



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 *Qr 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, 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 an adjoining landowner, Fairbanks Montessori Association Inc. The proposed 1.4-acre sale parcel is located at the west end of Thirtieth (30th) Avenue, west of undeveloped Wilbur Street right-of-way, and south of 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. Fairbanks Montessori Association 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, by the buyer and at its sole expense, 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 - 13

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; 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, Fairbanks Montessori Association Inc. owns land adjoining the intended sale parcel, more specifically described as Lot 1A of Fairbanks Montessori

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

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

33 Subdivision, according to Plat No. 2013-2, Instrument No. 2013-000174-0 recorded in
34 the Fairbanks Recording District on January 4, 2013; and

35
36 WHEREAS, Fairbanks Montessori Association Inc. wishes to purchase from
37 the Borough an approximately 1.4-acre portion of Tract H-3 of ASLS 87-17; and

38
39 WHEREAS, There is no foreseeable public use for the intended sale area,
40 as the intention was to subdivide and sell the portion of Tract H-3 that Fairbanks
41 Montessori Association, Inc. wishes to purchase; and

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

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

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

56
57 WHEREAS, Fairbanks Montessori Association Inc. wishes for early
58 occupancy of the parcel to begin construction on an expansion of their school building;
59 and

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61 WHEREAS, Early occupancy would be subject to appropriate safeguards to
62 the Borough included in the purchase and sale agreement including, but not limited to,
63 obtaining a Temporary Use License under FNSBC 20.16.050 and bonding for removal of
64 improvements in the event the sale is not completed; and

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66 WHEREAS, The Division of Land Management has reviewed records for
67 the proposed sale of property and there are no known existing mining claims or other
68 third-party interests which Land Management believes impact or are impacted by the
69 proposed sale.

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71 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
72 North Star Borough:

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74 Section 1. Classification. This ordinance is not of a general and
75 permanent nature and shall not be codified.

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77 Section 2. Authorization. The parcel proposed for sale meets the
78 conditions of FNSBC 20.20.090 for a direct sale to the adjoining landowner. The
79 Borough Mayor is hereby authorized to take all actions and execute all documents
80 necessary to convey the Borough's interest in that portion of Tract H-3 of Alaska State
81 Land Survey (ASLS) 87-17, Section 16 T.1S, R.1W, F.M., as shown on attached Exhibit
82 Map "A", to Fairbanks Montessori Association Inc. by Warranty Deed at ten percent
83 above fair market value and as a cash sale.

84
85 Section 3. Condition to the Sale. Conveyance is subject to restricted
86 appraisal of the sale parcel at the buyer's sole expense. Sale of the property is
87 contingent upon the required platting approval.

88

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

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92 ADOPTED THE _____ DAY OF _____ 2021.

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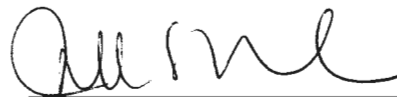
104

ATTEST:

April Trickey, CMC
Borough Clerk

Mindy O'Neall
Presiding Officer

APPROVED:



Jill S. Dolan
Borough Attorney

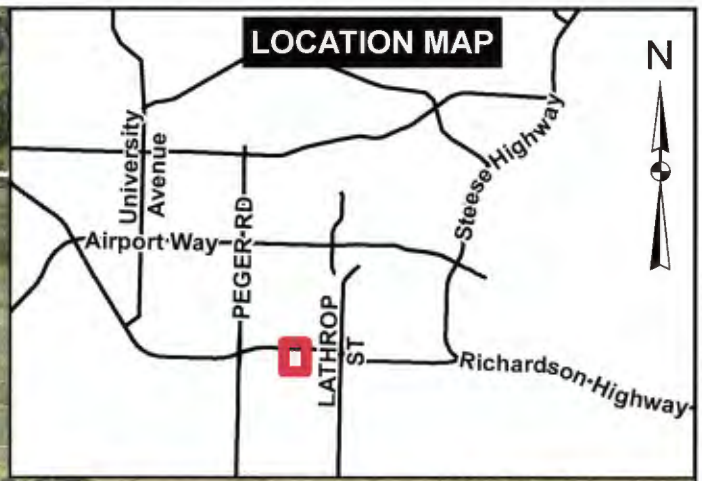
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Exhibit Map "A"

LOCATION MAP



Mitchell Expy

Borough Owned

Area Proposed for Direct Sale

WILBUR ST

2A

1A

FAIRBANKS MONTESSORI

Applicant

30TH AVE



Peger Lake

NORTH VAN HORN RD

PEGER LAKE DEVELOPMENT

1A

1B

2

SA
INT

4

3

6

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4

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Fairbanks North Star Borough Fiscal Impact Statement (FIS) (FNSBC 3.20.010 C.)

Check	Date
Version 1	
Version 2	
Version 3	
Version 4	

Originator's Name: Daniel Welch **Department:** Mayor's Office/Land Management
To Be Introduced/Sponsored By: Mayor Bryce Ward
Abbreviated Ordinance Title: Ordinance for Direct Sale of a portion of Tract H-3 to Fairbanks Montessori Assoc
Department(s)/Division(s) Affected: Mayor's Office/Land Management
Proposed Introduction Date: February 16, 2021 **Ordinance No.:** _____

Does this ordinance authorize:

- 1) a new or expansion of services which entails additional costs beyond that approved in the current adopted budget? **Yes** ___ **No** *
- 2) a project that is capital in nature and increases operational costs of the Borough in the current or any future fiscal year? **Yes** ___ **No** *

Required Information/Estimates	FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE				
	Remainder of Current FY	1st Full FY of Operations	2nd Full FY of Operations	3rd Full FY of Operations	4th Full FY of Operations
	FY 20__ / __	FY 20__ / __	FY 20__ / __	FY 20__ / __	FY 20__ / __
1. Timeline inclusive of all phases					
2. Number and type of new positions which may be required					
3. Cost of operations and maintenance					
4. Future costs to complete capital assets					
5. Estimated revenue impact					
6. Estimated non-Borough funds that may be received:					
a. to fund the ordinance					
b. to fund future phases					
c. to fund future operations and maintenance costs					
7. Anticipated annual tax subsidy					

Is backup attached? **Yes** ___ **No** ___

Contact Person's Name, for FIS questions: Daniel Welch **Extension:** 1247

Director(s) Signature(s): _____ **Date:** _____

Mayor's Office or Assembly Member Signature: _____ **Date:** _____

Chief Financial Officer Signature: _____ **Date:** _____