

**ASSEMBLY STANDING COMMITTEE
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

May 21, 2018, 5:00 PM.

Municipal Building Assembly Chambers

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

IV. PUBLIC PARTICIPATION

(Not to exceed a total of 10 minutes nor more than 2 minutes for any individual).

V. AGENDA TOPICS

A. Alan and Ellen Rogers Land Trade Proposal

B. Indian Point Update/Information

C. Discussion of Douglas Cemeteries, guest speaker - Merrill Sanford

To read the 1995 report on the Douglas cemeteries, please consult the following report:
http://www.juneau.org/history/documents/Historic_Cemeteries_in_Douglas_Sept_1995.pdf

VI. STAFF REPORTS

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

VIII. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

MEMORANDUM

CITY AND BOROUGH OF JUNEAU

Lands and Resources Division Office
155 S. Seward St., Juneau, Alaska 99801
Greg.Chaney@juneau.org
(907) 586-0205

TO: Assembly Lands Committee
FROM: Greg Chaney, CBJ Lands Manager
SUBJECT: Alan and Ellen Rogers Land Trade Proposal
DATE: May 15, 2018

Introduction

In the fall of 2017, Alan and Ellen Rogers of 812 Fritz Cove Rd (Smuggler's Cove Rd) contacted the Lands and Resources Division with a proposal to exchange a strip of land along the northwest boundary of their property (including waterfront) for a portion of upland CBJ parkland. They would pay all survey and subdivision costs.

Currently the Rogers reside in a 500 square foot cabin at the water's edge, which requires a steep 160 foot descent to access their dwelling. Wishing to "age in place", the Rogers' proposal would help them build a structure on a level surface near the driveway used to access the property.

On December 29th, 2017, Lands staff conducted an initial site visit to the Rogers' property and ground-truthed property corners. During this site visit, it came to staff's attention that a shed and a semi-permanent storage shelter had been placed within the access easement



which was not permitted under the terms of the easement. If the proposed land trade is not approved, these structures will have to be relocated onto the Rogers' property.

Image 1: Regional View



History of Area

In 2005, the City and Borough of Juneau approved the construction of a perpetual driveway and utility easement to the Smugglers Cove Pioneers Association within CBJ parklands (**CSP2005-00008 –Attachment 1**) at the end of the Mendenhall Peninsula. Before the easement was granted, property owners accessed their landlocked parcels either on foot or by boat.

According to a July 11th, 2005 memo from former Lands Manager Steve Gilbertson:

“The subject properties were subdivided in 1954 by the federal government with no land access. At the time, there were no such requirements for providing formal access. A number of these situations were created around the community and gradually there has been a movement of the property owners to obtain easements and develop driveways.”

Staff Analysis

The 2016 Land Management Plan lists the Mendenhall Peninsula LND-0520 property as *retain/dispose*.

Initially Mr. Rogers proposed a land trade with CBJ that would be equivalent in area and submitted a proposed sketch (**Sketch-Attachment 2**).

After an initial review, it was clear that the Rogers’ waterfront property was significantly more valuable than the CBJ uplands. In order to establish equal monetary values for the two parcels, Mr. Rogers hired an appraiser approved by the Lands Manager, Charles Horan and Associates, to derive an equal value trade so that the value of the two parcels to be traded between the Rogers’ and CBJ would be equivalent; a diagram proposed by Mr. Rogers was provided as a guideline (**Diagram-Attachment 3**).

The appraiser determined that 1 square foot of Mr. Rogers waterfront property was worth 2.5 square feet of upland property in this region (**Appraisal-Attachment 4**). Since approximately 70% of the land proposed to be acquired from CBJ is already a developed driveway while the beach offered in exchange is easily accessed by pedestrians or boats and has relatively high recreational value, it appears that this proposal would be in the best interest of the City.

On May 1st, 2018, Lands staff brought this topic to the Parks and Recreation Advisory Committee where Director Kirk Duncan and Project Manager Alix Pierce shared with the committee that Parks staff had no concerns with the proposed land trade moving forward, especially because in the upcoming Master Plan Update, this region may be considered for divestment.

Parks and Rec staff then recommended to the PRAC that the equal value land trade proposed by Alan and Ellen Rogers is found to be generally acceptable and to forward the proposal to the Lands Committee for further consideration and recommendations.

This recommendation was then discussed and called to a vote by Chair Chris Mertl; the recommendation passed 5 to 2. The two objections were primarily based on the two dissenting PRAC members feeling that the land trade was not of benefit to the public. CBJ§53.09.230(a) stipulates that prior to considering a land exchange, the Assembly must determine if it is appropriate to work *“by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the manager may commence negotiations for the...exchange...of City and Borough land.”*

In this case, the original proposer (Rogers family) is an adjacent property owner with a unique set of circumstances. It is unlikely that any other party would have the opportunity to propose a land exchange on similar terms. The primary unique feature of this exchange is that the Rogers have an access easement across CBJ Park land. This easement has been developed as a driveway and does not retain features that would normally be associated with natural area park land while the beach front being offered is in its natural state.

The final alignment of the new property lines will be determined by a professional surveyor working collaboratively with the Community Development Department as well as Engineering and Public Works Department to meet appropriate subdivision requirements. If the Assembly adopts an ordinance authorizing the proposed land trade, processing the lot line adjustment should not take more than two years.

Lands Staff Recommends the Lands Committee adopt the following motion:

The Lands Committee finds the equal value land trade proposed by Alan and Ellen Rogers to be generally acceptable and recommends working with the original proposers. The Lands Committee forwards the proposed land trade to the Full Assembly with a positive recommendation. If an ordinance is adopted approving the land trade, the transaction is to be completed within two years of the authorizing ordinance.

MEMORANDUM

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

Attachment 1

DATE: July 20, 2005

TO: Planning Commission

FROM: Nathan Bishop, Planner 
Community Development Department

FILE NO.: CSP2005-00008

PROPOSAL: Issuance of a driveway and utility easement, to the Smugglers Cove Pioneers Association, over and within CBJ Lands.

GENERAL INFORMATION

Applicant: Smugglers Cove Pioneer Association

Property Owner: CBJ

Property Address: Fritz Cove Rd

Legal Description: USS 3816 LT 2 & 3

Parcel Code No.: 4-B20-0-105-009-0

Zoning: RR

Access: Fritz Cove Road

Existing Land Use: Natural Park (NP)

Surrounding Land Use:

North	- Natural Park
South	- Natural Park
East	- Natural Park
West	- D-1 Single Family Residential

PROJECT DESCRIPTION & BACKGROUND

See Attached Memorandum from Steve Gilbertson, CBJ Lands and Resources Manager (Attachment "A").



Planning Commission
File No.: CSP2005-00008
July 20, 2005
Page 2 of 2

ANALYSIS

See Attachment "B" for Community Development Department analysis of the proposed project. It should be noted that the eagle nest discussed in the attached memorandum has not been located, and is presumed gone and is, therefore, no longer relevant.

FINDINGS

The attached project description and analysis along with the above analysis, shows that issuance of the subject easement, is consistent with all adopted plans and studies, meets the relevant requirements of the CBJ Land Use Code, and is appropriately situated on the site.

RECOMMENDATION

It is the recommendation of the Community Development Department that the Planning Commission adopt the Director's Findings on the proposed project, and recommend that the Assembly approve a perpetual easement for a driveway and utilities across a fraction of lots 2 & 3, U.S.S 3816 to serve residences on lots 1-6 U.S.S 3297 and A.S.L.S 70-3 with the following conditions:

1. That the easements be revoked if the grantees do not use the driveway for a period of more than five years.
2. That the easements be revoked if the grantees' property is served by a dedicated, constructed CBJ street.
3. That the CBJ reserves the right to utilize portions of the driveway alignment for a dedicated CBJ street.
4. That the easement be used to serve single family or duplex residences on the grantees' properties. No commercial use is allowed.
5. Utilities such as electric, telephone, cable, water, and sewer lines may be located in the easement corridor.
6. The easement is not exclusive. The CBJ may grant other overlapping easements.
7. The grantees of the easements are responsible for construction and maintenance of any improvements within the easement.
8. The CBJ reserves the right of public pedestrian access along the easement.
9. The grantees may gate the driveway to control vehicular access.
10. The grantees shall provide as-built surveys of the driveways once constructed.
11. The grantees may be required to relocate the driveways to a new location upon direction of the Assembly in accordance with CBJ 53.09.300(i).
12. The grantees shall obtain all authorizations and permits necessary to construct the driveway.

MEMORANDUM

CITY/BOROUGH OF JUNEAU
Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Steve_Gilbertson@ci.juneau.ak.us



Voice (907) 586-5252
Fax (907) 586-5385

DATE: July 11, 2005

TO: Dale Pernula
Community Development Director

FROM: Steve Gilbertson *Steve Gilbertson*
Lands and Resources Manager

ATTACHMENT A

SUBJECT: Driveway Easement on Mendenhall Peninsula

Attached for review and recommendation by the Planning Commission is an application submitted by a group of seven homeowners on the tip of the Mendenhall Peninsula that desire driveway access to their landlocked properties. At the present time, boat access or walking the beach at low tide are the only means of reaching their homes. The homeowners are organized as the Smuggler's Cove Pioneers Neighborhood Association.

Background

The subject properties were subdivided in 1954 by the federal government with no land access. At the time, there were no such requirements for providing formal access. A number of these situations were created around the community and gradually there has been movement of the property owners to obtain easements and develop driveways.

This request is to develop a driveway with a 20 ft. driving surface that meets the current Fire Code. The driveway is approximately 4000 feet in length and the easement width will vary from 30 to 75 feet in width to accommodate cuts and fills needed because of the topography. Smaller driveways will be constructed to the individual lots.

The property on which the easement is located consists of 350 acres described as Lots 2 and 3, U.S.S. 3816. It is generally located between Fritz Cove Road and Mendenhall Peninsula Road. In the early 1980's, a 300+ lot subdivision was proposed by the State of Alaska but was never built because of lack of utilities. City water is now available but the property will not be developed until city sewer is provided. The City and Borough of Juneau selected the property from the State and now owns the property.

The tip of the Mendenhall Peninsula is generally designated as a "Natural Area Park". The precise boundaries of the designation are not shown in the Parks and Recreation Comprehensive Plan but they will be determined at such time that the City subdivision is developed. The proposed route

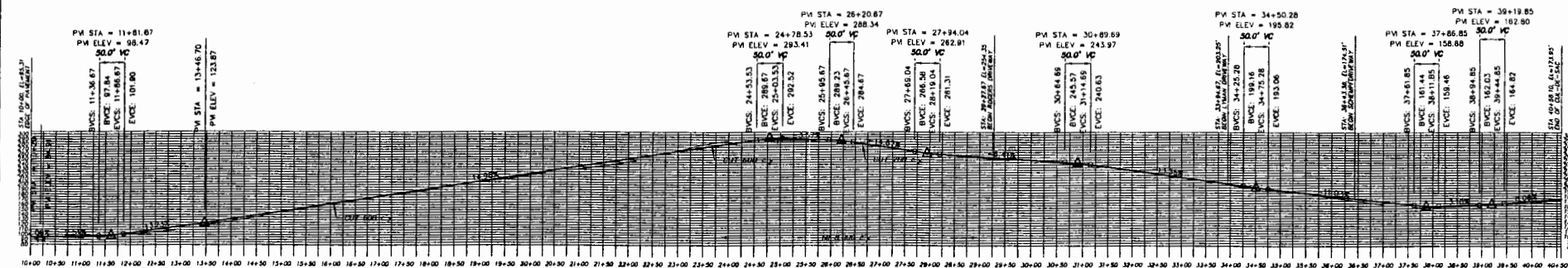
for the driveway logically follows terrain features that would be the boundary between the waterfront open space and any residential development.

