

1 By: Bryce J. Ward, Mayor
2 Introduced: 04/23/2020
3 Advanced: 04/23/2020
4 Adopted: 06/11/2020
5

6 FAIRBANKS NORTH STAR BOROUGH

7
8 ORDINANCE NO. 2020 – 17
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10 AN ORDINANCE AUTHORIZING THE DIRECT SALE OF LOT 1 ARCTIC WINTER
11 ADVENTURES SUBDIVISION, ACCORDING TO THE PLAT FILED MARCH 26, 2019 AS
12 PLAT NO. 2019-35, WITHIN SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, F.M.,
13 RECORDS OF THE FAIRBANKS RECORDING DISTRICT, FOURTH JUDICIAL DISTRICT,
14 STATE OF ALASKA, TO THE LESSEE SVEN'S ALASKA LLC (OLD MURPHY DOME/ ELLIOT
15 HWY)
16

17 WHEREAS, The Fairbanks North Star Borough (Borough) holds good and
18 equitable title to the property known as Lot 1 Arctic Winter Adventures Subdivision,
19 according to the plat filed March 26, 2019 as plat no. 2019-35, records of the Fairbanks
20 Recording District, Fourth Judicial District, State of Alaska; and
21

22 WHEREAS, FNSBC 20.20.090(A) states that the Assembly may, by
23 ordinance, authorize the Mayor to sell Borough land directly to those holding a land
24 interest in Borough land, provided that where said interest is a lease interest it has been
25 held for four years and there has been actual use pursuant to the terms of the lease for
26 at least four years; and
27

28 WHEREAS, Sven's Alaska LLC (Sven's) entered into a lease agreement for
29 this parcel on May 18, 2015 with the Borough, having actively used the parcel pursuant
30 to the terms of the lease since its execution, and now wishes to purchase from the
31 Borough said parcel; and
32

33 WHEREAS, FNSBC 20.20.090(A) states where multiple land interest holders
34 declare their interest in purchasing the same parcel of borough land, the sale shall be
35 conducted by sealed bid auction between them; and
36

37 WHEREAS, Land Management reviewed records for the property and
38 identified mining claim holders on an adjoining parcel which are impacted by the proposed
39 sale; and
40

41 WHEREAS, Those mining claim holders identified as impacted by the
42 proposed sale were notified and given an opportunity to competitively bid for acquisition
43 of the sale parcel, having done so with an unsuccessful bid.

44 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
45 North Star Borough:

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47 Section 1. This ordinance is not of a general and permanent nature and
48 shall not be codified.

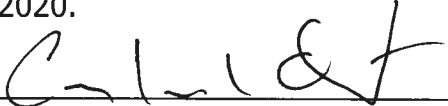
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50 Section 2. Authorization. The parcel proposed for sale meets the
51 conditions of FNSBC 20.20.090 for a direct sale to the lessee. The Borough Mayor is
52 authorized to take all actions and execute all documents necessary to convey the
53 Borough's interest in Lot 1 Arctic Winter Adventures Subdivision, according to the plat
54 filed March 26, 2019 as plat no. 2019-35, records of the Fairbanks Recording District,
55 Fourth Judicial District, State of Alaska within Section 14 T.2N, R.1W, F.M., shown on
56 Exhibit "A" Map, to Sven's Alaska, LLC by Warranty Deed. The Borough Mayor is further
57 authorized to offer financing with a ten percent down payment and requiring a 10 year
58 deed of trust guarantee to the Borough as Beneficiary. An interest rate of six (6)
59 percentage points above the then Federal Discount Rate shall be applied to the balance
60 owed.

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62 Section 3. Effective Date. This ordinance is effective at 5:00 p.m. on the
63 first Borough business day following its adoption.

64
65 ADOPTED THE 11TH DAY OF JUNE 2020.



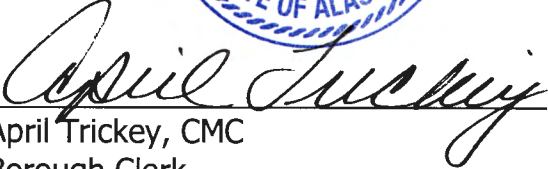
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Christopher Quist
Presiding Officer

