

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

ORDINANCE NO. 5841

**AN ORDINANCE AUTHORIZING A UTILITY EASEMENT FOR THE
CHIEF ANDREW ISAAC HEALTH CENTER**

WHEREAS, Tanana Chiefs Conference (TCC) is advancing construction of a new seventy-million dollar health center (the "Project") on lands adjacent to City-owned property, located on Cowles Street, north of the Fairbanks Memorial Hospital; and

WHEREAS, as part of the Project, TCC must relocate a GVEA power line, which power line will be reconstructed almost entirely on TCC property; and

WHEREAS, a 50-foot segment of the new GVEA power line must cross over City property at the corner of Lathrop Street and Sixteenth Avenue, known as Lot 2, Tanana Chiefs Medical Center Subdivision, and shown on attached "Exhibit A"; and

WHEREAS, GVEA has requested a grant of easement for the purposes stated above; and

WHEREAS, the City Property Manager has reviewed said easement request and finds negligible impact on City property; and

WHEREAS, it is the sense of the City Council that a conveyance of an easement over the specified City owned real property to GVEA 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 B" conveying easement rights to a portion of Lot 2, Tanana Chiefs Medical Center Subdivision from the City to GVEA, and to execute such other instruments as necessary to transfer the easement to GVEA, 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.

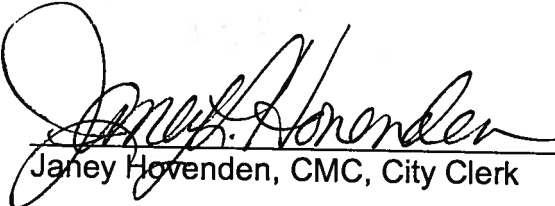
SECTION 3. That the effective date of this ordinance shall be the 25th day of April, 2011.



Jerry Cleworth, Mayor


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

ATTEST:



Janey Howenden, CMC, City Clerk

APPROVED AS TO FORM



Paul Ewers, City Attorney

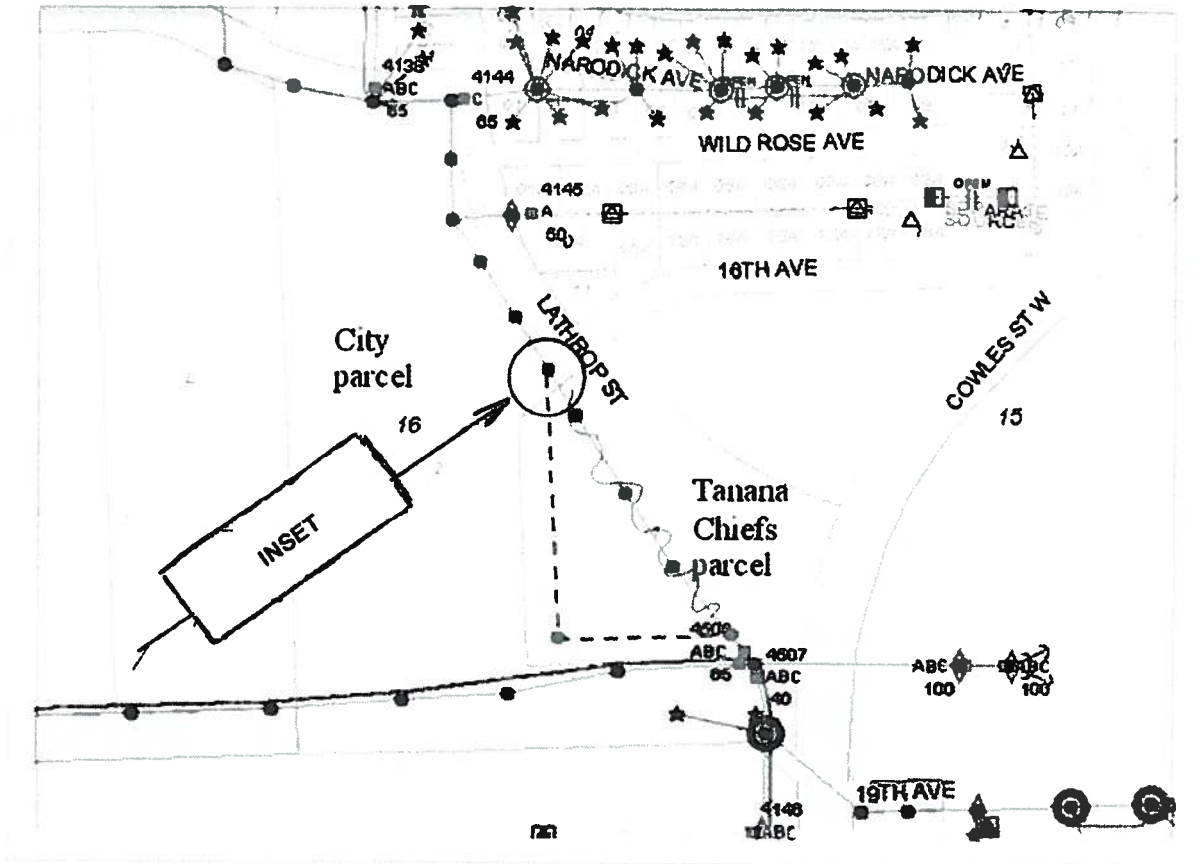
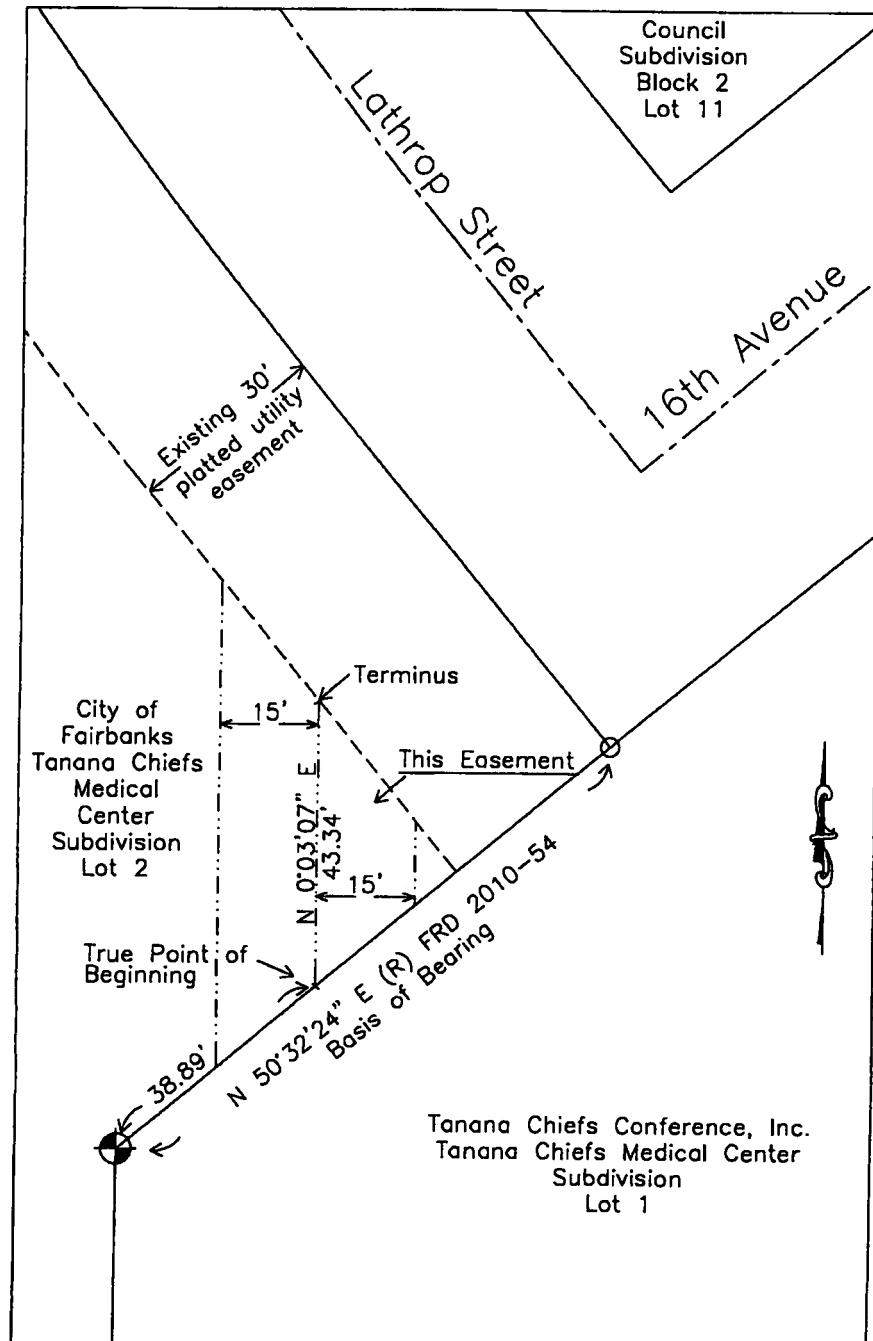