Departmental Review

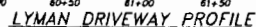
Comments on the proposed easement were solicited from Public Works, Engineering, Parks and Recreation, Community Development, and the Fire Departments. There were no objections to the issuance of the easement. The various departments also participated in a field review of the proposed route.

Recommendation: That the Planning Commission recommend the Assembly adopt a resolution authorizing the conveyance of a perpetual easement for a driveway and utilities across a fraction of Lots 2 & 3, U.S.S. 3816 to serve residences on Lots 1-6, U.S.S. 3297 and A.S.L.S. 70-3 subject to the following conditions:

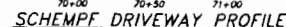
1. That the easement be revoked if the homeowners do not use the driveway for a period of more than five years.
2. That the easement be revoked if the homeowners property is served by a dedicated, constructed City street.
3. That the City reserves the right to utilize portions of the driveway alignment for a dedicated City street.
4. That the easement be used to serve single family or duplex residences on the homeowners properties. No commercial use is allowed.
5. Electric, telephone, water and sewer lines may be located in the easement corridor.
6. The easement is not exclusive. The City may grant other overlapping easements.
7. The homeowners are responsible construction and maintenance of any improvements.
8. The City reserves the right of public pedestrian access along the easement.
9. The homeowners may gate the driveway to control vehicular access.
10. The homeowners shall provide an as-built survey of the driveway once constructed.
11. The driveway may be relocated to a new location upon direction of the Assembly in accordance with CBJ 53.09.300(i)
12. The homeowners shall obtain all authorizations and permits necessary to construct the driveway.
13. The cost of the easement shall be at fair market value as determined by appraisal.



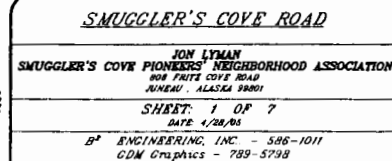
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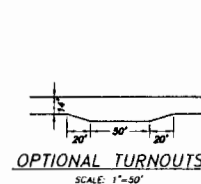
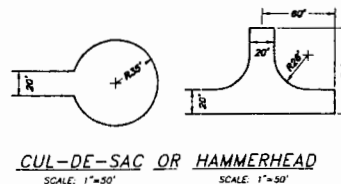
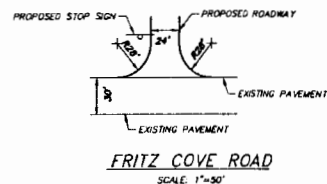
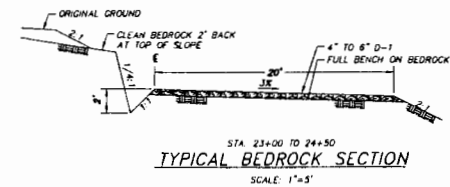
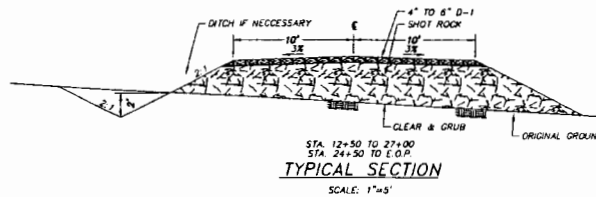
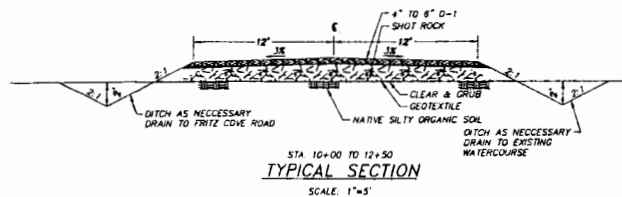


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SCALE: HORIZ. 1"=40'
VERT. 1"=40'



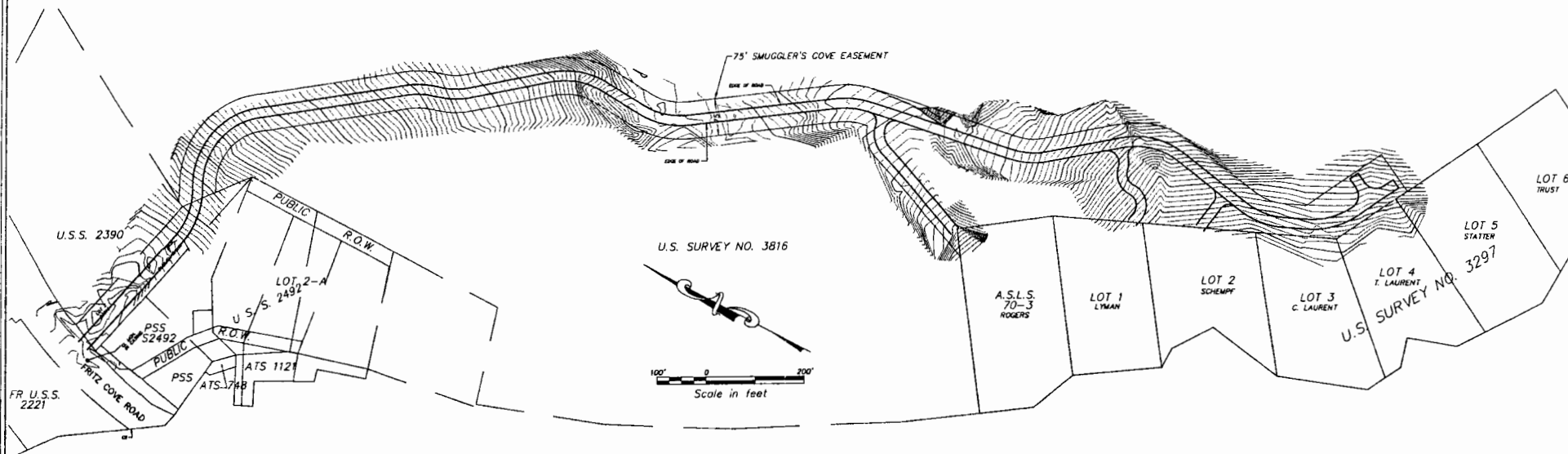


NOTES:

1. B2 ENGINEERING MADE TOPOGRAPHIC MEASUREMENTS FOR THIS PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL ENGINEER. B2 ENGINEERING DOES NOT EMPLOY A PROFESSIONAL LAND SURVEYOR. THIS IS AN ENGINEERING ROUTE DESIGN, NOT A SURVEY FOR A LEGAL DEFINITION OF AN EASEMENT ACROSS (BAY) LAND. AFTER CONSTRUCTION, THE SMUGGLER'S COVE NEIGHBORHOOD ASSOCIATION (HEREAFTER CALLED "THE OWNER") WILL HIRE A REGISTERED LAND SURVEYOR FOR AN AS-BUILT SURVEY, A FORMAL DEFINITION OF EASEMENT, AND A RECORDING OF A LEGAL PLAT.
2. BURIED POWER LINES AND OVERHEAD TELEPHONE LINES EXIST ALONG THE ROUTE. BEWARE DANGEROUS HIGH VOLTAGE. BECAUSE OF GRADE CONSTRAINTS, SOME RELOCATION OF UTILITIES IS INEVITABLE. THE OWNER IS CONTACTING AELBP AND ACS FOR UTILITY RELOCATION AS NECESSARY. THE BUILDER SHALL COORDINATE HIS WORK WITH THE UTILITY COMPANIES' WORK.
3. THIS DESIGN IS FOR A 20 FOOT TOP WIDTH. IF THE OWNER CHOOSES A 14 FOOT TOP WIDTH FOR COST SAVINGS, CONSTRUCT TURNOUTS AT 1000 FOOT MAXIMUM SEPARATION OR AT INTERVISIBILITY MAXIMUM.
4. THIS DESIGN MAINTAINS A MAXIMUM 15% PROFILE GRADE. IF THE OWNER CHOOSES STEEPER GRADES FOR COST SAVINGS, THE GRADES SHOULD STILL BE LIMITED TO 10% ABSOLUTE MAXIMUM.
5. THE BUILDER IS RESPONSIBLE FOR OFF-SITE DISPOSAL OF TREES, BRUSH, SLASH, AND ORGANIC SOIL CLEARED FROM THE ROADWAY.
6. SUPERELEVATE THE DRIVING SURFACE IN CURVES AT 8% WITH HALF THE TRANSITION OUTSIDE THE CURVE.
7. NO GEOTECHNICAL INVESTIGATION WAS PERFORMED FOR THIS PROJECT.



SMUGGLER'S COVE ROAD	
JON LYMAN SMUGGLER'S COVE PIONEERS' NEIGHBORHOOD ASSOCIATION 808 FRITZ COVE ROAD JUNEAU, ALASKA 99901	
SHEET: 2 OF 7 DATE: 4/28/05	
B2 ENGINEERING, INC. - 586-1011 CDM Graphics - 789-5798	



SMUGGLER'S COVE ROAD	
JON LYMAN SMUGGLER'S COVE PIONEERS' NEIGHBORHOOD ASSOCIATION 804 FRITZ COVE ROAD JUNEAU, ALASKA 99901	
SHEET: 3 OF 7	DATE: 1/28/05
B* ENGINEERING, INC. - 586-1011 CDM Graphics - 789-5798	

MEMORANDUM

CITY/BOROUGH OF JUNEAU
Community Development Dept.
155 South Seward Street, Juneau, Alaska 99801

TO: Steve Gilbertson
Land and Resources Manager

DATE: July 20, 2005

FROM: Nathan Bishop, Planner
Community Development Department

ATTACHMENT B

SUBJECT: Proposed Driveway Easement

This memorandum contains the Community Development Departments (CDDs) comments on the driveway easement at the end of Mendenhall Peninsula, as requested in your May 02, 2005 memorandum.

The CDD has reviewed the proposed driveway easement for consistency with adopted plans and other potential issues such as wetlands, eagle trees, and anadromous streams. Comments on the proposed easement follow.

Adopted Plans

The *Comprehensive Plan of the City and Borough of Juneau* 1995 Update Map 3 shows the area crossed by the proposed easement as a CBJ Natural Park, and the parcels accessed by the proposed easements as Resource Development areas. The intended use of Natural Park areas is found in the CBJ Parks and recreation Comprehensive Plan. These areas are designed to "serve the entire community by providing open space, access to water, and opportunities for more passive and dispersed recreation activities.

The *Juneau Parks and Recreation Comprehensive Plan* of July, 1996 also identifies a trail corridor that closely parallels the proposed easement. To honor this intent, any easement dedicated for the proposed access should include a provision for public use.

The proposed easements/driveways are within CBJ parcel 0520, a 259.6 acre parcel. The *City and Borough of Juneau Land Management Plan*, 1999 Update, states that this parcel is recommended for development once public sewer and water are available." Comments on the parcel indicate that southern portion adjacent to Fritz Cove is to be retained for park and open space.

Habitat

There is one bald eagle nesting tree identified in the project vicinity. This tree appears to be within the 330-foot no development zone. This tree should be identified to determine if it continues to be a nest site, if it is a variance will be needed for construction if the developed portion of the easement is within 330-feet of the nest. The location of the nest appears to be approximately 400-feet north of the Lyman parcel.