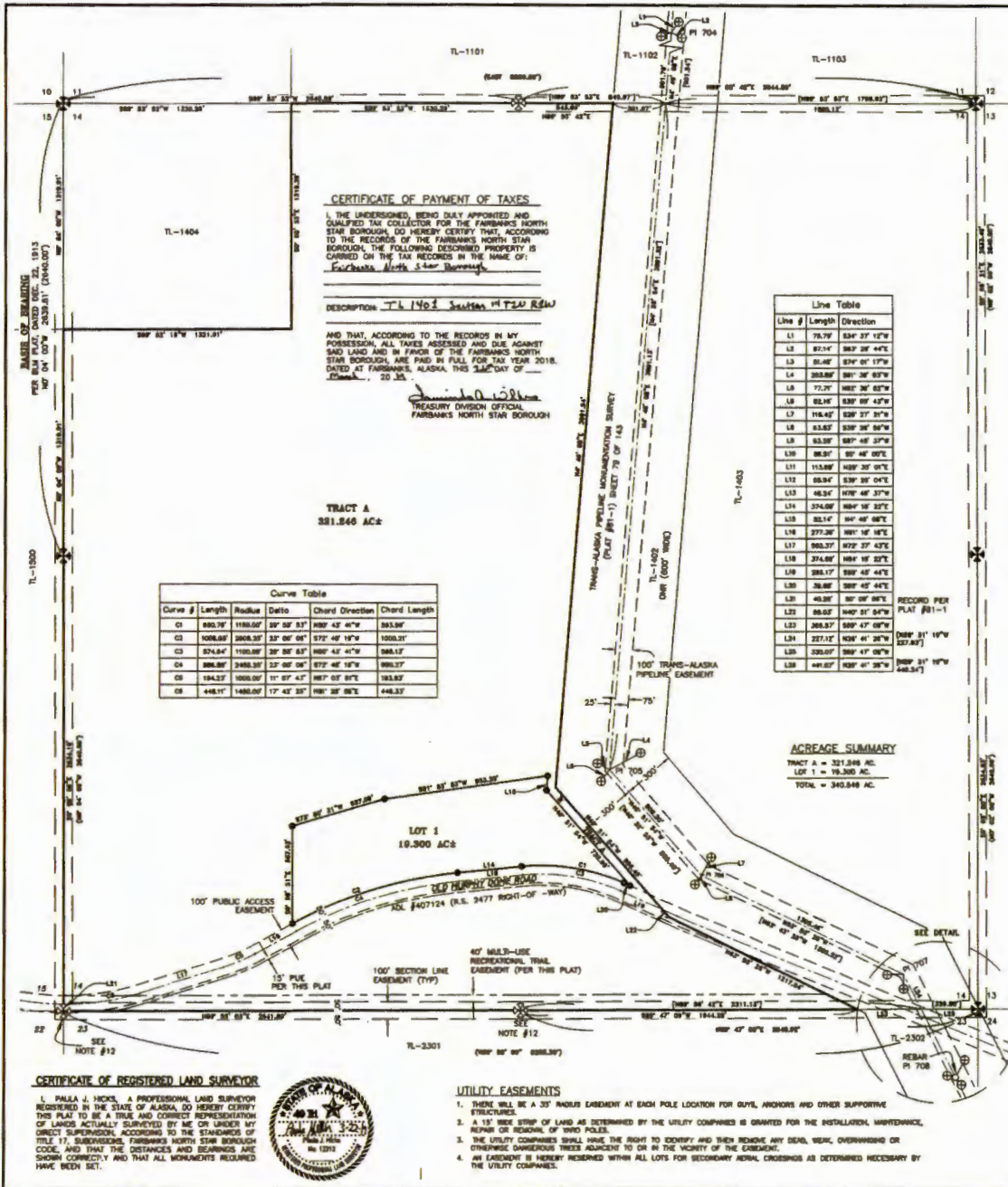
76 ATTEST:

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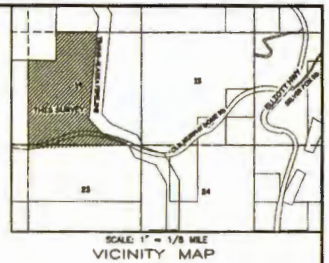
April Trickey, CMC
Borough Clerk

Yeses: Williams, Cash, Tomaszewski, O'Neill, Cooper, Lojewski, Lyke, Quist
Noes: None
Other: Sanford (Excused)



