

By: Bryce J. Ward, Mayor
Introduced: 8/12/2021

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2021 – 28

AN ORDINANCE PROVIDING FOR THE SALE OF CERTAIN BOROUGH-OWNED LANDS (WEST 30TH AVENUE DEVELOPMENT), SETTING THE DATE OF SALE AND PRESCRIBING TERMS OF SALE AND WAIVING FNSBC 20.20.080(B)(1) REGARDING THE RATES OF INTEREST FOR OVER-THE-COUNTER LAND SALES

WHEREAS, The Fairbanks North Star Borough (Borough) has identified a need for a fair market value auction of Borough-owned land to the public; and

WHEREAS, Fairbanks North Star Borough Code (FNSBC) 20.20.030 requires Assembly approval of intended sales by ordinance; and

WHEREAS, FNSBC 20.20.030(A) requires that the Assembly fix the terms of all sales by ordinance. The ordinance shall contain the date of the sale, the method or methods of sale, the manner in which payment is to be made, the interest to be conveyed, the instrument of conveyance to be used, and any other term the Assembly deems appropriate; and

WHEREAS, The Borough's Division of Natural Resources Development held an open house for the area where the land is proposed for sale so that affected residents could provide comments on the proposal; and

WHEREAS, The Borough is the owner of certain real property known as Tract H-3, ASLS No. 87-17, Section 16, T.1S., R.1W., F.M., as shown on Exhibit Map "A" attached hereto; and

33 WHEREAS, The Division of Natural Resources Development has reviewed
34 records for the property and there are no known interests which impact, or are impacted
35 by, the proposed sale; and

36
37 WHEREAS, If the property does not sell at auction, the unsold parcels will
38 be offered for sale through the over-the-counter program; and

39
40 WHEREAS, FNSBC 20.20.080(B)(1) states that for over-the-counter sales of
41 land, rates of interest on shall not be more than six percentage points above nor less
42 than two percentage points above the prevailing Federal Reserve discount rate to
43 member banks; and

44
45 WHEREAS, In the current interest rate environment, this condition results in an
46 interest rate substantially below the current market in Fairbanks.

47
48 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
49 North Star Borough:

50
51 Section 1. Classification. This ordinance is not of a general and permanent
52 nature and shall not be codified.

53
54 Section 2. FY22 Sale Parcels. The Borough Mayor is hereby authorized to
55 offer for sale at a sealed bid auction to be conducted between September 15, 2021 and
56 October 15, 2021, the West 30th Avenue Development, a subdivision of Borough parcel
57 (Attachment 1) described as Tract H-3, ASLS No. 87-17, Section 16, T.1S., R.1W., F.M.,
58 individual parcels described as follows:

Parcel Name	Acreage
Lot 1	2.52
Lot 2	2.10

Lot 3	2.09
Lot 4	2.09
Lot 5	2.08
Lot 6	2.54
Total-6 parcels	13.42 acres

59

60

Section 3. Terms. The Terms of the auction are as follows:

61

A. The minimum bid will be at fair market value, as determined by independent appraisal.

62

63

B. Five percent (5%) of the bid amount will be submitted by certified check or credit card authorization with the bid.

64

65

C. At signing of the purchase and sale agreement, successful bidders may pay in full or, if a buyer desires seller financing, the buyer will provide a minimum additional five percent (5%) of the bid amount for a total down payment of ten percent (10%) of the purchase price.

66

67

68

D. Should a buyer desire seller financing, the balance shall be paid on a monthly basis in accordance with a standard loan amortization schedule for a period of ten (10) years at approximately two (2) percentage points below the average interest rate charged by Fairbanks lenders for raw land. The average interest rate shall be determined by an informal survey of Fairbanks lenders by the Division of Natural Resources Development. A deed of trust and promissory note with the Borough as beneficiary will be required.

69

70

E. At the option of the purchaser, payment of unpaid balances may be accelerated without penalty.

71

F. Fee simple ownership shall be conveyed to the purchasers by quit claim deed.

72

73

G. Participants in the auction must be at least eighteen (18) years of age. No person who is delinquent in any property tax or other financial obligation to the Borough may participate.

74

75

H. The following persons are ineligible to participate in the auction either in their own name or in the name of their spouse, dependent child or solely owned or family-owned

76

83 business: the Borough Mayor, the Borough Chief of Staff, and all employees of the
84 Division of Natural Resource Development. This restriction shall not apply to properties
85 which do not sell at auction and are subsequently placed for over-the-counter sale.

86

87 Section 4. Over-the-counter Sale. Any parcels not sold at the auction may
88 be reoffered through the over-the-counter sale program. These parcels will be sold at fair
89 market value and the terms of the sale are as described above in Section 3 Parts D
90 through F.

91

92 Section 5. Waiver of FNSBC 20.20.080(B)(1). For over-the-counter sales
93 of land, having the interest rate set at not more than six percentage points above nor
94 less than two percentage points above the prevailing Federal Reserve discount rate to
95 member banks, is waived. The terms in Section 3, Part D, above, shall be carried over
96 to any over-the-counter sale made under Section 4, above.