There are no designated anadromous fish streams within the vicinity of the proposed easement.

A review of the JWMP wetlands atlas showed no wetlands within the proposed corridor. However, un-identified isolated wetlands exist all over the borough as such it would be in the applicants best interest to have the Army Corp of Engineers walk the access corridor prior to construction to determine if any permitting is necessary.

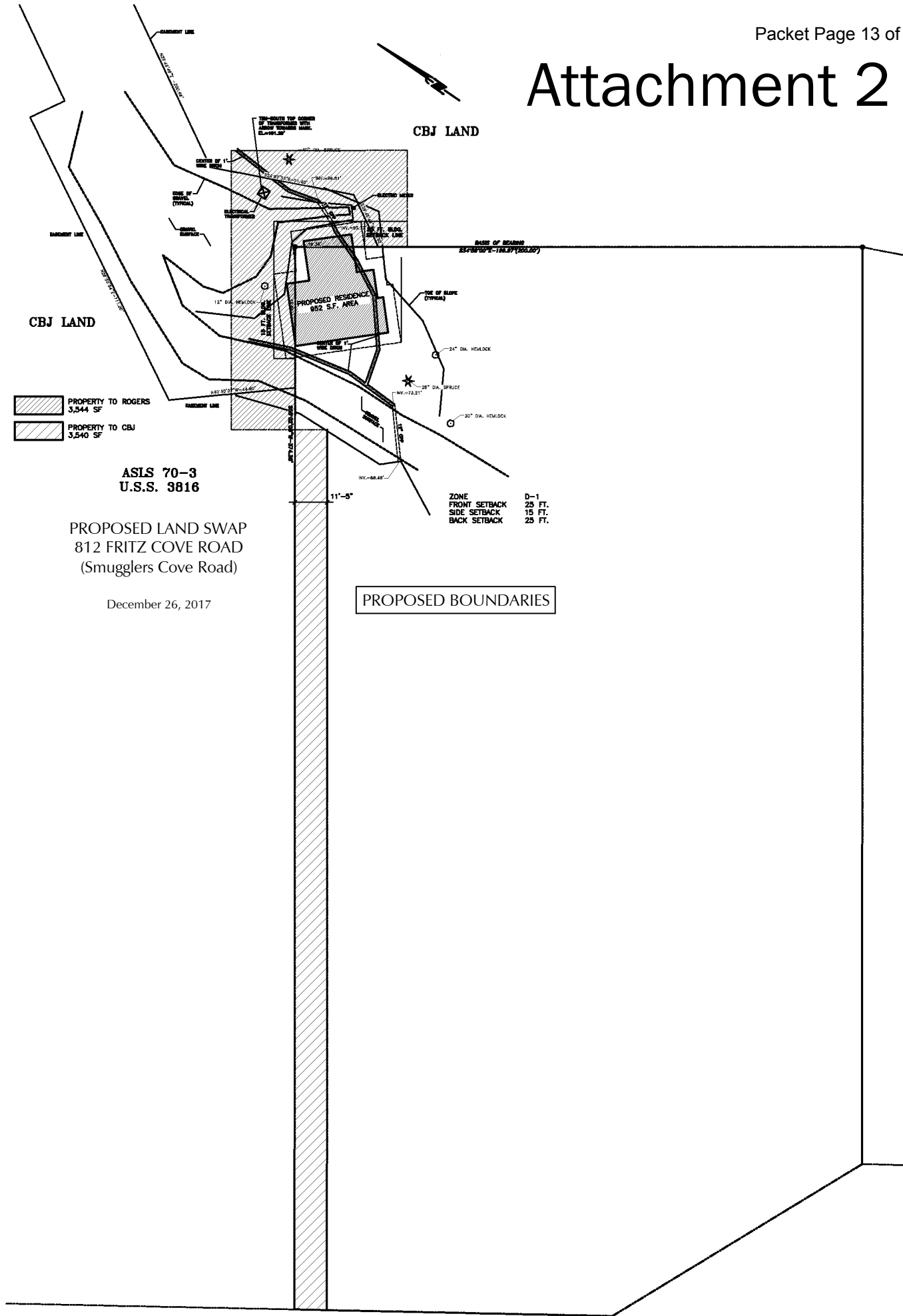
Hazards

The proposed easements/driveways are not within a mapped avalanche or landslide hazard area.

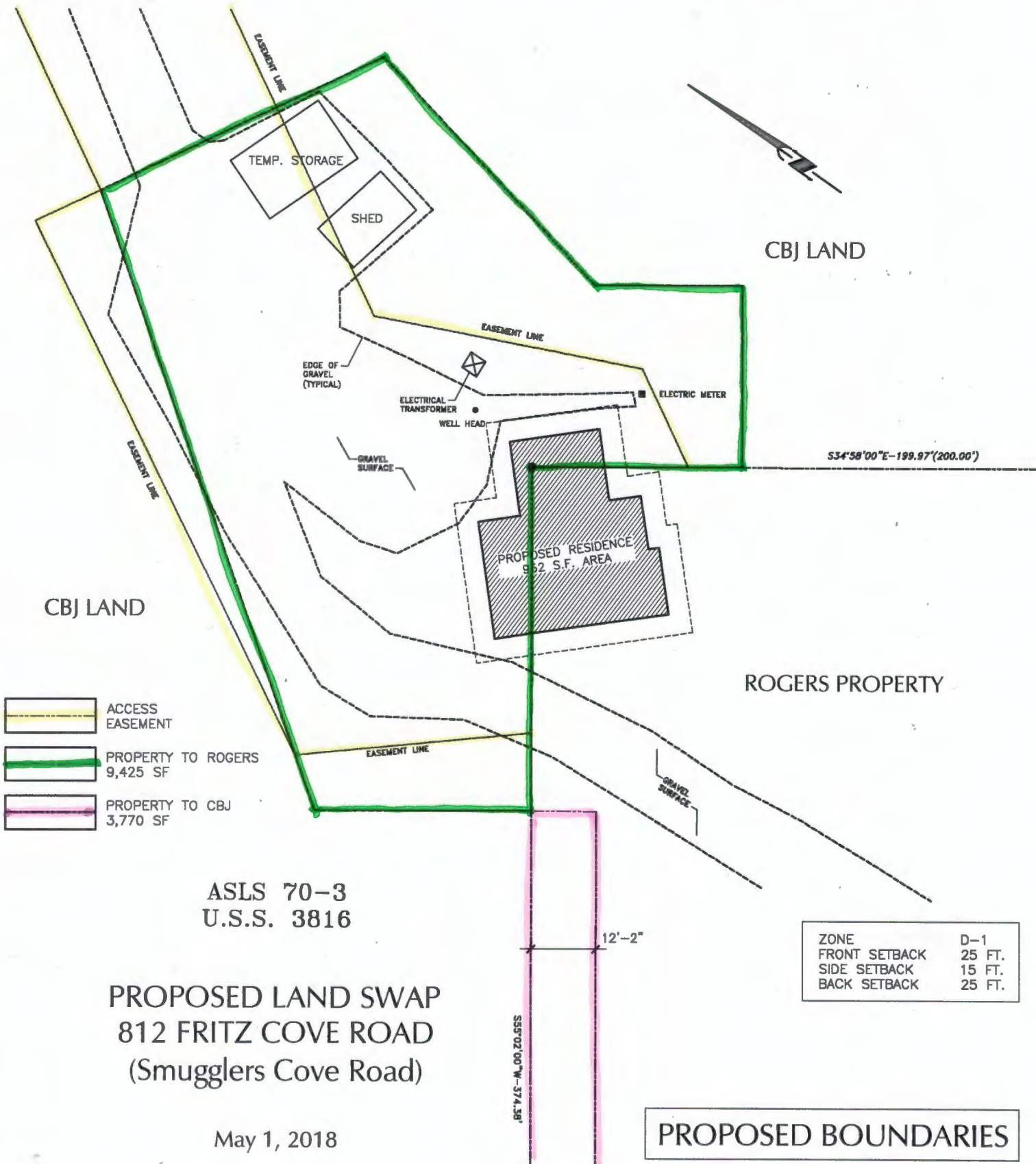
Permits

As a portion of the driveway will be developed within a platted right-of-way, the project will require an allowable use permit, in addition to the grading permit. The application should include information on stormwater pollution prevention, development schedule, any necessary screening, as well as the standard construction drawings.

Attachment 2



Attachment 3



Attachment 4

APPRAISAL REPORT TO DETERMINE AN UPLAND TO WATERFRONT VALUE RATIO FOR A PROPOSED LAND SWAP ON THE MENDENHALL PENINSULA



**AERIAL PHOTO OF PROPOSED LAND EXCHANGE BETWEEN ALAN ROGERS
& THE CITY AND BOROUGH OF JUNEAU**

PREPARED FOR: Alan & Ellen Rogers
P.O. Box 34401
Juneau, Alaska 99803

PREPARED BY: Charles E. Horan, MAI
Slater M. Ferguson
Horan & Company, LLC
403 Lincoln Street, Suite 210
Sitka, Alaska 99835

EFFECTIVE DATE: February 15, 2018

REPORT DATE: March 7, 2018

OUR FILE No.: 18-009

HORAN & COMPANY

Packet Page 16 of 52

REAL ESTATE APPRAISERS/CONSULTANTS

CHARLES E. HORAN, MAI / WILLIAM G. FERGUSON,
JOSHUA C. HORAN, AND SLATER FERGUSON

403 LINCOLN STREET, SUITE 210, SITKA, ALASKA 99835

PHONE NUMBER: (907)747-6666 FAX NUMBER (907)747-7417 commercial@horanappraisals.com

March 7, 2018

Alan & Ellen Rogers
P.O. Box 34401
Juneau, Alaska 99803

Re: Appraisal report to determine a waterfront to upland value ratio for a proposed land swap on the Mendenhall Peninsula; Our file 18-009

Dear Alan and Ellen Rogers:

We have completed a ratio study of the nominal SF value of waterfront to uplands relative to the proposed land exchange at 812 Fritz Cove Road (Smuggler's Cove Road) between Alan and Ellen Rogers (Rogers) and the City and Borough of Juneau (CBJ). The Rogers own the waterfront parcel described as ASLS 70-3, CBJ Parcel Number 4B2001080010, containing approximately 1.67 acres. They wish to convey to the CBJ a strip of land along their Northwest boundary of their lot, including the waterfront, in exchange for an upland area of CBJ lands within a large 90 acre parcel described as ASLS 78-171 LT 3A FR. In the exchange, the CBJ lands will be increased by more valuable waterfront land and reduced by a yet to be determined amount of lesser valuable upland area. It's the desire of the parties to exchange these lands based on a general value ratio of waterfront to upland properties of otherwise similar characteristics. We have considered the character of the Rogers waterfront lands and a hypothetically similar adjacent upland tract and concluded a reasonably market responsive ratio for this trade as follows.

Uplands SF Value: Waterfront SF Value 2.5:1

This indicated value 2.5 SF of uplands for each 1 SF of waterfront lands is based on a ratio study which we have described and summarized in the following report. It sets forth the Assumptions and Limiting Conditions, the Certification of Appraisal, methodologies, definitions, and the most pertinent data considered in arriving at this opinion.

