

Introduced By: Mayor Jerry Cleworth  
Date: April 11, 2011

**ORDINANCE NO. 5840**

**AN ORDINANCE AUTHORIZING CONVEYANCE OF AN EASEMENT UPON CITY PROPERTY REQUESTED BY THE ALASKA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF THE ILLINOIS STREET RECONSTRUCTION PROJECT**

**WHEREAS**, the Alaska Department of Transportation (ADOT) has funding for design and right of way acquisition for the "ILLINOIS STREET RECONSTRUCTION PROJECT STP-F-M-0663(4)/63102" (the "Project") affecting Barnette and Illinois Streets, and

**WHEREAS**, the Project will construct a new Barnette Street Bridge over the Chena River, reconstruct the Cushman Street Bridge, Cushman and Illinois Streets from First Avenue to Minnie Street, providing wider driving lanes, sidewalks, storm drains, and other amenities, providing pedestrians and the traveling public with safer and more convenient routes; and

**WHEREAS**, construction of the Project will require ADOT acquisition of utility pole easement on City-owned Lot 1, Block 4, Fairbanks Townsite, adjoining the Cushman Street Bridge at First Avenue, as shown on attached "Exhibit A", for the purpose of relocating an existing traffic signal pole; and

**WHEREAS**, ADOT has performed an internal appraisal of the property by which the value was established at \$3,400; and

**WHEREAS**, the City Property Manager has reviewed said appraisal and finds the value conclusion reasonable and supported; and

**WHEREAS**, ADOT, by letter shown as attached "Exhibit B", has agreed to compensate the City in the amount of \$3,400, in accordance with the full appraised value; and

**WHEREAS**, it is the sense of the City Council that a conveyance of an easement over the specified City owned real property to ADOT for the purposes mentioned hereinabove is in the best interest of the public.

**NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA**, as follows:

**SECTION 1.** That the Mayor is hereby authorized to execute the easement document shown on attached "Exhibit C" conveying rights to said Lot 1, Block 4, Fairbanks Townsite from the City to ADOT, and to

execute such other instruments as necessary to transfer the easement to ADOT, and the City Clerk is hereby authorized and directed to attest and affix the City Seal to said instruments.

SECTION 2. That conveyance of the property shall be subject to a thirty-day permissive referendum period as required under Fairbanks General Code of Ordinances Section 70-42, and the City Charter.

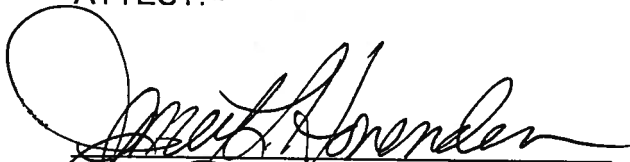
SECTION 3. That the effective date of this ordinance shall be the 30th day of April, 2011.