97

98 Section 6. Mining Claims and other Third-Party Interests. The Division of
99 Natural Resources Development has reviewed records for the properties and there are
100 no existing mining claims or other third-party interests known to the division within the
101 proposed sale properties which the division believes impact or are impacted by the
102 proposed sale.

103

104 Section 7. Effective Date. This ordinance is effective at 5:00 p.m. on the
105 first Borough business day following its adoption.

106

107 ADOPTED THE _____ DAY OF _____, 2021.

108

109

110

111

112

113

Mindy O'Neall
Presiding Officer

114 ATTEST:
115
116
117
118 April Trickey, CMC
119 Borough Clerk


APPROVED:

for Jill S. Dolan
Borough Attorney

Exhibit Map "A"



Peger Rd

Mitchell Expy

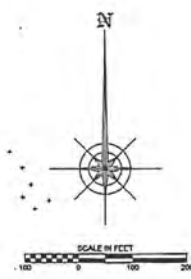
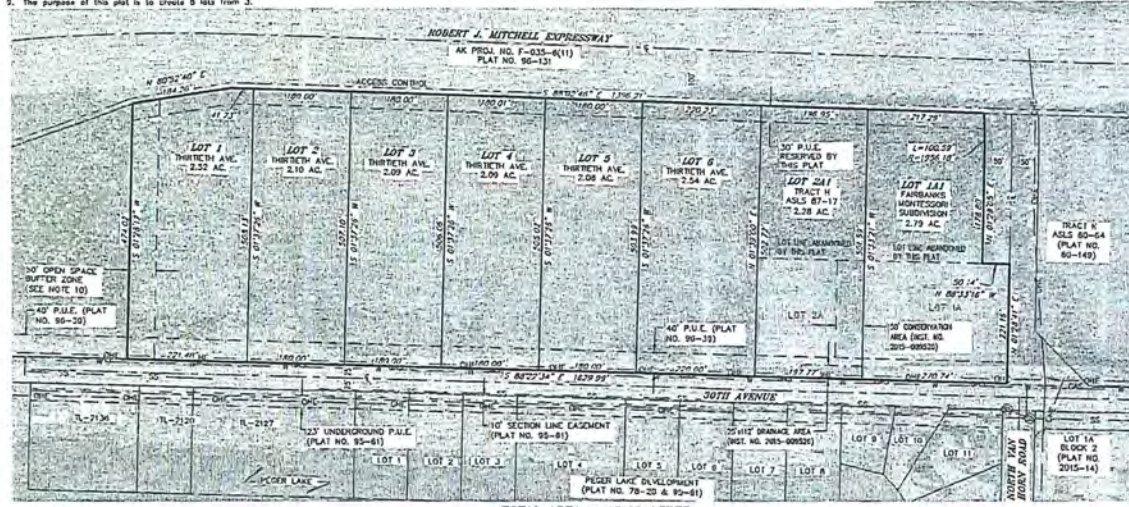
30th Ave

Peger Lake

Lathrop St

NOTES

- There will be a 35' radius easement at each pole location for guys, anchors, and other supportive structures.
- A 15' wide strip of land as determined necessary by the utility companies is granted for the installation, maintenance, repair, or removal of overhead lines.
- The utility companies shall have the right to identify and then remove any dead, weak, overhanging or otherwise dangerous trees adjacent to or in the vicinity of the easement.
- An easement is hereby dedicated within all lots for secondary aerial crossings as determined necessary by the utility companies.
- This area is served by Golden Heart Utilities Sewer and Water.
- This property is located within Flood Zone "X" per Federal Emergency Management Agency Flood Insurance Rate Map 02090C4339A dated March 17, 2014.
- This area is overlain by Tonsenrac Post and Tenora Mosquito Complex soils per HRCS Wet Soil Survey (202).
- This area may contain wetlands regulated under Section 404 of the Clean Water Act. A Department of the Army permit may be needed prior to construction activities or the placement of fill.
- The purpose of this plat is to create 5 lots from 3.
- The westerly 50' of Lot 1 is zoned Open Space Buffer and shall not be developed.
- Access under the Robert J. Mitchell Expressway is Prohibited.
- This area is maturely flat. Aerial photography is 2020, FNCS.
- Lot 2A1 is subject to deed restrictions filed Inst. No. 2008-009541-0, 2010-017078 and 2013-009526.
- Any new driveway or modification of an existing driveway onto 30th Avenue shall require a permit from the City of Fairbanks. Depending on the intended use of the proposed development, the preparation and submittal of a Traffic Impact Study may be required at the discretion of the City of Fairbanks.



SCALE: 1"=1000' F.R.S.D. PLANNING MAPS
VICINITY MAP

CERTIFICATE OF REGISTERED LAND SURVEYOR
I, James H. Altherr, a professional land surveyor registered in the State of Alaska, do hereby certify that this plat is a true and correct representation of lands actually surveyed by me or under my direct supervision according to the provisions of Title 17, Subsections, Fairbanks North Star Borough Code and that the distances and bearings are shown correctly and that all measurements required have been set.