Thank you for this opportunity be of service, if you have any questions or comments please don't hesitate to call.

Respectfully submitted,



Charles E. Horan, MAI
Horan & Company, LLC



Slater M. Ferguson, Appraiser Trainee
Horan & Company, LLC

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ADDENDA

Subject Photos

Qualifications

CERTIFICATION OF APPRAISAL

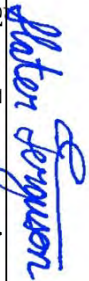
We certify that, to the best of our knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and is my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
- Slater Ferguson, Appraiser trainee, made a personal inspection of the property that is the subject of this report on 03/02/18.
- Slater Ferguson, Appraiser trainee, provided significant real property appraisal assistance to the person signing this certification.
- We have not performed any services regarding the subject property, as an appraiser or in any other capacity, within the three year period immediately preceding acceptance of this assignment.
- As of the date of this report, Charles Horan has completed the continuing education program for Designated Members of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to the review by its duly authorized representatives.



Charles E. Horan, MAI
APRG 41

February 15, 2018
Effective Date of Appraisal



Slater Ferguson, Appraiser Trainee
APRT 972

March 6, 2018
Report Date

1 INTRODUCTION



FIGURE 1.1 – PROPOSED LAND EXCHANGE ON THE MENDENHALL PENINSULA OFF FRITZ COVE ROAD (SMUGGLER’S COVE ROAD)

1.1 BACKGROUND

There is a proposed land exchange at 812 Fritz Cove Road (Smuggler’s Cove Road) between Alan and Ellen Rogers (Rogers) and the City and Borough of Juneau (CBJ). The Rogers own the waterfront parcel described as ASLS 70-3, CBJ Parcel Number 4B2001080010, containing approximately 1.67 acres. They wish to convey to the CBJ; a strip of land along the Northwest boundary of their lot including the waterfront in exchange for an upland area of CBJ lands within a large 90 acre parcel described as ASLS 78-171 LT 3A FR. In the exchange, the CBJ lands will be increased by more valuable waterfront land and reduced by a yet to be determined amount of lesser valuable upland area. It’s the desire of the parties to exchange these lands based on a general value ratio of upland to waterfront properties of otherwise similar characteristics.

The proposed land exchange involves a hypothetical upland tract within the city’s larger adjacent lands that would approximate the Rogers larger parcel in size. The Rogers larger parcel is the existing waterfront site which is 1.67 acres or approximately 72,745 SF. Our analysis will develop a ratio for trade of a strip of Rogers’s waterfront parcel that will be uniform along its northwestern boundary. The strip will be in exchange for a

portion of a hypothetical city upland parcel similarly situated of similar site characteristics except for its waterfront amenity.

We have been requested to develop a ratio which express the SF value of an upland to waterfront lot value for lots with otherwise similar characteristics. This appraisal concludes a reasonable ratio for use in the proposed exchange

1.2 INTENDED USE AND INTENDED USERS

This appraisal has been prepared for the use of Alan & Ellen Rogers, and the City and Borough of Juneau as the **intended users**. The **intended use** is to determine a waterfront to uplands value ratio on a price per square foot basis that can be applied to the subject property and the hypothetical city owned parcel, for the assistance in negotiating a fair land trade between the two parties.

This appraisal may not be used or relied upon by anyone other than the client, for any purpose whatsoever, without the express, written consent of the appraisers. This is a summary report which meets the Standards of the Appraisal Institute and the Uniform Standards of Professional Appraisal Practice (USPAP). The appraiser is not a soils engineer. This report should not be relied upon to disclose any conditions present in the subject property. The appraisal report does not guarantee the property is free from defects. These comments are intended to be a permanent part of the report.

1.3 EFFECTIVE DATE

The subject property was physically inspected by Slater Ferguson, Appraiser Trainee, on 03/02/18. The effective date is the date of inspection; March 2, 2018.

1.4 THREE YEAR SALES HISTORY

The appraiser has not been provided with a title report. No sales activity or offers of any type over the past three years have been made on the subject property that the appraiser is aware of.

1.5 SCOPE OF APPRAISAL

This report is based on an analysis of value ratios between upland sales and waterfront sales in various locations on the road system in Juneau. The properties are considered in fee simple interest, with title to the ostensible owners based on verbal information given to the appraiser. No consideration is made for easements or other encumbrances.

The character of the land is ascertained based on inspection and verbal communication with the property owners and through aerial photography/topographic maps of the area. Slater Ferguson, Appraiser Trainee, also made a physical inspect of the subject property on 03/02/18. The description of the properties are consistent with the apparent

condition of the neighboring properties. For the purpose of developing the upland to waterfront ratio, the appraisers assume an upland parcel owned by CBJ with similar location and site characteristics as the Rogers parcel except for its waterfront amenity.

The appraiser made an extensive search for matched paired sales of similarly located uplands and waterfront properties throughout the semi-rural areas of Juneau-Douglas. These areas included Lena Point, North Douglas, Thane Road, and the Mendenhall Peninsula. The search parameters included transactions that occurred since 2010. These paired sales are used to determine an upland to waterfront value ratio on a price per square foot basis. The determined ratio is then applied to the properties involved in the proposed land exchange. This appraisal report concludes with a reasonable market responsive ratio for the proposed trade.

Comparable information was identified through interviews with knowledgeable participants in the real estate market, such as existing land owners, lenders, brokers, State Recorder's Office, and others who are familiar with the real estate market in Juneau. Where transfers of property that might be comparable were found, the appraisers attempted to contact the buyer, seller, realtors or other parties knowledgeable of the transaction to confirm the details.

Our office maintains market data information on sales, transfers, and rents. These are organized on a geographic location basis. Within each of these areas, the data is further segmented into commercial and residential properties. Within these divisions of separation are divisions for zoning and whether the properties are waterfront or upland parcels. Horan & Company, LLC maintains and continually updates this library of sale transactions throughout the Southeast Alaska region and has done so for over 30 years.

1.6 ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal is subject to specific extraordinary assumptions (EA) and hypothetical conditions (HC) listed on the following page. If these conditions are found to be different, than it may impact the value conclusion.

EA1 - The appraisal is made subject to the extraordinary assumption that any improvements to the lands contemplated for trade will be disregarded since any development area included in the lands received by the Rogers are already owned by the Rogers.

EA2- The subject waterfront lot and hypothetical upland lot are as described and situated as outlined in this report.

HC1 – The appraisal is also made subject to the hypothetical condition that the impact of the access easement areas within the trade areas will be disregarded for valuation ratio purposes.

HC2 – The city parcel is a hypothetical parcel that is similar in character to the subject except for its waterfront amenity.

General Assumptions

This appraisal report and valuation contained herein are expressly subject to the following assumptions and/or conditions:

1. It is assumed that the data, maps and descriptive data furnished by the client or his representative are accurate and correct. Photos, maps, and drawings in this appraisal report are for visualizing the property only and are not to be relied upon for any other use. They may not be to scale.
2. The developed ratio is based on information and data from sources believed reliable, correct and accurately reported. No responsibility is assumed for false data provided by others.
3. No responsibility is assumed for building permits, zone changes, engineering or any other services or duty connected with legally utilizing the subject properties.
4. This appraisal was made on the premise that there are no encumbrances prohibiting utilization of the properties under the appraiser's estimate of the highest and best use.
5. It is assumed that the title to the property is marketable. No investigation to this fact has been made by the appraiser.
6. No responsibility is assumed for matters of law or legal interpretation.
7. It is assumed that no conditions existed that were undiscoverable through normal diligent investigation which would affect the use and value of the properties. No engineering report was made by or provided to the appraiser.
8. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the properties, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that

would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

9. The appraisal is to be considered in its entirety, the use of only a portion thereof will render the appraisal invalid.

10. The signatory of this appraisal report is an associate of the Appraisal Institute. The bylaws and regulations of the Institute require each member and candidate to control the use and distribution of each appraisal report signed by such member or candidate. Therefore, except as hereinafter provided, the party for whom this appraisal report was prepared may distribute copies of this appraisal report in its entirety to such third parties as selected by the party for whom this appraisal report was prepared; however, selected portions of this appraisal report shall not be given to third parties without the prior written consent of the signatories of this appraisal report. Further, neither all nor any part of this appraisal report shall be disseminated to the general public by the use of advertising media, public relations media, news media, sales media or other media for public communication without the prior written consent of signatories of this appraisal report.

11. The appraiser shall not be required to give testimony or appear in court by reason of this appraisal with reference to the property described herein unless prior arrangements have been made.

1.7 TERMINOLOGY

Extraordinary Assumption

An assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions of conclusions. Comment: Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis.

The Dictionary of Real Estate Appraisal, 6th Edition, Appraisal Institute, Page 83

Hypothetical Condition

A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. Comment: Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis.

The Dictionary of Real Estate Appraisal, 6th Edition, Appraisal Institute, Page 113

