



Fairbanks North Star Borough

Mayor's Office
Land Management

land@fnsb.gov
Main: (907) 459-1241
Fax: (907) 459-1122

MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: Bryce Ward, Mayor *for BW*

FROM: Daniel Welch, Acting Land Manager

DATE: March 11, 2021

SUBJECT: AN ORDINANCE AUTHORIZING THE DIRECT SALE OF A PORTION OF TRACT H-3 OF ALASKA STATE LAND SURVEY 87-17 TO VIA VITA HEALTH PROJECT, INC., WITHIN SECTION 16, T.1S., R.1W., TO AN ADJOINING LANDOWNER (LOCATED ON THE NORTH SIDE OF 30TH AVENUE, EAST OF PEGER ROAD, WEST OF NORTH VAN HORN ROAD).

The attached ordinance requests authorization for the direct sale of a portion of Borough land to the adjoining landowner, Via Vita Health Project, Inc. The proposed 1.3-acre sale parcel is located at the west end of Thirtieth (30th) Avenue, west of undeveloped Wilbur Street right-of-way, and south of the Robert J. Mitchell Expressway.

FNSBC 20.20.090(A) allows the sale of borough land directly to those holding a land interest in borough land or land adjoining borough land. Via Vita Health Project, Inc. owns land adjoining borough land.

The sale price reflects the appraised fair market value (FMV) with an added ten percent of FMV as required by FNSBC 20.20.090(A). The sale would be contingent on surveying and platting of the property as required by FNSBC Title 17 to establish an acceptable legal description for purposes of conveyance.

As required by FNSBC 20.20.020(A), Land Management has reviewed records for the property and there are no existing mining claims or other third-party interests known to Land Management within the proposed sale property which Land Management believes impact or are impacted by the proposed sale.

We support the ordinance and urge its adoption. Thank you.



By: Bryce J. Ward, Mayor
Introduced: 03/11/2021

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2021 - 12

AN ORDINANCE AUTHORIZING THE DIRECT SALE OF A PORTION OF TRACT H-3 OF ALASKA STATE LAND SURVEY 87-17, WITHIN SECTION 16, T.1S., R.1W., TO AN ADJOINING LANDOWNER (LOCATED ON THE NORTH SIDE OF 30TH AVENUE, EAST OF PEGER ROAD, WEST OF NORTH VAN HORN ROAD)

WHEREAS, The Fairbanks North Star Borough (Borough) holds good and equitable title to the property known as Tract H-3 of Alaska State Land Survey (ASLS) 87-17, within Section 16, T.1S, R.1W, F.M. as shown on Exhibit Map "A" attached hereto; and

WHEREAS, Tract H-3 was successfully re-zoned by Ordinance No. 2020-23, adopted on August 27, 2020, with the intent of future subdivision and sale of lots in the Fall of 2021; and

WHEREAS, Ordinance No. 2020-20-10, adopted on January 28, 2021, appropriated funding for the subdivision of Tract H-3 with the intent of future sale of lots during the Fall of 2021; and

WHEREAS, FNSBC 20.20.090(A) states that the Assembly may, by ordinance, authorize the Mayor to sell Borough land directly to those holding a land interest in land adjoining Borough land if there is no public use for the land; and

WHEREAS, Via Vita Health Project, Inc. owns land adjoining the intended sale parcel, more specifically described as Lot 2A of the replat of Lot 2, Tract H, ASLS 80-

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

Text to be *deleted* is [BRACKETED, CAPITALIZED]

32 64, according to the plat filed June 18, 1985 as plat number 85-97, recorded in the
33 Fairbanks Recording District, Fourth Judicial District, State of Alaska; and

34
35 WHEREAS, Via Vita Health Project, Inc. wishes to purchase from the
36 Borough an approximately 1.3-acre portion of Tract H-3 of ASLS 87-17; and

37
38 WHEREAS, There is no foreseeable public use for the intended sale area,
39 as the intention was to subdivide and sell the portion of Tract H-3 that Via Vita Health
40 Project, Inc. wishes to purchase; and