Registration No. 7821-5
CERTIFICATE OF PAYMENT OF TAXES
I, the undersigned, being duly appointed and qualified Tax Collector for the Fairbanks North Star Borough, do hereby certify that, according to the records of the Fairbanks North Star Borough, the following described property is carried on the tax records in the sums of:
Description: _____
_____ \$ _____
and that according to the records in my possession, all taxes levied against said land and in favor of the Fairbanks North Star Borough are paid in full for Tax Year _____
Dated at Fairbanks, Alaska, this _____ day of _____ 20____
Fairbanks North Star Borough Treasury Division Official

CERTIFICATE OF MUNICIPAL OWNERSHIP, DEDICATION AND COMPLIANCE
I hereby certify that FAIRBANKS NORTH STAR BOROUGH is the owner of the herein specified property shown and described herein and that I hereby adopt this plan of subdivision with my consent and dedicate all streets, alleys, walks, parks, and other designated public spaces to public use.
I further certify that all required improvements comply with the standards established in Title 17, Subsections, Fairbanks North Star Borough Code.
UNITED STATES OF AMERICA } S. S.
STATE OF ALASKA }
This is to certify that on this _____ day of _____ 20____ before me, a Notary Public for the State of Alaska, duly commissioned and sworn, personally appeared:

to me known to be the identical individual mentioned and who executed the within plat, and he acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein specified in their capacity as _____ of said corporate owner and that at the time they presented this plat that they were duly authorized with the power and authority to sign this plat on behalf of said corporation.
Witness my hand and notarial seal the day and year in this certificate first herein written.
Notary Public in and for the State of Alaska
My Commission Expires: _____

CERTIFICATE OF CORPORATE OWNERSHIP, DEDICATION AND COMPLIANCE
I hereby certify that FAIRBANKS MONTESSORI ASSOCIATION, INC. is the owner of the herein specified property shown and described herein and that I hereby adopt this plan of subdivision with my consent and dedicate all streets, alleys, walks, parks, and other designated public spaces to public use.
I further certify that all required improvements comply with the standards established in Title 17, Subsections, Fairbanks North Star Borough Code.
UNITED STATES OF AMERICA } S. S.
STATE OF ALASKA }
This is to certify that on this _____ day of _____ 20____ before me, a Notary Public for the State of Alaska, duly commissioned and sworn, personally appeared:

to me known to be the identical individual mentioned and who executed the within plat, and they acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein specified in their capacity as _____ of said corporate owner and that at the time they presented this plat that they were duly authorized with the power and authority to sign this plat on behalf of said corporation.
Witness my hand and notarial seal the day and year in this certificate first herein written.
Notary Public in and for the State of Alaska
My Commission Expires: _____

CERTIFICATE OF CORPORATE OWNERSHIP, DEDICATION AND COMPLIANCE
I hereby certify that VA VTA HEALTH PROJECT, INC. is the owner of the herein specified property shown and described herein and that I hereby adopt this plan of subdivision with my consent and dedicate all streets, alleys, walks, parks, and other designated public spaces to public use.
I further certify that all required improvements comply with the standards established in Title 17, Subsections, Fairbanks North Star Borough Code.
UNITED STATES OF AMERICA } S. S.
STATE OF ALASKA }
This is to certify that on this _____ day of _____ 20____ before me, a Notary Public for the State of Alaska, duly commissioned and sworn, personally appeared:

to me known to be the identical individual mentioned and who executed the within plat, and they acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein specified in their capacity as _____ of said corporate owner and that at the time they presented this plat that they were duly authorized with the power and authority to sign this plat on behalf of said corporation.
Witness my hand and notarial seal the day and year in this certificate first herein written.
Notary Public in and for the State of Alaska
My Commission Expires: _____

CERTIFICATE OF APPROVAL BY THE PLATTING AUTHORITY

I hereby certify that this subdivision plat has been found to comply with the regulations of Title 17-52, Final Plats, of the Fairbanks North Star Borough Code of Ordinances, and that said plat has been approved.
PRELIMINARY PLAT
DATE: 6/16/2021

STUTZMANN ENGINEERING ASSOCIATES, INC.
P.O. BOX 71429, FAIRBANKS, ALASKA 99707-1429
OFFICE AT 9 ADAMS AVENUE | (907) 452-6084 | FAX 526-7927
THIRTIETH AVENUE SUBDIVISION AND THE REPLAT OF LOT 2A TRACT H ASLS 87-17 AND LOT 1A FAIRBANKS MONTESSORI SUBDIVISION
(PLAT NO. 96-39 AND 2013-2)
WITH 2 1/2 SW 1/4 SEC. 16, T.16, R.1W, F.M. ALASKA FAIRBANKS, BEGONING DISTRICT
FOR: FAIRBANKS NORTH STAR BOROUGH, FAIRBANKS MONTESSORI ASSOCIATION, INC. AND VA VTA HEALTH PROJECT, INC.
SURVEYED BY: S.E.A. DATE: NA
DRAWN BY: J.D.S. DATE: 06/10/2021
CHECKED BY: J.D.S. SCALE: 1"=100' SHEET 1 OF 1

Comm. Planning Dept
JUN 16 2021
RECEIVED
SD 000-21

FILE COPY