2 NEIGHBORHOOD ANALYSIS

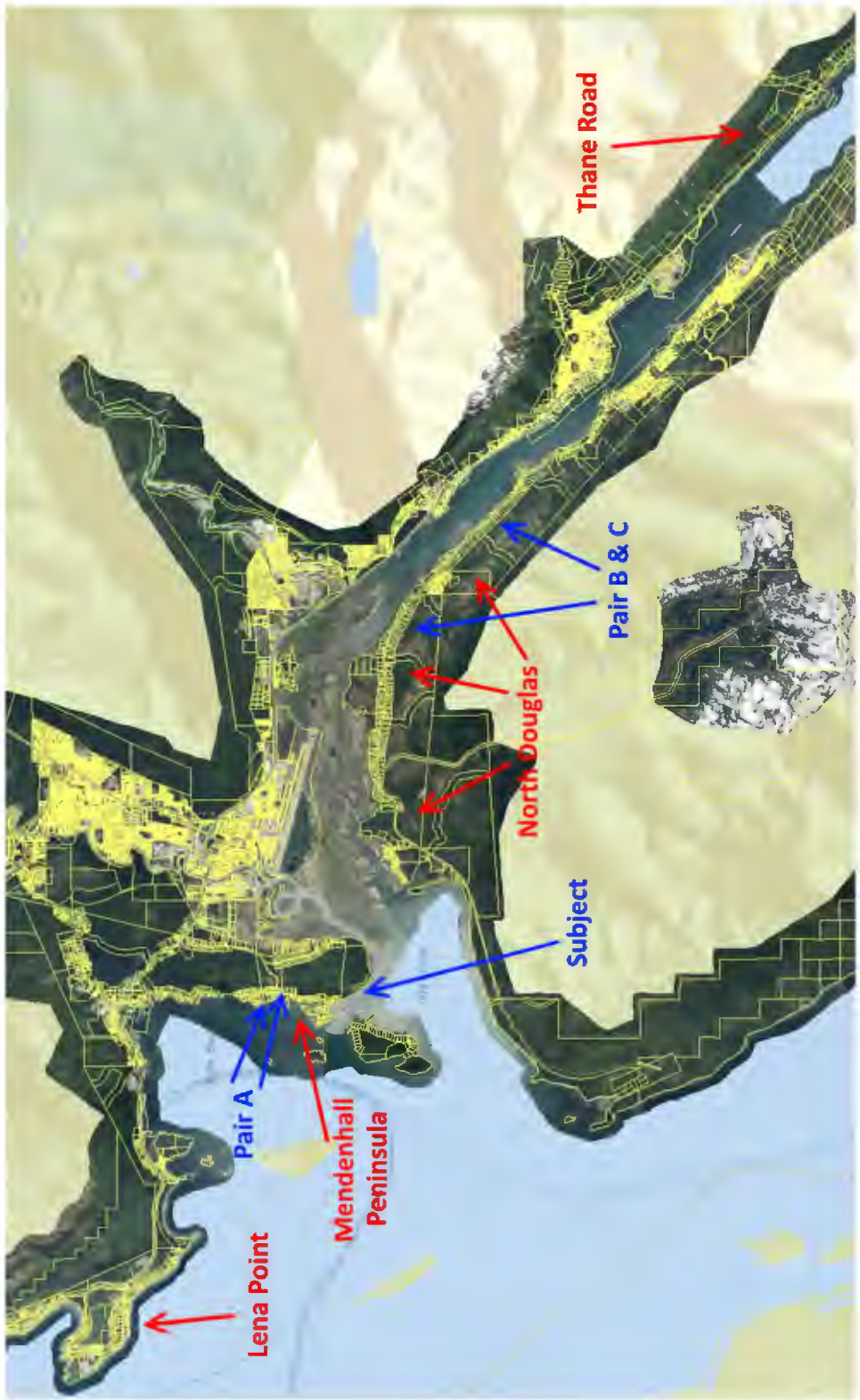


FIGURE 2.1 – SUBJECT AREA MAP - JUNEAU

2.1 NEIGHBORHOOD ANALYSIS

The subject properties are located near the southern tip of the Mendenhall Peninsula overlooking Smugglers Cove and Fritz Cove. The Mendenhall Peninsula is the immediate neighborhood with the broader neighborhood being the area between Auke Bay (1 mile north) and the Juneau International Airport (1 mile to east). The peninsula is along the flight path to the Juneau airport. It has developed view lots and non-view residential lots. There are waterfront lots located along Auke Bay and Fritz Cove as well as upland lots. Although technically waterfront, the lots along the eastern coast of the Mendenhall Peninsula borders what is considered grassy wetlands with tidal influence.

The subject property is zoned RR for rural reserve which is typically intended for public ownership, conservation, and future development. RR Land can also be developed with recreation cabins, lodges, and small seasonal recreational facilities. Most of the developed subdivisions along the Mendenhall Peninsula are zoned D-1 (1 AC+ lots only) for residential use. The subject properties are zoned RR along with the majority of the publicly owned, undeveloped lands on the Peninsula. The Rogers Parcel is part of a standalone seven lot subdivision located south of the majority of residential development in the neighborhood.

In summary, the area is known for larger, residential lots and is relatively lightly populated as a result. Most development in the area has maintained this approach, with many lots exhibiting either excess or surplus lands. As the vacant lots with excess lands are developed, trends have been to preserve the option to develop additional sites, however, sometimes the desire to have a larger, private lot has outweighed the demand for the potential to develop an additional site; this trend is expected to continue.

3 PROPERTY DESCRIPTION



FIGURE 3.1 – AERIAL PHOTO OF THE SUBJECT PARCEL

3.1 DESCRIPTION OF WATERFRONT LOT-ROGERS PROPERTY

The subject parcel is legally described as ASLS 70-3, CBJ Parcel Number 4B2001080010, containing approximately 1.67 AC (72,745 SF), located within USS 3816 within Township 41 South, Range 66 East, Copper River Meridian, Juneau Recording District, First Judicial District, State of Alaska.

The subject site is **zoned** RR for rural reserve which is typically intended for public ownership, conservation, and future development. RR Land can also be developed with recreation cabins, lodges, and small seasonal recreational facilities.

The subject is **assessed** at a total value of \$433,992 with the site value being \$363,576.

The lot is semi-rectangular in **shape** with approximate dimensions of 200' (wide) x 350' (deep). It has approximately 215' of waterfrontage.

The parcel **topography** is rugged and slopes moderately upwards from the coastline, gaining approximately 180 ft. in total elevation. The site is undeveloped, wooded, and brushy. **Vegetation** is typical for the area, which includes spruce, hemlock, and cedar trees, as well as common underbrush.

Access to the property is via a developed access easement that extends from Fritz Cove Road, through the adjoining CBJ parcel, to the northern corner of the subject. The lot can also be accessed via the coastline, however, moorage is considered to be fair with SE exposure.

Onsite **utilities** include city electric, and a recently drilled private water well available at the northern end of the site. A septic system is in place for an existing cabin located near the shoreline. This cabin is approximately 500 SF in size.



FIGURE 3.2 – AERIAL PHOTO SHOWING GENERAL AREA OF HYPOTHETICAL CBJ UPLAND PARCEL

3.2 DESCRIPTION OF HYPOTHETICAL CBJ UPLAND PARCEL

The hypothetical CBJ owned upland parcel would be similar in size (72,700 SF more or less) and in various other attributes to the subject. Topography would be rugged and sloping with similar vegetation. The only substantial difference would be its lack of waterfrontage. It would be only a fraction of the existing CBJ owned 90AC parcel. This parcel does not physically exist and is hypothetically used for the sole purpose of this ratio study.

3.3 CONCEPTUAL DESCRIPTION OF PROPOSED TRADE

The final configuration of the proposed trade has yet to be developed and is pending the outcome of this ratio study. It is the intention of the parties involved that the size of the waterfront parcel be reduced by moving the lot line of the northwestern border in a southeasterly direction, reducing its size. The parties wish to determine the size of the CBJ upland parcel by applying the ratio to increase the size of the uphill area of Rogers's lot in its northwesterly corner. A conceptual idea of how this trade might look is contained in the exhibit provided by the client on the following page.

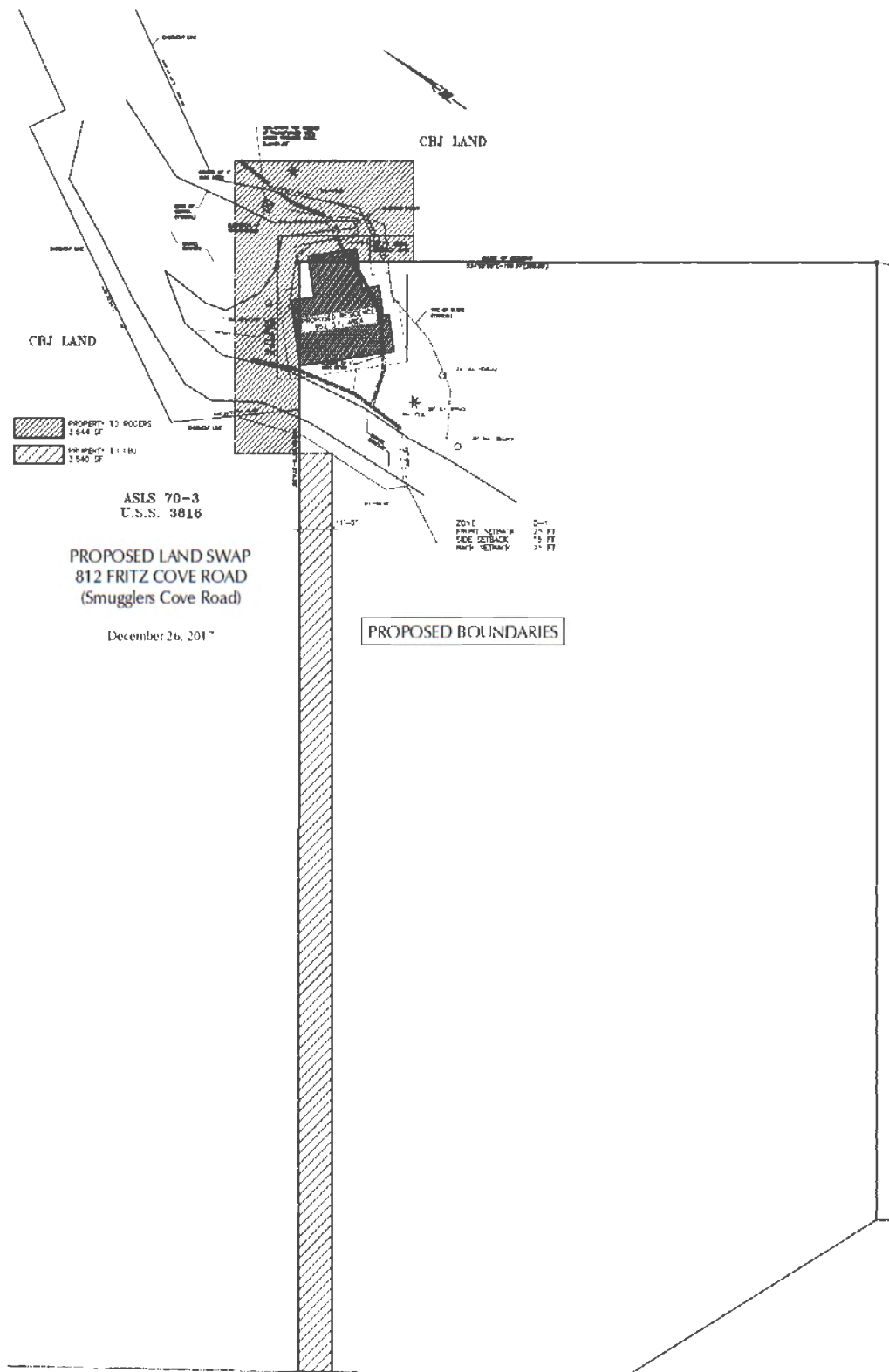


FIGURE 3.3 – CONCEPTUAL PROPOSED LAND SWAP BETWEEN ALAN ROGERS & THE CBJ

4 UPLAND-WATERFRONT RATIO ANALYSIS

4.1 INTRODUCTION

We've considered the residential characteristics of the subject property and the CBJ owned adjacent land as larger sites. Characteristics considered include significant site depths, location; away from city maintained public roads, and limited public utility access. Dozens of paired sales were considered in Tee Harbor, Mendenhall Valley, Mendenhall Peninsula, Auke Bay, North Douglas, Thane, and other areas in Juneau.

