

1 By: Bryce J. Ward, Mayor
2 Introduced: 04/22/2021
3 Adopted: 04/22/2021
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5 FAIRBANKS NORTH STAR BOROUGH

6
7 RESOLUTION NO. 2021 – 16
8

9 A RESOLUTION AUTHORIZING THE MAYOR TO GRANT AN EXCLUSIVE PRIVATE
10 ACCESS EASEMENT ACROSS BOROUGH LAND WITHIN A PORTION OF TRACT A OF
11 AMENDED CRIPPLE CREEK II SUBDIVISION FOR THE BENEFIT OF ADJOINING LOT 19,
12 BLOCK 12 OF AMENDED CRIPPLE CREEK II SUBDIVISION (LOCATED AT THE NORTH
13 END OF FIDDLE WAY AT ISBERG ROAD)
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15 WHEREAS, The Fairbanks North Star Borough (Borough) holds good and
16 equitable title to the property generally located within Section 24 T.1S., R.3W., F.M.,
17 known specifically as Tract A of Amended Cripple Creek II Subdivision, according to the
18 plat filed April 16, 1985 as Plat No. 85-50, Records of the Fairbanks Recording District,
19 Fourth Judicial District, State of Alaska as shown on Exhibit Map "A" attached hereto; and
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21 WHEREAS, Vanessa Raymond owns land adjoining Tract A to the west
22 known as Lot 19, Block 12 of Amended Cripple Creek II Subdivision, according to the plat
23 filed April 16, 1985 as Plat No. 85-50, Records of the Fairbanks Recording District, Fourth
24 Judicial District, State of Alaska; and
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26 WHEREAS, Vanessa Raymond requests a thirty (30) foot wide private
27 access easement across the northern portion of Tract A to intersect with Lot 19; and
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29 WHEREAS, Lot 19 is a steep uphill lot with a house at the high point
30 currently requiring a switch-backing driveway from Bluegrass Drive that prevents the
31 owner from getting utility services such as water and fuel deliveries to the home; and
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33 WHEREAS, Crossing the portion of Tract A requested for the access
34 easement will allow a more gradual approach to the house on Lot 19 than the existing
35 access on Bluegrass Drive; and
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37 WHEREAS, Water runoff from the existing steep driveway is causing
38 damage and deterioration to Bluegrass Drive and a Road Commissioner with the Cripple
39 Creek Service Area believes the solution might be an alternative driveway; and
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41 WHEREAS, The applicant worked with staff from the Borough's Division of
42 Rural Services and the neighboring landowner of Lot 21, Block 12 when selecting a
43 location for the new driveway onto Fiddle Way; and

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

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

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

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

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

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

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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

72
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.

ADOPTED THE 22ND DAY OF APRIL 2021.

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Mindy O'Neal
Presiding Officer

ATTEST:


April Trickey, CMC
Borough Clerk

Yeses: Tomaszewski, Cooper, Williams, Sanford, Wilson, Lyke, Cash, Lojewski, O'Neal
Noes: None

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.