  
\_\_\_\_\_  
Jerry Cleworth, Mayor

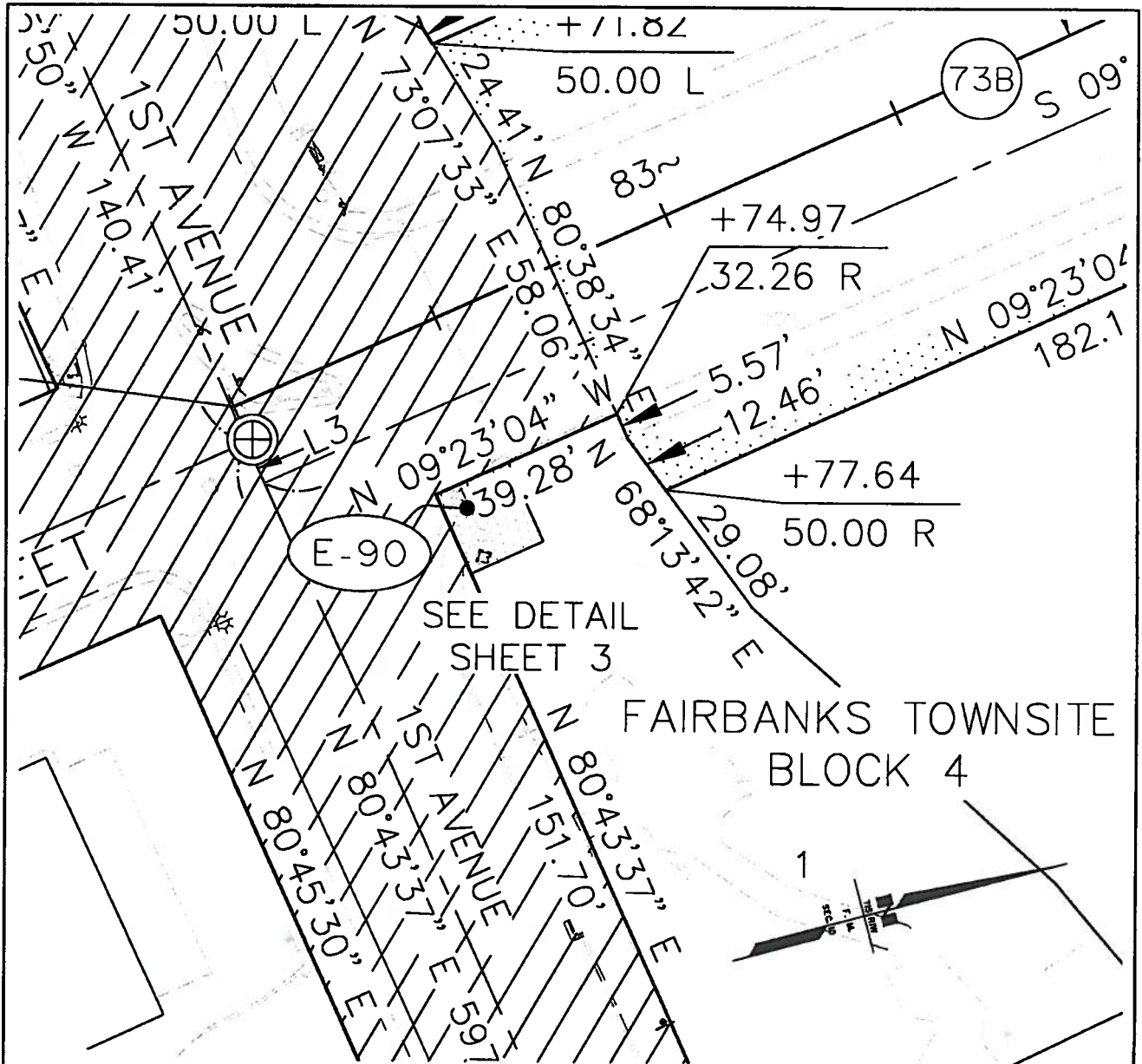
AYES: Gatewood, Roberts, Matherly, Stiver, Bratcher  
NAYS: None  
ABSTAIN:  
ABSENT: Eberhart  
ADOPTED: April 25, 2011

ATTEST:

APPROVED AS TO FORM

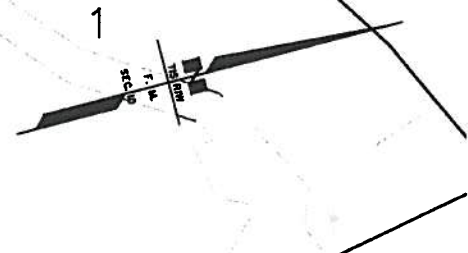
  
\_\_\_\_\_  
Janey Hovenden, CMC, City Clerk

  
\_\_\_\_\_  
Paul Ewers, City Attorney



BARNETTE - PROJECT CENTERLINE		
B STATION	BEARING	DISTANCE
BOP=500+00.00	N 15°41'15" E	281.31'
PC=502+81.31		

OWNER: CITY OF FAIRBANKS



SCALE IN FEET

0 15 30 60

SHEET 2 OF 3

**STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES**

RIGHT OF WAY REQUIRED FOR  
**ILLINOIS ST. RECONSTRUCTION**  
 STP-F-M-0663(4) / 63102

OWNER'S INITIAL \_\_\_\_\_  
 ATTACHED TO \_\_\_\_\_  
 PAGE \_\_\_ OF \_\_\_ DATED \_\_\_\_\_

GROSS ACQUISITION \_\_\_\_\_ 270 S.F.  
 NET ACQUISITION \_\_\_\_\_ 270 S.F.  
 DRAWN BY DJJ REMAIN \_\_\_\_\_ 0 S.F.

CHECKED BY \_\_\_\_\_ DATE 01/28/11 **PARCEL NO. E-90**

**EXHIBIT 'A' TO ORD. 5840**

**SEAN PARNELL, GOVERNOR**

2301 PEGGER ROAD  
FAIRBANKS, ALASKA 99709-5399  
TELEPHONE: (907) 451-5407  
TDD: (907) 451-2363  
FAX: (907) 451-5411  
1-800-475-2464

**DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES**

*NORTHERN REGION, PRECONSTRUCTION*

November 16, 2009

Re: Illinois Street Reconstruction  
Project No. STP-F-M-0663(4)/63102  
Parcel E90

Patrick Smith  
City of Fairbanks  
800 Cushman St.  
Fairbanks, Alaska 99701

Dear Mr. Smith:

As you are aware, the State of Alaska, Department of Transportation and Public Facilities (DOT/PF) proposes to reconstruct the Barnette Street and Illinois Street corridor in downtown Fairbanks. The overall project includes new roadway construction, roadway reconstruction, bridges, traffic signals, drainage, lighting, sidewalks and safety improvements.

