

1 **PROPOSED SUBSTITUTE**
2 **By: Aaron Lojewski**

By: Jimi Cash
Tammie Wilson
Introduced: December 15, 2022

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5 FAIRBANKS NORTH STAR BOROUGH

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7 ORDINANCE NO. 2022 – 65

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9 **AN ORDINANCE AMENDING FNSBC 17.56.040, TRAIL EASEMENTS, AND AMENDING**
10 **ATTACHMENT C OF ORDINANCE NO. 2022-20 (FY 2022-23 BUDGET) TO ADD**
11 **A FEE WAIVER**
12

13 WHEREAS, A property owner should not be required to dedicate a trail
14 easement on their property unless they consent to the dedication; and

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16 WHEREAS, Private property rights are at the foundation of our republic; and

17
18 WHEREAS, The Platting Board should have discretion on whether to require
19 the dedication of easements even with property owner consent.

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21 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
22 North Star Borough:

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24 Section 1. This ordinance is of a general and permanent nature and shall
25 be codified.

26
27 Section 2. Subsection A of FNSBC 17.56.040, Trail easements, shall be
28 amended as follows:

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30 A. On lands through which Category A and B trails pass, the Platting Board
31 ~~[SHALL]~~may require the dedication of easements to conform to the adopted
32 comprehensive recreational trail plan if the property owner consents.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is **underlined & bold**

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

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Section 3. Attachment C, User Fee Schedule/Community Planning/Platting Service/Final Plat of Ordinance No. 2022-20 is hereby amended to add a note j:

Final Plat

Explanations

j If a property owner voluntarily dedicates a trail easement, the \$400 final plat fee is waived and there is no fee for any lot through which the trail easement passes.

Section **[3]4**. Effective Date. This ordinance is effective at 5:00 p.m. on the first Borough business day following its adoption.

ADOPTED THE _____ DAY OF _____ 2022.

Aaron Lojewski
Presiding Officer

ATTEST:

April Trickey, MMC
Borough Clerk

APPROVED:



Jill S. Dolan
Borough Attorney

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