Due to the subject's large size and semirural character, directly comparable pairs were difficult to find. Our search, however, yielded the following three pairs which when analyzed, clearly bracket the subject in terms of their ratio of uplands to waterfront SF values.\

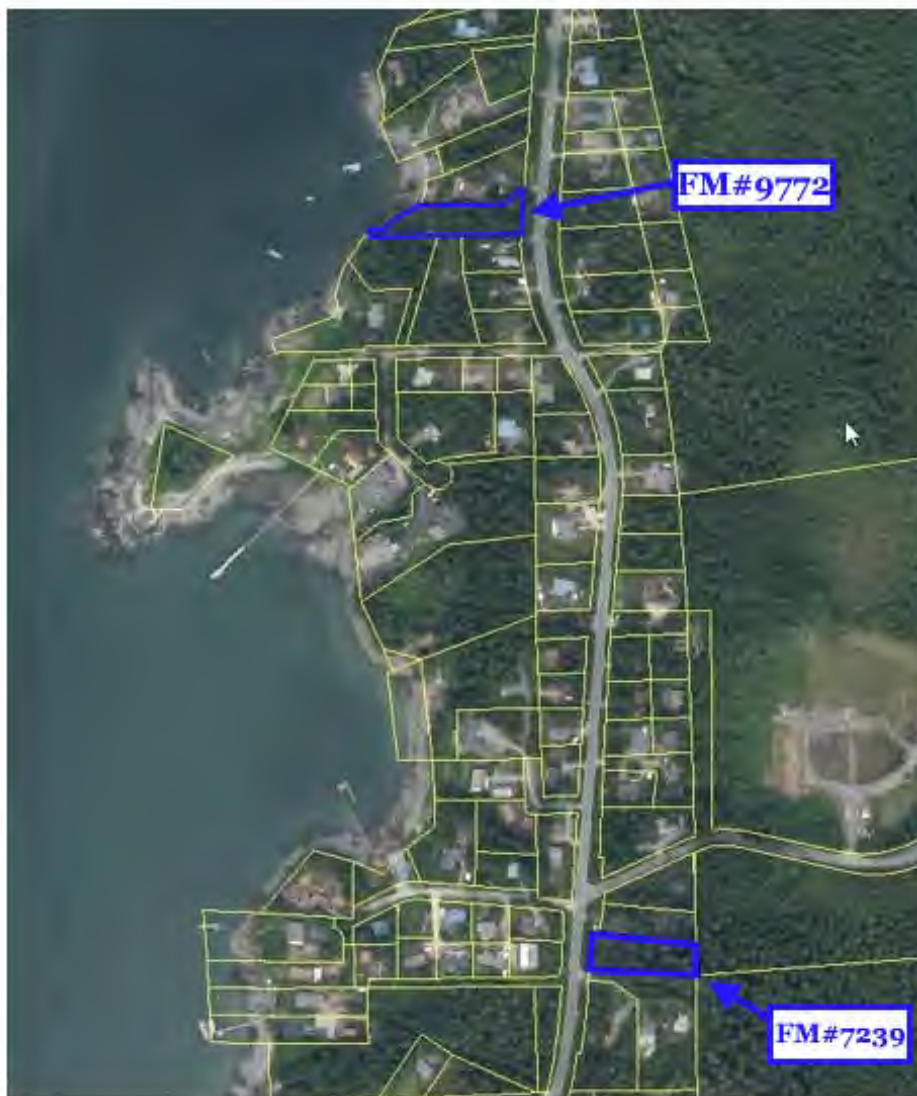


FIGURE 4.1 PAIR A LOCATION ON AUKE BAY- FRITZ COVE ROAD AREA

4.2 PAIR A – AUKE BAY/FRITZ COVE ROAD

TABLE 4.1 – PAIR A – AUKE BAY/FRITZ COVE ROAD							
Record #	Address	Zone	Sales Date	SF Size	Sales Price	Price/SF	Character
9772	2130 Fritz Cove Rd	D1	06/12/13	34,237 SF	\$330,000	\$9.64/SF	Waterfront
7239	NHN Fritz Cove Rd	D1	05/23/11	30,492 SF	\$75,000	\$2.46/SF	Uplands
Upland to Waterfront Ratio						3.92:1	Upland:WF

2130 Fritz Cove Rd Waterfront Parcel

This is a very good quality waterfront site that had relatively gentle topography and a rock beach at grade. Its waterfront characteristics are rated as very good as this area appears to be well protected and could be feasible to develop moorage. The subject's waterfront property is significantly steeper, and would prove to be more difficult to develop moorage.



FIGURE 4.2 – 2130 FRITZ COVE ROAD

NHN Fritz Cove Road Upland Parcel

This is an uplands parcel that is generally average in most regards. It has gently sloping topography and is vegetated with cedar, and spruce trees as well as common underbrush. This lot was not developed at the time of sale. View potential is considered limited. The subject hypothetical upland parcel is considered to have inferior topography and access.



FIGURE 4.3 – NHN FRITZ COVE RD (FM#7239)

Pair A indicates a relatively high ratio when compared to the subject pair. The waterfront parcel located at 2130 Fritz Creek Road is considered to have superior waterfront quality to the subject due to having more protected waters for potential moorage. It also has a less rugged topography than the subject with superior road access. Pair A's upland parcel also has a superior (more gradual) topography with superior road access. Overall, the subject ratio should be significantly **less than** Pair A's indicated ratio of **3.92:1**.



FIGURE 4.4 – PAIR B AND PAIR C LOCATION MAP IN NORTH DOUGLAS

4.3 PAIR B – GASTINEAU FLATS/NORTH DOUGLAS

TABLE 4.2 – PAIR B – GASTINEAU FLATS/NORTH DOUGLAS							
Record #	Address	Zone	Sales Date	SF Size	Sales Price	Price/SF	Character
9838	7920 N. Douglas Hwy	D1	3/15/16	64,904 SF	\$143,000	\$2.20/SF	Waterfront
4260	5675 N. Douglas Hwy	D1	1/29/13	108,693 SF	\$100,000	\$0.92/SF	Uplands
Upland to Waterfront Ratio						2.39:1	Upland:WF



7920 North Douglas Hwy Waterfront Parcel

This is a lower quality waterfront site with frontage on the highly tidal influenced Gastineau Flats. This lot only has true waterfrontage on extreme high tides. It has a moderately sloping topography and a rectangular shape that is considered to be slightly superior to the subject.



5675 North Douglas Hwy Upland Parcel

This is an upland parcel that has an inferior flag shape which limits access and use. It slopes moderately upwards from the highway. This lot had a long Pioneered driveway at the time of sale and was adjusted downward \$10,000 (\$100K-\$10k). There is limited view potential from the uphill side of the lot. The subject uplands is considered to be overall similar to slightly inferior comparatively. The size of this site and its flag shape reduces the SF value of the uplands

The waterfront parcel located at 7920 North Douglas Highway is considered to have inferior waterfront quality when compared to the subject. The grassy tide flats fronting the comparable are influenced by extreme high tides only. There is little to no potential for moorage. Topographically, this lot is superior to the subject with a more gradual slope and less uneven terrain. Pair B's upland and waterfront parcels are relatively similar in relation to each other. Pair B's upland parcel is considered to be inferior in shape and superior in topography. It indicates a lower SF value for size and shape. Overall, the subject ratio should be **similar to or slightly less than** Pair B's indicated ratio of **2.65:1**.

4.4 PAIR C – GASTINEAU FLATS/NORTH DOUGLAS

TABLE 4.3 – PAIR B – GASTINEAU FLATS/NORTH DOUGLAS

Record #	Address	Zone	Sales Date	SF Size	Sales Price	Price/SF	Character
9838	7920 N. Douglas Hwy	D1	3/15/16	64,904 SF	\$143,000	\$2.20/SF	Waterfront
9352	7379 N. Douglas Hwy	D1	1/26/15	69,260 SF	\$112,000	\$1.62/SF	Uplands
Upland to Waterfront Ratio						1.36:1	Upland:WF



7920 North Douglas Hwy Waterfront Parcel

This is a lower quality waterfront site with frontage on the highly tidal influenced Gastineau Flats. This lot only has true waterfrontage on extreme high tides. This lot has a moderately sloping topography and a rectangular shape that is considered to be slightly superior to the subject.



7379 North Douglas Hwy Upland Parcel

This is an upland parcel that has an inferior narrow shape to the subject. It slopes moderately upwards from the highway. This lot was developed with a partial driveway at the time of sale which was estimated to cost \$5,000. This cost was deducted from the total sales price for the purpose of this report (\$117K-\$5k). There is limited view potential from the uphill side of the lot. The subject uplands is considered to be overall similar comparatively.

The waterfront parcel located at 7920 North Douglas Highway is considered to have inferior waterfront quality when compared to the subject. The grassy tide flats fronting the comparable are influenced by extreme high tides only. There is little to no potential for moorage. Topographically, this lot is superior to the subject with a more gradual slope and less uneven terrain. Pair B's upland parcel is considered to be slightly superior to the subjects. Upland overall, the subject ratio should be **more than** Pair B's indicated ratio of **1.36:1**.

TABLE 4.4 – UPLAND TO WATERFRONT SF RATIO RANKING GRID		
PAIR	RATIO	RANKING
PAIR A	3.9:1	Higher than subject
PAIR B	2.7:1	Similar to the subject
PAIR C	1.4:1	Less than the subject

4.5 CONCLUSION

The three indicated ratios developed from pairings A, B, and C, bracket the subject's upland to waterfront pair as shown in the above table. These ratios are developed based on each individual comparables indicated price/SF value. Pairing A indicates a superior overall waterfront to upland ratio. Pairing B indicates a similar to slightly superior ratio, and Pairing C indicates a similar to slightly inferior ratio. Pairings B and C indicate a refined range of 1.4:1 to 2.7:1. Pair B is given the most weight in the analysis.

Indicated Subject Upland to Waterfront Ratio – 2.5:1

ADDENDA



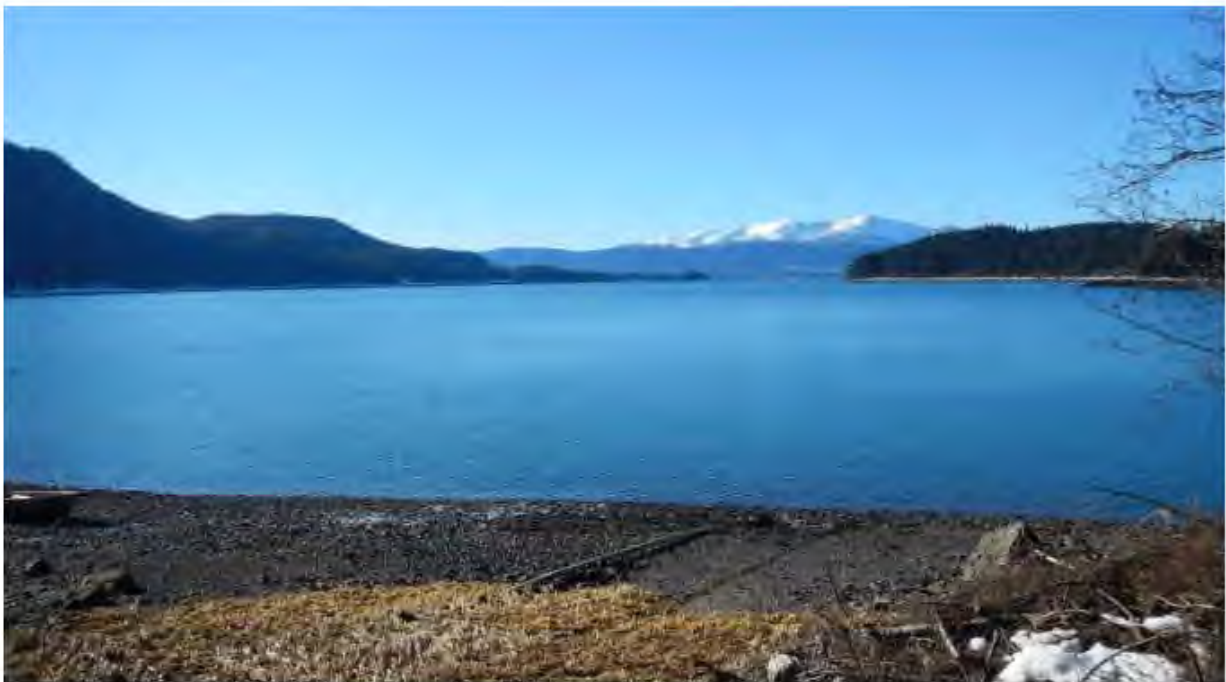
SUBJECT PHOTO 1 – LOOKING SOUTH ALONG FRITZ COVE ROAD (SMUGGLER’S COVE ROAD)



SUBJECT PHOTO 2 – EASEMENT FROM FITZ COVE ROAD TO THE ROGER’S LOT



SUBJECT PHOTO 3 – LOOKING WEST TOWARDS SMUGGLER’S COVE FROM THE APPROXIMATE NORTHERN CORNER OF THE SUBJECT LOT.