NOTES

- SOIL FOR THIS SUBDIVISION IS ESTER PEAT & MILMOCK-STEEDE COMPLEX, PER SOIL SURVEY (DEPT. 2017).
- THIS AREA IS WITHIN FLOOD ZONE "1" PER FEMA MAPPING DATED MARCH 17, 2014.
- PORTIONS OF THIS SUBDIVISION MAY CONTAIN METHANOL IF DEVELOPMENT PLANS DETAIL THE DISCHARGE OR PLACEMENT OF DREGDED AND/OR FILL MATERIAL INTO THESE WETLANDS. SIGNATURE OF AN INDIVIDUAL EMPLOYED BY THE ARMY CORPS MAY BE REQUIRED PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT PRIOR TO WETLANDS WORK.
- REFER TO ARMY CORPS & DIRECTIONAL DETERMINATION FOA-2016-384 (DATED 8-28-2016) FOR NEIGHBOR INFORMATION WITHIN LOT 1.
- ON AUGUST 18, 2018 THE FRESH PLATTING BOARD APPROVED A VARIANCE FROM PUBLIC 17.88.192.D TO ALLOW FOR SURFACE COURSE THAT DOES NOT MEET CURRENT TITLE 17 STANDARDS ON OLD MURPHY DOCK ROAD.
- ON NOVEMBER 21, 2018 THE FRESH PLATTING BOARD APPROVED A VARIANCE FROM PUBLIC 17.88.192.D TO ALLOW FOR NO MONUMENTS ARE REQUIRED TO BE SET FOR THE REMAINDER PARCEL, TRACT A.
- ON NOVEMBER 21, 2018 THE FRESH PLATTING BOARD APPROVED A VARIANCE FROM PUBLIC 17.88.192.D TO NOT CONSTRUCT A TEMPORARY TURNAROUND WITHIN THE OLD MURPHY DOCK ROAD RIGHTS-OF-WAY.
- ON NOVEMBER 21, 2018 THE FRESH PLATTING BOARD APPROVED A VARIANCE FROM PUBLIC 17.88.192.D TO WAIVE THE REQUIREMENT FOR ROAD INSPECTIONS AT THE ADDITIONAL DRIVEWAYS INTO THE OLD MURPHY DOCK ROAD RIGHT-OF-WAY FROM LOT 1 ARE PROHIBITED.
- A FRESH DRIVEWAY PERMIT IS REQUIRED FOR NEW DRIVEWAYS OR MODIFICATION OF EXISTING DRIVEWAYS WITHIN THE OLD MURPHY DOCK ROAD BOISE-OF-WAY. LOT 1 IS LIMITED TO A TOTAL OF TWO DRIVEWAYS ONTO OLD MURPHY DOCK ROAD. ADDITIONAL DRIVEWAYS INTO THE OLD MURPHY DOCK ROAD RIGHT-OF-WAY FROM LOT 1 ARE PROHIBITED.
- A 40' RECREATIONAL TRAIL, ENDED ON THIS PLAT IS DEDICATED TO THE PUBLIC FOR THE OLD MURPHY DOCK ROAD TRAIL, KNOWN AS TRAIL 1-AS IN THE FRESH COMPREHENSIVE RECREATIONAL TRAIL PLAN. REFER TO THE CURRENT TRAIL PLAN FOR INFORMATION AND RECOMMENDATIONS REGARDING THIS TRAIL.
- THE SOUTHWEST CORNER AND THE SOUTH 1/4 CORNER OF SECTION 14 WERE NOT RECOVERED. NO BEARING TREES, SIX PITS OR MONUMENTS WERE RECOVERED. (REAR-BOUND NOTES JAN. 18, 1913) WE CONDUCTED ONE AND THEY PROVIDED AN AS-BUILT SURVEY DATED JAN. 1917, COMPLETED BY STUTZMANN ENGINEERING. THIS AS-BUILT SHOWED TIES TO THE RECOVERED SECTION CORNER AND 1/4 CORNER. WE DETERMINED THAT THE AS-BUILT SURVEY PROVIDED THE BEST AVAILABLE EVIDENCE FOR RE-SETTING THE SOUTHWEST CORNER AND THE SOUTH 1/4 CORNER OF SECTION 14.
- THE PURPOSE OF THIS PLAT IS TO CREATE LOT 1 & TRACT A.
- LEGAL DESCRIPTION: THE SOUTH 1/2; THE NORTHWEST 1/4; THE SOUTH 1/2 OF THE NORTHWEST 1/4; THE NORTHWEST 1/4 OF THE NORTHWEST 1/4; ALL IN SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, FARMBURG MERIDIAN LYING WEST AND SOUTHWESTERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE TRANS-ALASKA OIL PIPELINE RIGHT-OF-WAY, EXCLUDING A 800 FOOT CORRIDOR, 300 FEET EACH SIDE OF THE CENTERLINE OF THE TRANS-ALASKA OIL PIPELINE, SUBJECT TO THE OLD MURPHY DOCK ROAD RIGHT-OF-WAY (DELA BEAR, HANMER FORDS), SUBJECT TO MINERAL CLOSING ORDER NO. 38 & 43, RECORDS OF THE FARMBURG RECORDING DISTRICT, FOURTH JUDICIAL DISTRICT, STATE OF ALASKA.



CERTIFICATE OF CORPORATE OWNERSHIP DEDICATION AND COMPLIANCE

I HEREBY CERTIFY THAT THE FARMBURG NORTH STAR BOROUGH IS THE OWNER OF THE SPECIFIED PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPTS THIS PLAN OF SUBDIVISION WITH ITS FREE CONSENT AND DEDICATES 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, SUBDIVISIONS, FARMBURG NORTH STAR BOROUGH CODE.

