




Fairbanks North Star Borough


Mayor's Office
Land Management

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MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: Bryce J. Ward, Mayor 

FROM: Daniel Welch, Acting Land Manager 

DATE: April 22, 2021

SUBJECT: A RESOLUTION AUTHORIZING THE MAYOR TO GRANT AN EXCLUSIVE PRIVATE ACCESS EASEMENT ACROSS BOROUGH LAND WITHIN A PORTION OF TRACT A OF AMENDED CRIPPLE CREEK II SUBDIVISION FOR THE BENEFIT OF ADJOINING LOT 19, BLOCK 12 OF AMENDED CRIPPLE CREEK II SUBDIVISION (LOCATED AT THE NORTH END OF FIDDLE WAY AT ISBERG ROAD)

The attached resolution would authorize the Mayor to grant Vanessa Raymond an exclusive thirty (30) foot wide private access easement on Borough land known as Tract A of Amended Cripple Creek II Subdivision for the benefit of adjoining Lot 19, Block 12 of Amended Cripple Creek II Subdivision. The Borough holds good and equitable title to Tract A on which the easement is being requested.

The easement would provide a more gradual approach for a driveway from Fiddle Way to the house located at the high point of a steep uphill lot. Accessing the house currently requires a switch-backing driveway from Bluegrass Drive that prevents the owner from getting utility services such as water and fuel deliveries to the home. Water runoff from the existing driveway is also causing damage and deterioration to Bluegrass Drive.

The applicant worked with staff from the Borough's Division of Rural Services and the neighboring land owner when selecting a location for the new driveway onto Fiddle Way. Water runoff through this portion of Tract A is limited and the new driveway is not expected to adversely impact the existing subdivision drainage patterns.

The Grantee would be required to pay the fair rental value, the cost of a fee appraisal, and otherwise cause the easement to be surveyed and mapped at their own expense.

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

By: Bryce J. Ward, Mayor
Introduced: 04/22/2021

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2021 – 16

A RESOLUTION AUTHORIZING THE MAYOR TO GRANT AN EXCLUSIVE PRIVATE ACCESS EASEMENT ACROSS BOROUGH LAND WITHIN A PORTION OF TRACT A OF AMENDED CRIPPLE CREEK II SUBDIVISION FOR THE BENEFIT OF ADJOINING LOT 19, BLOCK 12 OF AMENDED CRIPPLE CREEK II SUBDIVISION (LOCATED AT THE NORTH END OF FIDDLE WAY AT ISBERG ROAD)

WHEREAS, The Fairbanks North Star Borough (Borough) holds good and equitable title to the property generally located within Section 24 T.1S., R.3W., F.M., known specifically as Tract A of Amended Cripple Creek II Subdivision, according to the plat filed April 16, 1985 as Plat No. 85-50, Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska as shown on Exhibit Map "A" attached hereto; and

WHEREAS, Vanessa Raymond owns land adjoining Tract A to the west known as Lot 19, Block 12 of Amended Cripple Creek II Subdivision, according to the plat filed April 16, 1985 as Plat No. 85-50, Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska; and

WHEREAS, Vanessa Raymond requests a thirty (30) foot wide private access easement across the northern portion of Tract A to intersect with Lot 19; and

WHEREAS, Lot 19 is a steep uphill lot with a house at the high point currently requiring a switch-backing driveway from Bluegrass Drive that prevents the owner from getting utility services such as water and fuel deliveries to the home; and

WHEREAS, Crossing the portion of Tract A requested for the access easement will allow a more gradual approach to the house on Lot 19 than the existing access on Bluegrass Drive; and

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WHEREAS, Water runoff from the existing steep driveway is causing damage and deterioration to Bluegrass Drive and a Road Commissioner with the Cripple Creek Service Area believes the solution might be an alternative driveway; and

WHEREAS, The applicant worked with staff from the Borough’s Division of Rural Services and the neighboring landowner of Lot 21, Block 12 when selecting a location for the new driveway onto Fiddle Way; and

WHEREAS, Tract A of Amended Cripple Creek II Subdivision was retained by the Borough as a greenstrip and for drainage control; and

WHEREAS, Water runoff through the northern portion of Tract A is limited to local runoff from the south side of Isberg Road west of Fiddle Way; and

WHEREAS, The proposed driveway construction is not expected to adversely impact the existing subdivision drainage patterns; and

WHEREAS, A driveway permit will be required and reviewed for conformance with construction standards by Rural Services prior to installation of the new driveway; and

WHEREAS, FNSBC 20.16.030(B) states an assembly resolution authorizing the easement shall be required before the mayor may grant an easement; and

WHEREAS, FNSBC 20.16.030(C) states a person seeking an easement shall pay to the borough the easement fee as required by the fee schedule established by the mayor; and

64 WHEREAS, In addition to application and processing fees, the Fee Schedule
65 requires "fair rental value" as determined by FNSBC 20.04.010, including the cost of a
66 fee appraisal; and

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68 WHEREAS, FNSBC 20.16.030(D) states the borough may grant an access
69 easement for a public purpose or a private purpose and if a private access easement is
70 granted, the borough shall reserve the right to unilaterally amend the private access
71 easement to create a public access easement; and

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73 WHEREAS, FNSBC 20.16.030(D)(2) states the grantee shall, at the
74 grantee's own expense, cause the private access easement to be surveyed and mapped
75 and it may be platted.


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77 NOW, THEREFORE, BE IT RESOLVED that the Assembly of the Fairbanks
78 North Star Borough authorizes the Mayor to take all actions and execute all documents
79 necessary to grant an exclusive thirty (30) foot wide private access easement across a
80 portion of Tract A as shown on attached Exhibit Map "A" to Vanessa Raymond at Fair
81 Rental Value for the benefit of Lot 19, Block 12 of Amended Cripple Creek II Subdivision.

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83 NOW, THEREFORE, BE IT FURTHER RESOLVED that the grantee must
84 cause the private access easement to be surveyed and mapped, at the grantee's own
85 expense, before the easement is granted and that the borough shall reserve the right to
86 unilaterally amend the private access easement to create a public access easement.

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88 ADOPTED THE _____ DAY OF _____ 2021.

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90
91 _____
92 Mindy O' Neall
93 Presiding Officer
94

95 ATTEST:
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97 _____
98 April Trickey, CMC
99 Borough Clerk

APPROVED:


Jill S. Dolan
Borough Attorney

Exhibit Map "A"

PROPOSED 30' DRIVEWAY
EASEMENT FROM FNSB

☉ PROPOSED NEW DRIVEWAY

ISBERG DRIVE

FIDDLE WAY

Borough Land

LOT 19, BLOCK 12
CRIPPLE CREEK II

Applicant

TRACT A
CRIPPLE CREEK II

LOT 21, BLOCK 12
CRIPPLE CREEK II

BLUEGRASS DR.