SUBJECT PHOTO 4 – SUBJECT WATERFRONTAGE - LOOKING WEST ACROSS SMUGGLER’S COVE TOWARDS THE LYNN CANAL



SUBJECT PHOTO 5 – LOOKING NE THROUGH THE ROGER’S LOT FROM THE WATERFRONT.



SUBJECT PHOTO 6 – LOOKING ACROSS THE ACCESS EASEMENT THROUGH CBJ LAND INTO THE ROGER’S PROPERTY. PROPOSED BUILDING SITE IN BACKGROUND.

QUALIFICATIONS OF CHARLES E. HORAN, MAI

Professional Designation	MAI, Member Appraisal Institute, No. 6534
State Certification	State of Alaska General Appraiser Certification, No. APRG41
Bachelor of Science Degree	University of San Francisco, B.S., Business Administration, 1973

Employment History:

8/04 – now	Owner, HORAN & COMPANY, LLC
3/87 – 7/04	Partner, HORAN, CORAK AND COMPANY
1980 – 2/87	Partner, The PD Appraisal Group, managing partner since November 1984 (formerly POMTIER, DUVERNAY & HORAN)
1976 – 80	Partner/Appraiser, POMTIER, DUVERNAY & COMPANY, INC., Juneau and Sitka, Alaska
1975 – 76	Real Estate Appraiser, H. Pomtier & Associates, Ketchikan, AK
1973 – 75	Jr. Appraiser, Ketchikan Gateway Borough, Ketchikan, AK

Lectures and Educational Presentations:

2007, AConservation Easements@ Presentation - Alaska Association of Assessing Officers, Fairbanks, AK
 1998, AEasement Valuation Seminar,@ Alaska Chapter Appraisal Institute, Anchorage, AK
 1998, AEasement Valuation Seminar,@ Seal Trust, Juneau, Alaska
 1997, ASitka Housing Market,@ Sitka Chamber of Commerce
 1997, developed and taught commercial real estate investment seminar for Shee Atika, Inc.
 1994, developed and taught seminar "Introduction to Real Estate Appraising," UAS, Sitka Campus
 1985, Speaker at Sitka Chamber of Commerce, "What is an Appraisal? How to Read the Appraisal"
 1984, Southeast Alaska Realtor's Mini Convention, Juneau, Alaska
 Day 1: Introduction of Appraising, Cost and Market Data Approaches
 Day 2: Income Approach, Types of Appraisals, AIREA Accredited Course
 1983, "The State of Southeast Alaska's Real Estate Market"
 1982, "What is an Appraisal?"

Types of Property Appraised:

Commercial - Retail shops, enclosed mall, shopping centers, medical buildings, restaurants, service stations, office buildings, auto body shops, schools, remote retail stores, liquor stores, supermarkets, funeral home, mobile home parks, camper courts. Appraised various businesses with real estate for value as a going concern with or without fixtures such as hotels, motels, bowling alleys, marinas, restaurants, lounges.

Industrial - Warehouse, mini-warehouse, hangars, docks barge loading facilities, industrial acreage, industrial sites, bulk plant sites, and fish processing facility. Appraised tank farms, bulk terminal sites, and a variety of waterfront port sites.

Special Land - Partial Interest and Leasehold Valuation - Remote acreage, tidelands with estimates of annual market rent. Large acreage land exchanges for federal, state, municipal governments and Alaska Native Corporations; retail lot valuations and absorption studies of large subdivisions; gravel and rock royalty value estimates; easements, partial interests, conservation easements; title limitations, permit fee evaluations. Appraised various properties under lease to determine leasehold and leased fee interests. Value easements and complex partial interests.

Special Projects - Special consultation for Federal land exchanges. Developed Land Evaluation Module (LEM) to describe and evaluate 290,000 acres of remote lands. Renovation feasibilities, residential lot absorption studies, commercial, and office building absorption studies. Contract review appraiser for private

individuals, municipalities, and lenders. Restaurant feasibility studies, Housing demand studies and overall market projections. Estimated impact of nuisances on property values. Historic appreciation / market change studies. Historic barren material royalty valuations, subsurface mineral and timber valuation in conjunction with resource experts. Mass appraisal valuations for Municipality of Skagway, City of Craig, Ketchikan Gateway Borough and other Alaska communities. Developed electronic/digital assessment record system for municipalities. Developed extensive state-wide market data record system which identified sales in all geographic areas.

Expert Witness Experience and Testimony:

2016 Expert Witness – D’s Investment Group, LLC vs Erwin Enterprises, et al 1JU-15-971CI, settled
 2012 Expert Witness – Dukowitz vs Chamberlain and First American Title Insurance Co. 1JU-12-778CI, settled
 2011 Expert Witness – Wise and Wise vs City and Borough of Juneau. 1JU-10-584CI, settled
 2009 Expert at mediation - Talbot=s Inc vs State of Alaska, et al. IKE-07-168CI
 2008 Albright vs Albright, IKE-07-265CI, settled
 2006 State of Alaska vs Homestead Alaska, et al, 1JU-06-572, settled
 2006 State of Alaska vs Heaton, et al, 1JU-06-570CI, settled
 2006 State of Alaska vs Jean Gain Estate, 1JU-06-571, settled
 2004 Assessment Appeal, Board of Equalization, Franklin Dock vs City and Borough of Juneau
 2000 Alaska Pulp Corporation vs National Surety - Deposition
 U.S. Senate, Natural Resources Committee
 U.S. House of Representatives, Resource Committee
 Superior Court, State of Alaska, Trial Court and Bankruptcy Courts
 Board of Equalization Hearings testified on behalf of these municipalities: Ketchikan Gateway Borough, City of Skagway, City of Pelican, City and Borough of Haines, Alaska
 Witness at binding arbitration hearings, appointed Master for property partitionment by superior state court, selected expert as final appraiser in multi parties suit with settlements of real estate land value issues

Partial List of Clients:

<u>Federal Agencies</u>	<u>Lending Institutions</u>	<u>ANCSA Corporations</u>	<u>Companies</u>
Bureau of Indian Affairs	Alaska Growth Capital	Cape Fox, Inc.	AK Electric Light & Power
Bureau of Land Mngmnt	Alaska Pacific Bank	Doyon Corporation	AK Lumber & Pulp Co.
Coast Guard	Alaska Ind. Dev. Auth.	Eyak Corporation	AK Power & Telephone
Dept. Of Agriculture	ALPS FCU	Goldbelt	Allen Marine
Dept. Of Interior	First Bank	Haida Corporation	Arrowhead Transfer
Dept. Of Transportation	First National Bank AK	Huna Totem	AT&T Alascom
Federal Deposit Ins Corp	Key Bank	Kake Tribal Corporation	Coeur Alaska
Federal Highway Admin.	Met Life Capital Corp.	Klawock-Heenya Corp.	Delta Western
Fish & Wildlife Service	National Bank of AK	Klukwan, Inc.	Gulf Oil of Canada
Forest Service	Rainier National Bank	Kootznoowoo, Inc.	Hames Corporation
General Service Agency	SeaFirst Bank	Sealaska Corporation	HDR Alaska, Inc.
National Park Service	True North Credit Union	Shaan Seet, Inc.	Holland America
USDA Rural Develop.	Wells Fargo	Shee Atika Corporation	Home Depot
Veterans Administration	Wells Fargo RETECHS	TDX Corporation	Kennecott Greens Creek
<u>Municipalities</u>	<u>Other Organizations</u>	The Tatitlek Corporation	Kennedy & Associates
City & Borough of Haines	BIHA	Yak-Tat Kwan	Madsen Construction, Inc.
City & Borough of Juneau	Central Council for Tlingit	<u>State of Alaska Agencies</u>	Service Transfer
City & Borough of Sitka	& Haida Indian Tribes		Standard Oil of CA
City of Akutan	of Alaska (CCTHITA)		The Conservation Fund

City of Coffman Cove	Diocese of Juneau	Alaska State Building	Union Oil
City of Craig	Elks Lodge	Authority (formerly	Ward Cove Packing
City of Hoonah	Hoonah Indian Assoc.	ASHA)	White Pass & Yukon RR
City of Ketchikan	LDS Church	Attorney General	Yutana Barge Lines
City of Klawock	Moose Lodge	Dept. of Fish & Game	
City of Pelican	SE AK Land Trust (SEAL)	Dept. of Natural Service,	
City of Petersburg	SEARHC	Div. of Lands	
City of Thorne Bay	Sitka Tribe of Alaska	Dept. of Public Safety	
City of Wrangell	The Nature Conservancy	DOT&PF	
Ketchikan Gateway Borg.		Mental Health Land Trust	
Municipality of Skagway		Superior Court	
		University of Alaska	

Education

Valuation of Conservation Easements, Fairfield, CA, Sept 2016	USPAP, Part A, Burr Ridge, IL, Jun 2001
Business Practices and Ethics, Seattle, WA, Jan 2016	Partial Interest Valuation - Undivided, Anchorage, AK, May 2001
7-Hour National USPAP Update Course, Seattle, WA, Jan 2016	Partial Interest Valuation - Divided, Anchorage, AK, May 2001
Online Small Hotel/Motel Valuation, Chicago, IL June 2015	Easement Valuation, San Diego, CA, Dec 1997
Advanced Spreadsheet Modeling for Valuation Applications, Rockville, MD April 2015	USPAP, Seattle, WA, Apr 1997
7-Hour National USPAP Update Course, Seattle, WA January 2015	The Appraiser as Expert Witness, Anchorage, AK, May 1995
7-Hour National USPAP Update Course, Mount Vernon, WA, April 2013	Appraisal Practices for Litigation, Anchorage, AK, May 1995
Fall Real Estate Conference 2012, Seattle, Wa November, 2012	Forestry Appraisal Practices, Atterbury Consultants, Beaverton, OR, Apr 1995
Appraising the Appraisal: Appraisal Review-General, Rockville, MD, May 2012	Advanced Sales Comparison & Cost Approaches, Univ. of Colorado, Boulder, CO, Jun 1993
Information Security Awareness for Appraisal Professionals Webinar, December, 2012	Computer Assisted Investment Analysis, University of Maryland, MD, Jul 1991
Fall Real Estate Conference 2011 Seattle, WA October, 2011	USPAP, Anchorage, AK, Apr 1991
Appraisal Curriculum Overview (2-day General) Milwaukee, WI, August 2011	General State Certification Review Seminar, Anchorage, AK, Apr 1991
Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA), Rockville, MD, Oct 2010	State Certification Review Seminar, Dean Potter, Anchorage, AK, Apr 1991
Business Practices and Ethics, Seattle, WA, Apr 2010	Highest and Best Use and Market Analysis, Baltimore, MA, Mar 1991
Fall Real Estate Conference, Seattle, WA, Dec 2009	Financial Institution Reform, Recovery & Enforcement Act of 1989, Doreen Fair Westfall, Appraisal Analyst, OTS, Juneau, AK, Jul 1990
7-hour National USPAP Update Course, Seattle, WA, May 2009	Real Estate Appraisal Reform, Gregory Hoefer, MAI, OTS, Juneau, AK, Jul 1990
Fall Real Estate Conference, Seattle, WA, Nov 2008	Standards of Professional Practice, Anchorage, AK, Oct 1987
Attacking and Defending an Appraisal in Litigation,	

