

Introduced By: Mayor Cleworth  
Date: October 8, 2012

**RESOLUTION NO. 4546**

**A RESOLUTION ACCEPTING THE CONVEYANCE OF PUBLIC IMPROVEMENTS  
CONSTRUCTED BY NORTHSIDE INVESTORS, LP, NECESSARY FOR NORTHSIDE  
BUSINESS PARK.**

**WHEREAS**, on September 10, 2007, the City of Fairbanks did enter into a Development Agreement with Northside Investors, Limited Partnership, providing for design and construction by the Developer of certain improvements to be conveyed to the public, including the streets and drainage system and street light system; and

**WHEREAS**, this Agreement provides for the City of Fairbanks to assume ownership, operation, and maintenance of these public improvements; and

**WHEREAS**, construction of these improvements is complete, and the facility has been inspected and found to meet City standards; and

**WHEREAS**, it is incumbent upon the City Council to accept this conveyance.

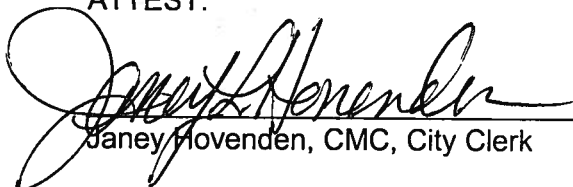
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS**, that the City accepts the conveyance of the public improvements as described by the attached Warranty Bill of Sale and will own, operate, and maintain the system; the Mayor is authorized to execute the attached Warranty Bill of Sale required for accepting these public improvements from the Developer.

**PASSED and APPROVED** this 8th Day of October 2012

  
\_\_\_\_\_  
**JERRY B. CLEWORTH, MAYOR**

AYES: PASSED and APPROVED on the Consent Agenda  
NAYS:  
ABSENT:

ATTEST:

  
\_\_\_\_\_  
Janey Movenden, CMC, City Clerk

APPROVED AS TO FORM

  
\_\_\_\_\_  
Paul J. Ewers, City Attorney



**City Of Fairbanks  
Engineering Department**

**MEMORANDUM**

To: Mayor Cleworth and Council Members  
From: Michael J. Schmetzer, PWD Director / City Engineer  
Subject: Northside Business Park Project  
Date: October 2, 2012

Approval of the attached resolution is recommended authorizing the Mayor to execute the Warranty Bill of Sale required for accepting public improvements from the Developer in the Northside Business Park (Phase I). As part of the development, located north of the Johansen Expressway just across the intersection of the Johansen Expressway and the Old Steese Highway, certain public improvement have been designed and constructed by the Developer. These improvements include the street and drainage system and a street light system. (Utilities necessary to serve the new subdivision were designed in coordination with public improvements, yet constructed and accepted by the utility companies under separate agreements.)

In order to make these privately funded improvements available to the public, the City of Fairbanks has entered into a Developer Agreement with Northside Investors, LP., to construct these improvements to City standards, and upon completion, to convey the improvements to the City.

Construction of the improvements is now satisfactorily complete, acceptance testing is approved, and the Developer has submitted a Warranty Bill of Sale requesting conveyance. City Council acceptance is requested.

cc: Robert H. Pristash, Engineer IV  
Gerald S. Colp, Engineer III

file: Nside recommendation.doc

# NORTHSIDE BUSINESS PARK

## WARRANTY BILL OF SALE

BE IT KNOWN, that pursuant to Section 1.17 of the Developer Agreement for NORTHSIDE BUSINESS PARK entered into by the parties hereto dated September 10, 2007, and for good and sufficient consideration, the receipt of which is hereby acknowledged, NORTHSIDE INVESTORS, LIMITED PARTNERSHIP, 1080 Woodview Dr., Fairbanks, Alaska, 99712, hereinafter referred to as Seller, does hereby sell, transfer and deliver to the City of Fairbanks, hereinafter referred to as City, a municipal corporation of the State of Alaska, with address for purposes hereof of 800 Cushman Street, Fairbanks, Alaska 99701-4615, and to its successor and assigns, the following described chattels and personal property.

**Section 1.** The following described public improvements are hereby conveyed to the City.

**A. STREET AND DRAINAGE SYSTEM:** Phase I portion of the public street system will include approximately 1,520 linear feet of paved streets according to the Replat of Tract C, Bentley Trust North Subdivision, Plat No. 2006-188, recorded as Fairbanks Plat No. 2012-38, dated June 13, 2012. The southern portion of Northside Boulevard between the Johansen Expressway and Harold Bentley Avenue is approximately 320 feet in length and shall consist of a 3-lane to 4-lane divided street with concrete median. The northern portion of Northside Boulevard is expected to be constructed as part of future phases. This phase of Harold Bentley Avenue is approximately 1,200 feet in length and is also a paved three-lane facility having 12 foot lanes with 2 foot shoulders (totaling 40 foot paved width). Its typical section contains a continuous 2% cross slope draining north to a drainage easement along the north side of Harold Bentley Avenue typically containing a flat bottom ditch.

Pedestrian facilities currently include a 6 foot wide sidewalk with curb and gutter on the west side of Northside Boulevard and a portion of Harold Bentley Avenue in front of the sewer lift station. Additional curb, gutter and sidewalk is being constructed by others in the development of their frontage within this platted area.

Associated public traffic signing (includes regulatory signs and street name signs at the intersection of Northside Boulevard and Harold Bentley Avenue) and traffic markings are also provided.

The storm drain system includes 2 each 18-inch diameter cross culverts to convey drainage from Northside Boulevard beneath Harold Bentley Avenue to a continuous flat bottom ditch along the north side of Harold Bentley Avenue. Surface water runoff collected on Harold Bentley Avenue also drains into the roadside ditch along the north side of Harold Bentley Avenue.

## NORTHSIDE BUSINESS PARK

**B. STREET LIGHT SYSTEMS:** The public street lighting system includes four 250 watt high pressure sodium roadway type luminaires mounted on metal standards at the intersection of Northside Boulevard and Harold Bentley Avenue and along Northside Boulevard with associated hardware, load center, buried junction boxes, and underground circuitry.

**Section 2.** With the limitations hereinafter provided, the Seller warrants to the City that they are vested with good and sufficient title to said property, that they have full authority to sell and transfer said property and that said property is free and clear of all liens, encumbrances, liabilities and adverse claims of whatsoever nature except for drainage easements shown on plat number 2012-38 filed in the Fairbanks Recording District.

**Section 3.** The Seller further warrants to the City that it will fully defend, protect, indemnify and hold harmless the City and its successor and assigns from any adverse claims thereto.

**Section 4.** The warranty covenants provided in Sections 2 and 3, above, or that may otherwise be implied are limited to conveyance of the improvements described in Section 1.

**In Witness Whereof**, the parties hereto have executed this instrument on the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

Seller:

NORTHSIDE INVESTORS, LP

By:   
Daniel Himebauch, Manager

Accepted by:

CITY OF FAIRBANKS

By: \_\_\_\_\_  
Jerry B. Cleworth, City Mayor

Approved as to Form: \_\_\_\_\_  
Paul J. Ewers, City Attorney

Approved as to Content: \_\_\_\_\_  
Michael J. Schmetzer, PWD Director / City Engineer