DATE: 22 March, 2019

BY: *Sandra Mota*
SANDRA MOTA, LAND MANAGER

UNITED STATES OF AMERICA)
STATE OF ALASKA)
FOURTH JUDICIAL DISTRICT)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 22 DAY OF March, 2019 BY SANDRA MOTA, MANAGER OF THE DIVISION OF LAND MANAGEMENT FOR THE FARMBURG NORTH STAR BOROUGH, A MUNICIPAL CORPORATION OF THE STATE OF ALASKA, ON BEHALF OF THE SUBDIVISION.

Wendy Kenna
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 12/31/2021

CERTIFICATE OF APPROVAL BY THE PLATTING AUTHORITY

I HEREBY CERTIFY THIS SUBDIVISION PLAT HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF CHAPTER 17.88, FINAL PLATS, OF THE FARMBURG NORTH STAR BOROUGH CODE OF ORDINANCES, AND THAT SAID PLAT HAS BEEN APPROVED.

FARMBURG NORTH STAR BOROUGH
COMPREHENSIVE PLAN
RECORDING DATA
FILE # 2019-25
DATE: 2019-03-29
DATE: 3/26/2019
BY: *Sandra Mota*
PLATTING OFFICER

SCALE: 1"=300'

0 100 200 300 400 500 600 700 800 900 1000 1500

ARCTIC WINTER ADVENTURES SUBDIVISION

(LEGAL DESCRIPTION PER PATENT #8018 SEE NOTE #14 ABOVE)

LOCATION: WITHIN SECTION 14 T.2N, R.1W, 23E.

OWNER: FRESH TERMINAL STREET FARMBURG, AK 99707

3-TIER ALASKA, LLC

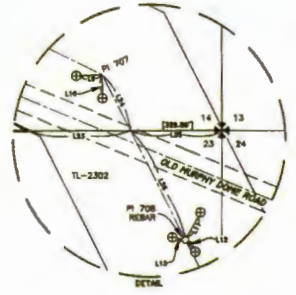
328 Driveway St. Suits 102
Fairbanks, AK 99701
(807) 481-7411

3-TIER ALASKA
CITY, ENGINEER & SURVEYOR

SCALE: 1"=300'

FILE NO: 2019-18
RECORD-18

DATE OF SURVEY: 8/16/2018



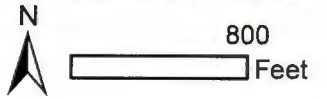
CERTIFICATE OF REGISTERED LAND SURVEYOR

I, PAULA J. HICKS, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, DO HEREBY CERTIFY THIS PLAN TO BE A TRUE AND CORRECT REPRESENTATION OF LANDS ACTUALLY SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION, ACCORDING TO THE STANDARDS OF TITLE 17, SUBDIVISIONS, FARMBURG NORTH STAR BOROUGH CODE, AND THAT THE DISTANCES AND BEARINGS ARE SHOWN CORRECTLY AND THAT ALL MONUMENTS REQUIRED HAVE BEEN SET.

Paula J. Hicks
PAULA J. HICKS
REGISTERED LAND SURVEYOR
NO. 1464
EXPIRES 12/31/2021

UTILITY EASEMENTS

- THERE WILL BE A 30' RADII EASEMENT AT EACH POLE LOCATION FOR GUY, ANCHORS AND OTHER SUPPORTIVE STRUCTURES.
- A 15' WIDE STRIP OF LAND AS DETERMINED BY THE UTILITY COMPANIES IS GRANTED FOR THE INSTALLATION, MAINTENANCE, REPAIR OR REMOVAL OF WIRE POLES.
- THE UTILITY COMPANIES SHALL HAVE THE RIGHT TO IDENTIFY AND THEN REMOVE ANY SIGNS, MARKS, OVERHANGS OR OTHERWISE DANGEROUS TREES ADJACENT TO OR IN THE VICINITY OF THE EASEMENT.
- AN EASEMENT IS HEREBY RESERVED WITHIN ALL LOTS FOR SECONDARY AERIAL CROSSINGS AS DETERMINED NECESSARY BY THE UTILITY COMPANIES.



 SALE PARCEL

AN ORDINANCE AUTHORIZING THE DIRECT SALE OF LOT 1 ARCTIC WINTER ADVENTURES SUBDIVISION, ACCORDING TO THE PLAT FILED MARCH 26, 2019 AS PLAT NO. 2019-35, WITHIN SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, F.M., RECORDS OF THE FAIRBANKS RECORDING DISTRICT, FOURTH JUDICIAL DISTRICT, STATE OF ALASKA, TO THE LESSEE SVEN'S ALASKA LLC(OLD MURPHY DOME/ ELLIOT HWY).

