

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 - 13
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 hereto;
18 and
19

20 WHEREAS, Tract H-3 was successfully re-zoned by Ordinance No. 2020-23,
21 adopted on August 27, 2020, with the intent of future subdivision and sale of lots in the
22 Fall of 2021; 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 lots
26 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, Via Vita Health Project, Inc. owns land adjoining the intended
33 sale parcel, more specifically described as Lot 2A of the replat of Lot 2, Tract H, ASLS 80-
34 64, according to the plat filed June 18, 1985 as plat number 85-97, recorded in the
35 Fairbanks Recording District, Fourth Judicial District, State of Alaska; and
36

37 WHEREAS, Via Vita Health Project, Inc. wishes to purchase from the
38 Borough an approximately 1.3-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 Via Vita Health
42 Project, Inc. wishes to purchase; and

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

47
48 WHEREAS, FNSBC 20.20.090(A) states where multiple land interest holders
49 declare their interest in purchasing the same parcel of borough land, the sale shall be
50 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, The Division of Land Management has reviewed records for the
58 proposed sale of property and there are no known existing mining claims or other third-
59 party interests which Land Management believes impact or are impacted by the proposed
60 sale.

61
62 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
63 North Star Borough:

64
65 Section 1. Classification. This ordinance is not of a general and permanent
66 nature and shall not be codified.

67
68 Section 2. Authorization. The parcel proposed for sale meets the
69 conditions of FNSBC 20.20.090 for a direct sale to the adjoining landowner. The Borough
70 Mayor is hereby authorized to take all actions and execute all documents necessary to
71 convey the Borough's interest in that portion of Tract H-3 of Alaska State Land Survey
72 (ASLS) 87-17, Section 16 T.1S, R.1W, F.M., as shown on attached Exhibit Map "A", to Via
73 Vita Health Project, Inc. by Warranty Deed at ten percent above fair market value and as
74 a cash sale.


75
76 Section 3. Condition to the Sale. Conveyance is subject to restricted
77 appraisal of the sale parcel at the buyer's sole expense. Sale of the property is contingent
78 upon the required platting approval.

79
80 Section 4. Effective Date. This ordinance shall be effective at 5:00 p.m.
81 on the first Borough business day following its adoption.

ADOPTED THE 25TH DAY OF MARCH 2021.


Mindy O'Neal
Presiding Officer

ATTEST:


April Trickey, CMC, Borough Clerk
by Adena Benn, CMC, Deputy Clerk

Yeses: Sanford, Tomaszewski, Wilson, Cash, Lyke, Williams, Lojewski, O'Neal

Noes: None

Other: Cooper (Excused)

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

5

4

3