EXHIBIT "A", Page 1 of 2
Ordinance 5841



Recovered Primary Survey Monument	⊙	LEGEND	New GVEA Centerline	⊙
Recovered Secondary Survey Monument	⊙		Existing Power Pole	⊙
Recovered Concrete Highway Monument	□		New Power Pole	○
Golden Valley Electric Association Right of Way Exhibit				
GV Exhibit "A"	NAME : City of Fairbanks			
	LOCATION : Lathrop Street at 16th Avenue			
	SUBDIV. : Tanana Chiefs Medical Center		BLOCK : 1	LOT : 2
	CONTROL : W.O. : 201100007			
	TOWNSHIP : 1S	RANGE : 1W	SECTION : 18	F.M.
	GVEA MAP : 3-0101D	SCALE : 1"=20'		DATE : 3/18/11
DRAWING : C:\Stating\McNeil\BigPro\TCC-Medical\201100007e.dwg				BY : BCM

Return to: Golden Valley Electric Association
PO Box 71249, Fairbanks, AK 99707

GVEA RIGHT-OF-WAY EASEMENT

FOR VALUE RECEIVED, the City of Fairbanks, with an address of 800 Cushman St., Fairbanks, AK 99701 ("Grantor") hereby grants and conveys to GOLDEN VALLEY ELECTRIC ASSOCIATION, INC., an Alaska non-profit cooperative corporation of Fairbanks, Alaska ("Grantee"), and to its successors, assignees, licensees and permittees, a perpetual right-of-way easement for the construction, operation, maintenance, upgrade, and removal of electrical distribution, fiber, and/or telecommunications facilities and related equipment, and specifically including the right of ingress and egress to and from the right-of-way easement. The Grantee shall at all times have the right to cut and keep clear the right-of-way easement of all trees, limbs, vegetation, and other obstructions including trees on adjoining land owned by Grantor which, were they to fall, might damage Grantee's facilities or related equipment.

Grantor agrees that all such facilities and equipment installed on the described right-of-way easement at Grantee's expense shall remain the property of Grantee.

Within Lot 2 of TANANA CHIEFS MEDICAL CENTER, located in Section 16, T.1S, R.1W, F.M., according to Plat No. 2010-54 filed on May 25, 2010; records of the Fairbanks Recording District, Fourth Judicial District, Alaska.

Easement description

A 30-foot wide strip of land within said Lot 2, the sidelines to be lengthened or shortened as necessary to terminate at property boundaries, as shown and described on the attached Exhibit A.

SIGNED, ACCEPTED, AND AGREED upon on _____ by the undersigned on behalf of the Grantor, who acknowledges that he has read and understands this document and any attachments to it, and having the authority to do so, hereby conveys and warrants the right-of-way easement described above.

CITY OF FAIRBANKS, ALASKA

(CITY SEAL)

JERRY CLEWORTH, MAYOR

ATTEST:

APPROVED AS TO FORM:

JANEY HOVENDON, City Clerk

PAUL EWERS, City Attorney

ACKNOWLEDGEMENT

STATE OF ALASKA)
) ss
FOURTH JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of April, 2011, before me, the undersigned, a NOTARY PUBLIC in and for the State of Alaska, personally appeared Jerry Cleworth, the Mayor of the City of Fairbanks, and Janey Hovenden, the City Clerk of the City of Fairbanks, and that they acknowledged before me that they executed same of behalf of said municipal corporation. IN WITNESS WHEREOF, my hand and seal.

Notary Public in and for Alaska
My Commission Expires: _____

GVEA No. _____

**EXHIBIT 'B'
ORDINANCE 5841**