

1 By: Bryce J. Ward, Mayor  
2 Introduced: 04/22/2021  
3 Adopted: 04/22/2021  
4

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)  
14

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  
20

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  
25

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  
28

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  
32

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  
36

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  
40

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

46  
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

49  
50 WHEREAS, The proposed driveway construction is not expected to  
51 adversely impact the existing subdivision drainage patterns; and

52  
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

56  
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

59  
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

63  
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

67  
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.

76  
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.


82  
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 22<sup>ND</sup> DAY OF APRIL 2021.

87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103

  
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.*