41
42 WHEREAS, Rather than require Via Vita Health Project, Inc. to separately
43 survey, map and plat the sale area, the Borough intends to include the lot for direct sale
44 in its subdivision application, which will ensure that platting approval can be accomplished
45 in time for a Fall 2021 land sale; and

46
47 WHEREAS, FNSBC 20.20.090(A) states where multiple land interest holders
48 declare their interest in purchasing the same parcel of borough land, the sale shall be
49 conducted by sealed bid auction between them; and

50
51 WHEREAS, Landowners of adjoining parcels who would qualify for direct
52 purchase of this same parcel were notified of the request and given an opportunity to
53 competitively bid for acquisition of the sale parcel as required by FNSBC 20.20.090(A);
54 and

55
56 WHEREAS, The Division of Land Management has reviewed records for the
57 proposed sale of property and there are no known existing mining claims or other third-
58 party interests which Land Management believes impact or are impacted by the proposed
59 sale.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

Text to be *deleted* is [BRACKETED, CAPITALIZED]

60
61 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
62 North Star Borough:

63
64 Section 1. Classification. This ordinance is not of a general and permanent
65 nature and shall not be codified.

66
67 Section 2. Authorization. The parcel proposed for sale meets the
68 conditions of FNSBC 20.20.090 for a direct sale to the adjoining landowner. The Borough
69 Mayor is hereby authorized to take all actions and execute all documents necessary to
70 convey the Borough’s interest in that portion of Tract H-3 of Alaska State Land Survey
71 (ASLS) 87-17, Section 16 T.1S, R.1W, F.M., as shown on attached Exhibit Map “A”, to Via
72 Vita Health Project, Inc. by Warranty Deed at ten percent above fair market value and as
73 a cash sale.

74
75 Section 3. Condition to the Sale. Conveyance is subject to restricted
76 appraisal of the sale parcel at the buyer’s sole expense. Sale of the property is contingent
77 upon the required platting approval.

78
79 Section 4. Effective Date. This ordinance shall be effective at 5:00 p.m.
80 on the first Borough business day following its adoption.

81
82 ADOPTED THE _____ DAY OF _____ 2021.

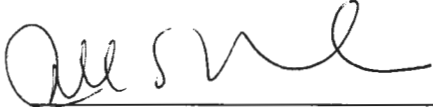
83
84
85
86 _____
87 Mindy O’Neill
88 Presiding Officer

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

Text to be *deleted* is [BRACKETED, CAPITALIZED]

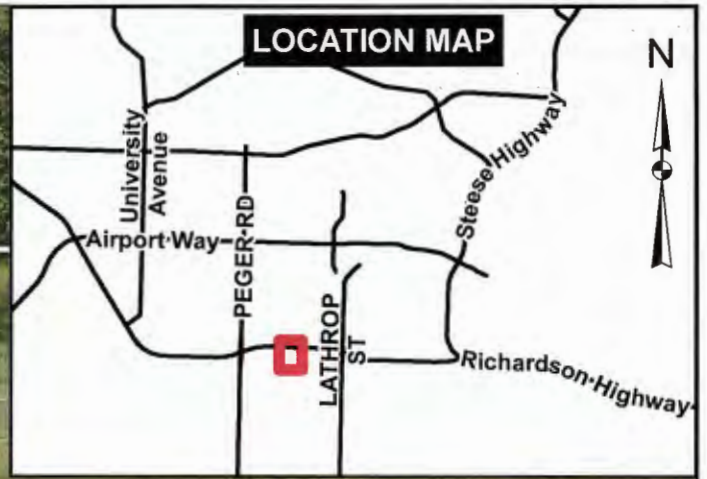
89 ATTEST:
90
91
92 _____
93 April Trickey, CMC
94 Borough Clerk

APPROVED:


Jill S. Dolan
Borough Attorney

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED, CAPITALIZED]

Exhibit Map "A"



ESSWAY

Mitchell Expy

Borough Owned

Tr H-3



WILBUR ST

Applicant:
Alaska Family
Health & Birth
Center

FAIRBANKS MONTESSORI

IVE

30TH AVE

DEVELOPMENT (1)

4

5

6

7

8

9

10

11

12

13

14

15

16

NORTH VAN HORN RD

PEGER LAKE DEVELOPMENT

1A

Peger Lake