Kent, WA, Sep 2008 Sustainable Mixed-Use N.I.M., Seattle, WA, Feb 2008 Appraising 2-4 Unit Properties, Bellevue, WA, Sep 2007 Business Practices and Ethics, Seattle, WA, Jun 2007 7-hour National USPAP Update Course, Seattle, WA, Jun 2007 Residential Market Analysis and Highest and Best Use, Seattle, WA, Apr 2007 Basic Appraisal Procedures, Seattle, WA, Feb 2007 USPAP Update Course, Anchorage, AK, Feb 2005 Rates & Ratios: Making Sense of GIMs, OARs, and DCF, Anchorage, AK, Feb 2005 Best Practices for Residential Appraisal Report Writing, Juneau, AK, Apr 2005 Scope of Work - Expanding Your Range of Services, Anchorage, AK May 2003 Litigation Appraising - Specialized Topics and Applications, Dublin, CA, Oct 2002 UASFLA: Practical Applications for Fee Appraisers, Jim Eaton, Washington, D.C., May 2002	Federal Home Loan Bank Board Memorandum R41C Seminar, Catherine Gearhearth, MAI, FHLBB District Appraiser, Juneau, AK, Mar 1987 Market Analysis, Boulder, CO , Jun 1986 Federal Home Loan Bank Board Regulation 41b, Instructor Bob Foreman, MAI, Seattle, WA, Sep 1985 Litigation Valuation, Chapel Hill, North CA, Aug 1984 Standards of Professional Practices, Bloomington, IN, Jan 1982 Course 2B, Valuation Analysis & Report Writing, Stanford, CA, Aug 1980 Course 6, Introduction to Real Estate Investment Analysis, Aug 1980 Course 1B, Capitalization Techniques, San Francisco, CA, Aug 1976 Course 2A, Case Studies in Real Estate Valuation, Aug 1976 Course 1A, Real Estate Principles and Valuation, San Francisco, CA, Aug 1974
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QUALIFICATIONS OF SLATER M. FERGUSON

Education:

Graduated from Sitka High School, Sitka, Alaska

Graduated with a BS in Geography from Western Oregon University, Monmouth, OR

Employment:

June 2014 to Present - Real Estate Appraiser Trainee - Horan & Company, LLC

- Further in depth assistance of Commercial/Residential Appraisal Development and Market Data Research
- Leadership role in the 2015 Mass Appraisal/Revaluation for the City of Craig, AK

Oct 2012 to June 2014 – Office admin/Appraiser Assistant – Horan & Company, LLC

Summers, 2009 to 2012 – Maintenance & Trail Crew, U.S. Forest Service, Sitka, Alaska

Certification & Approvals:

Real Estate Appraiser Trainee, State of Alaska License #972

Appraisal Education:

Appraisal Principles; Appraisal Institute, Online Course, October 2013

15-Hour USPAP, Tigard, OR, November 2013

Appraisal Procedures, Appraisal Institute, Online Course, April 2014

General Appraiser Sales Comparison Approach, Chicago, IL, October 2014

Real Estate Finance Statistics and Valuation Modeling, Las Vegas, NV, February 2015

General Appraiser Site Valuation & Cost Approach, Chicago, IL, October 2015

General Appraiser Income Approach/Part 1, Houston, TX, September 2016

General Appraiser Income Approach/Part 2, Houston, TX, September 2016

2016-2017 7-Hour Equivalent USPAP Update Course, Online, June 2017

Residential Sales Comparison and Income Approaches, Louisville, KY, October 2017

General Appraiser Report Writing and Case Studies, Woburn, MA, November 2017

General Appraiser Market Analysis with Highest and Best Use, Aurora, CO, August 2018

Types of Property Assessed for Taxation:

City of Craig real property assessment roll; single-family, multi-family and mobile homes.

City of Skagway real property assessment roll, single-family, multi-family and mobile homes.

Types of Property Appraised:

Residential – Assistance in Single Family, Multi-Family, Vacant Lands and Mobile Homes.

Commercial – Assistance in Warehouses, Office Buildings, and vacant lands.



City and Borough of Juneau
City & Borough Manager's Office
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-5240 | Facsimile: 586-5385

DATE: May 17, 2018
TO: Mary Becker, Chair Assembly Lands Committee
FROM: Rorie Watt, City Manager 
RE: Indian Point Update/Information

At the Lands Committee meeting on 1/29 the Committee asked for additional information on several topics related to the municipally owned lands at Indian Point.

The Committee asked for information on the following:

1. Zoning:

The lands at Indian Point are currently zoned D-3 – a residential zoning district which generally allows three residential dwelling units per acre. Developments that include 14 or more proposed lots – a major subdivision – would require a public hearing and input from neighbors would be considered regarding the proposal.

Other development proposals may also require an approved Conditional Use permit (CUP) which would have to go through a Planning Commission process, including a public hearing with opportunity for public input.

A CUP analysis would review proposed developments for conformance with adopted CBJ plans, including the Comprehensive Plan, the Land Management Plan and the Auke Bay Area Plan. Those plans include the following language which would restrict development proposals:

Land Management Plan: Parcels should be managed and protected in a manner that is sensitive to the cultural heritage of the A'ak'w Kwa'an people.

Comprehensive Plan: Comprehensive Plan policies support identifying, preserving, protecting, and promoting Juneau's diverse historic and cultural resources. Additional policies include identifying historic resources and taking appropriate measures to document and preserve those resources. Standard operating procedures to implement these policies include encouraging and providing incentives for owners to maintain the sites in their original character, creating a local landmarks designation, and limiting further degradation by discouraging inconsistent development, and treating and maintaining sites with respect for applicable cultural traditions.

Auke Bay Plan: One of the goals in the Auke Bay Plan is to preserve and protect Auke Bay's history. Specifically, Policy 2.1 includes preserving "Indian Point through rezones, easements, or other preservation methods which limit activities allowed on the site, and amend the CBJ Parks and Recreation Comprehensive Plan to further limit activity at Indian Point". Discussion in the Plan concludes that a cultural park that was previously planned by

Parks and Recreation for Indian Point, is considered disrespectful by the A'ak'w Kwa'an and other Tlingit peoples whom the park is meant to honor.

As the lands are greater than 2 acres, an applicant could propose to rezone the properties. Any rezone request must substantially comply with the maps of the Comprehensive Plan. The adopted plans could also be amended by ordinance. By their nature, rezones and plan revisions would go through a public processes.

2. Consider role of Federal Government:

After the Lands Committee meeting, a meeting with Aak'W Kwaan representatives was hosted by the Mayor. In attendance was Fran Houston, Marie Olsen, Janine Canul and others by phone. In a follow up phone call Janine Canul offered to follow up on communication with Alaska's congressional delegation.

3. Land Conveyance Methods or Land Protections

There are a number of means to protect the land, restrict development or convey the land. In general escalating range of methods includes:

Protection through adopted plans: The lands are currently protected from development through plans adopted by the Assembly. The Assembly has the discretion to change these adopted plans. Additional intent language could be placed in these plans.

Protection through conservation easement:

A conservation easement could be placed on the property:

A **conservation easement** (sometimes called **conservation covenant**, **conservation restriction** or **conservation servitude**) is a power invested in a qualified [private land](#) conservation organization (often called a "[land trust](#)") or government (municipal, county, state or federal) to constrain, as to a specified land area, the exercise of rights otherwise held by a [landowner](#) so as to achieve certain conservation purposes. It is an interest in [real property](#) established by agreement between a landowner and land trust or unit of government. The conservation easement "runs with the land," meaning it is applicable to both present and future owners of the land. As with other real property interests, the grant of conservation easement is recorded in the local land records; the grant becomes a part of the [chain of title](#) for the property. (wikipedia).

The lands could be restricted from development generally or more specifically. Scenarios could include restriction from all development (like a conservation easement), restriction from development in specific portions (limited geographic restriction), restriction of types of development (for example commercial activity could be restricted), creation of a "conservation lot" and so on. There are very many variations of this concept.

Protection through Federal Fee to Trust:

The Indian Reorganization Act allows the Secretary of the Interior the discretion to acquire interests in land to be held in perpetuity for some tribal organizations. Oversight of lands held in trust are subject to oversight by the Bureau of Indian Affairs; a process which is generally agreed to be cumbersome. Local control by the CBJ and/or a tribal entity would be reduced.

Joint Ownership:

The CBJ could form a partnership and jointly own the property. This could be accomplished by deeding a percentage of the ownership rights. In the event of a 50% deed, the partnership could require joint decision making by two parties.

4. Greater Juneau Borough Land Selection Intent:

The Lands Committee asked that staff research whether there was evidence in the files of whether the Borough selected the Indian point lands with a particular intent. CBJ staff were unable to locate any language concerning the Borough's intention during the selection process

5. Public Testimony:

In January, after receiving this information, the Lands Committee desired to receive public testimony at a joint meeting of the Lands Committee and the Parks and Recreation Advisory Committee. That meeting could be scheduled.



-----Original Message-----

From: Merrill Sanford <fish3duck@aol.com>

To: jmbecker <jmbecker@gci.net>

Cc: rorie.watt <rorie.watt@juneau.org>; GREGG.CHANEY <GREGG.CHANEY@juneau.org>;

Kirk.duncan <Kirk.duncan@juneau.org>; rob.steedle <rob.steedle@juneau.org.

amy.meade@juneau.org>; mikespl <mikespl@eagle.ptialaska.net>

Sent: Fri, 2 Feb 2018 2:23 pm

Subject: Eagles' Cemetery Letter

**Mary Becker, Chair
CBJ Lands Committee**

Our family on the Isaak side, long time Douglas residents, have maintained and taken care of the Eagles' Cemetery on Douglas Highway. The land was deeded over to G. R. (Mex) Isaak from the Eagles' Aerial in the 1970's. Grandpa Mex maintained the grounds for many years. He deeded the cemetery over to a friend and two family members in 1987. Various family members have helped maintain the cemetery for the past 25 years. We have buried several Douglas residents and family members at this site during this time. We have a current deed in the name of Merrill Sanford, son-in-law of Mex Isaak. This was just executed in January 2018, to help facilitate with the transfer (hopefully) to the City & Borough of Juneau.

We have an official deed in hand, a plat of the land and a plat of the grave sites with names. We also have some history of the Eagles' Cemetery and the Odd Fellows Cemetery. Kim Kiefer worked on trying to straighten out the Odd Fellows Cemetery land ownership when she was Parks & Rec Director. We have written history on the Odd Fellows Cemetery which was given to Kim when she was City Manager. There are five cemeteries in the area and they should be owned and taken care of by the CBJ. Our ancestors, family and friends are interned here.

Since we have clear title and plat information on the Eagles' Cemetery we wish to transfer the deed to the city at no land cost. The family has paid \$500-\$800 a year for the past five years that I know of to maintain the Eagles' Cemetery. Some of us would still like to volunteer to do light maintenance on site according to your rules.

Kirk Duncan, Parks & Rec Director, came to the Douglas Advisory Committee Meeting a few months ago and knows about this idea.

Please let us know, as soon as possible, what the next steps are for having the City & Borough to take over the Eagles' Cemetery.