Construction of this project requires acquisition of property for new right of way. An easement is necessary at the corner of Lot 1, Block 4 located at the corner of 1<sup>st</sup> Avenue and Cushman Street in Fairbanks, Alaska. I am the DOT&PF agent assigned to complete this transaction.

The property has been examined by qualified appraisers who have considered all the elements that contribute to its market value. The market value of your property has been determined to be \$3,375.00 for approximately 270 square feet at \$12.50 per square foot. This letter constitutes an offer to purchase parcel E90, for the market value of ~~\$4,000.00~~ **\$ 3, 400.00**. A copy of the appraisal is provided for your review and records.

Enclosed is an Easement with a legal description of the parcel. I have also included a Memorandum of Agreement and Purchase Voucher for your consideration and approval.

The enclosed documents will need to be signed, dated, and notarized where indicated. For your convenience, I am a Notary Public for the State of Alaska. Once the documents have been completed, they should be returned to me for processing.

**EXHIBIT 'B' TO ORD. 5840**

*"Providing for the movement of people and goods and the delivery of state services."*

The enclosed brochure will provide additional information about the right of way acquisition procedures. Please feel free to contact me at 451- 5448 or via e-mail at [Doreen.Self@Alaska.Gov](mailto:Doreen.Self@Alaska.Gov) with any questions or comments. I look forward to hearing from you.

Sincerely,



Doreen S. Self  
Right of Way Agent

DSS

Enclosures: Easement  
Parcel Plats  
Right of Way Map  
Appraisal  
Memorandum of Agreement  
Purchase Voucher  
Brochure



STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES

**EASEMENT**  
(Municipal/Corporate/Partial Property)

PROJECT NAME: ILLINOIS ST. RECON.

STATE PROJECT #: 63102

FEDERAL-AID PROJECT #: STP-F-M-0663(4)

PARCEL #: E90

The GRANTOR, the City of Fairbanks, whose mailing address is 800 Cushman Street, Fairbanks, Alaska 99701, for and in consideration of Three Thousand Four Hundred and 00/100 (\$3,400.00) DOLLARS, and other valuable consideration, in hand paid, conveys and warrants to the GRANTEE, STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES, whose mailing address is 2301 Peger Road, Fairbanks, Alaska 99709, its successors or assignees, a perpetual, full and unrestricted easement and right-of-way along, over, and across the following-described tract of land located in the State of Alaska: All that part of the following-described land:

A parcel of land located within Lot One (1), Block Four (4), Fairbanks Townsite, according to the L.S. Robe Map of 1909 reproduced by Karl Theile U.S. Surveyor General in 1922, Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska, and more particularly described as follows:

**Commencing** at the Southwest corner of said Lot 1, said corner also being at the intersection of the right of way of 1st Avenue and Cushman street and the **True Point of Beginning**;

**Thence** N 09°19'40" W along said Cushman Street Right of Way a distance of 15.71 feet to a point;

**Thence** N 80°43'37" E a distance of 17.13 feet to a point;

**Thence** S 09°19'40" E a distance of 15.71 feet to a point on said 1st Avenue Right of Way line;

**Thence** S 80°43'37" W along said Right of Way line a distance of 17.13 feet to the **True Point of Beginning**;

Said parcel contains 270 square feet [0.006 acres +/-].

which lies within the easement of right-of-way lines of Alaska Project No. 63102, delineated as to said tract of land on the plat attached hereto and made a part hereof as page five through seven of this instrument and designated as Parcel No. E90. Said parcel, containing 270 square feet, more or less, in addition to existing right-of-way, is hereby granted to the State of Alaska for the purpose of installing and maintaining a new utility/signal pole.

The Grantor hereby covenants with the State of Alaska that the Grantor has good title to the above-described tract of land and covenants that the State of Alaska shall have quiet and peaceable possession thereof; and shall have a free and unrestricted right to maintain said facilities as long as the right-of-way of which this easement area is a part, remains a public way.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

**ATTEST:**

**City of Fairbanks**

\_\_\_\_\_  
Janey Hovenden, City Clerk

By: \_\_\_\_\_  
Jerry Cleworth, Mayor

**Approved as to Form:**

By: \_\_\_\_\_  
Paul Ewers, City Attorney





**CERTIFICATE OF ACCEPTANCE**

THIS IS TO CERTIFY that the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, Grantee herein, acting by and through its Commissioner, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

By: \_\_\_\_\_  
For the Commissioner

Filed for Record at the Request of and  
Return to:  
  
State of Alaska  
DOT&PF – Right of Way  
2301 Peger Road  
Fairbanks, AK 99709  
  
State Business – No Charge