridge deck to prevent excessive wear to the deck planks during vehicle traffic to the parking area. Maintenance of this rock/wood interface must be attended to regularly to prevent premature failure of the bridge planking.
- h. The parking fill shall be graded to drain all surface waters to the east. No surface water shall be allowed to flow onto the bridge or collect at the edge of the bridge deck. Disruption of natural drain patterns in the right-of-way may require installation of a culvert.
- i. Generally, the site shall be safe to vehicles and pedestrians. Guy lines on existing utility pole shall be protected. No deep voids in the fill adjacent to the bridge will be allowed. If a void or sinkhole forms next to the bridge deck due to material

settling over time, the permittee shall be responsible for importing additional fill to make the site safe.

- 5) The Permittee acknowledges that in the event the Borough proceeds with the development of the First Street South or Ira II right-of-way, the Permittee shall remove, at its own expense, any improvements constructed by authority of this Permit, as deemed necessary by the Borough, and that the Permittee may be assessed for construction and/or installation of Borough owned improvements in addition to other assessments as may be required by the Borough.
- 6) The Permittee shall not hold exclusive rights to use all or any portion of the First Street South or Ira II right-of-way, and the First Street South and Ira II 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.

(SEAL)

PETERSBURG BOROUGH, ALASKA:

BOROUGH MANAGER

BOROUGH CLERK

Signature

Signature

STATE OF ALASKA

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) ss.

FIRST JUDICIAL DISTRICT

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THIS IS TO CERTIFY that on this ____ day of _____, 2015, before the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared _____ and _____ to me known to be the Borough Manager and Borough Clerk of the Petersburg Borough, respectively, and acknowledged to me that they have the authority to execute this instrument on behalf of the Petersburg Borough for the uses and purposes therein mentioned..

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

My commission expires _____.

(SEAL)

Return to:

*Borough Clerk
Petersburg Borough
PO Box 329
Petersburg, Alaska 99833*