

1 By: Bryce J. Ward, Mayor
2 Introduced: 03/11/2021
3 Advanced: 03/11/2021
4 Adopted: 03/25/2021
5

6 FAIRBANKS NORTH STAR BOROUGH

7
8 ORDINANCE NO. 2021 - 12
9

10 AN ORDINANCE AUTHORIZING THE DIRECT SALE OF A PORTION OF TRACT H-3 OF
11 ALASKA STATE LAND SURVEY 87-17, WITHIN SECTION 16, T.1S., R.1W., TO AN
12 ADJOINING LANDOWNER (LOCATED ON THE NORTH SIDE OF 30TH AVENUE, EAST OF
13 PEGER ROAD, WEST OF NORTH VAN HORN ROAD)
14

15 WHEREAS, The Fairbanks North Star Borough (Borough) holds good and
16 equitable title to the property known as Tract H-3 of Alaska State Land Survey (ASLS)
17 87-17, within Section 16, T.1S, R.1W, F.M. as shown on Exhibit Map "A" attached
18 hereto; and
19

20 WHEREAS, Tract H-3 was successfully re-zoned by Ordinance No. 2020-
21 23, adopted on August 27, 2020, with the intent of future subdivision and sale of lots;
22 and
23

24 WHEREAS, Ordinance No. 2020-20-10, adopted on January 28, 2021,
25 appropriated funding for the subdivision of Tract H-3 with the intent of future sale of
26 lots during the Fall of 2021; and
27

28 WHEREAS, FNSBC 20.20.090(A) states that the Assembly may, by
29 ordinance, authorize the Mayor to sell Borough land directly to those holding a land
30 interest in land adjoining Borough land if there is no public use for the land; and
31

32 WHEREAS, Fairbanks Montessori Association Inc. owns land adjoining the
33 intended sale parcel, more specifically described as Lot 1A of Fairbanks Montessori
34 Subdivision, according to Plat No. 2013-2, Instrument No. 2013-000174-0 recorded in
35 the Fairbanks Recording District on January 4, 2013; and
36

37 WHEREAS, Fairbanks Montessori Association Inc. wishes to purchase from
38 the Borough an approximately 1.4-acre portion of Tract H-3 of ASLS 87-17; and
39

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

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

47
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

51
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

60
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

65
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.

70
71 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
72 North Star Borough:

73
74 Section 1. Classification. This ordinance is not of a general and
75 permanent nature and shall not be codified.

76
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 Section 3. Condition to the Sale. Conveyance is subject to restricted
85 appraisal of the sale parcel at the buyer's sole expense. Sale of the property is
86 contingent upon the required platting approval.

87
88 Section 4. Effective Date. This ordinance shall be effective at 5:00
89 p.m. on the first Borough business day following its adoption.

90
91 ADOPTED THE 25TH DAY OF MARCH 2021.

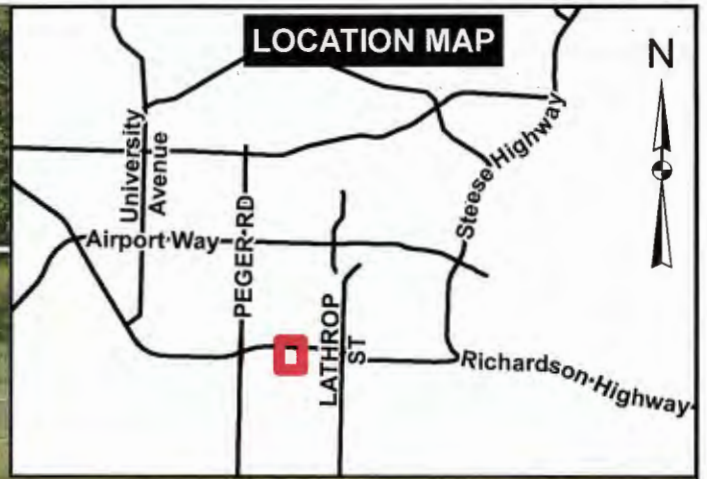
92
93
94
95
96 
97 Mindy O'Neall
98 Presiding Officer
99

100 ATTEST:

101
102 
103 _____
104 April Trickey, CMC, Borough Clerk
105 by Adena Benn, CMC, Deputy Clerk
106

107 Yeses: Williams, Lyke, Cash, Wilson, Tomaszewski, Sanford, Lojewski, O'Neall
108 Noes: None
109 Other: Cooper (Excused)

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

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9

10

11

12

13

14

15

16

NORTH VAN HORN RD

PEGER LAKE DEVELOPMENT

1A

Peger Lake