

Introduced By: Mayor Jerry Cleworth
Date: August 19, 2013

ORDINANCE NO. 5924

**AN ORDINANCE AUTHORIZING GRANT OF EASEMENT TO CURE A
SURVEY DEFECT AT "OLD CITY HALL"**

WHEREAS, the City is the owner of Old City Hall, located at 410 Cushman Street, which property is currently being advertised for sale pursuant to Ordinance 5886; and

WHEREAS, staff research conducted in support of the proposed sale of Old City Hall has disclosed an apparent defect in the subdivision plat of the property, being Lot 4 of Block 66A of the Plat of the Resubdivision of Blocks 48, 66, 75 and 86, Townsite of Fairbanks, dated 1959; and

WHEREAS, said Lot 4 is configured with a "flag handle" which extends in front of adjoining Lot 3, located at 406 Cushman Street, depriving said lot of legal access to the public right of way; and

WHEREAS, the City is prohibited from creating a land-locked parcel; and

WHEREAS, said adjoining Lot 3 is privately owned by City employee William Rogers, who operates McCafferty's Coffee House on the premises; and

WHEREAS, McCafferty's Coffee House was first constructed as the Gladys Morris dress shop in 1959 (the same year as said Plat), the east five feet of which building is located on the Lot 4 "flag handle" mentioned above; and

WHEREAS, an expedient short term solution is desired to enable sale of Old City Hall and cure the land-lock and encroachment conditions, which can be effected by prompt grant of easement providing legal access for private Lot 3 over City Lot 4, with cost to be borne by the City; and

WHEREAS, a long term solution is best addressed by re-plat of the properties involved, which cost shall be borne by the owner of said Lot 3.

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

SECTION 1. DETERMINATION: That grant of the easement shown on attached "Exhibit A" is approved by Council, and that the City will participate in a future replat, for the purposes described above.

SECTION 2 PERMISSIVE REFERENDUM: Any conveyance of real property is subject to the right of the voters, within thirty-days of sale, to reject a sale by permissive referendum period under F.G.C. 70-42, and the City Charter.

SECTION 3. MAYORS AUTHORIZATION: That the Mayor is hereby authorized and empowered to execute said easement and future replat and such other instruments as necessary to complete the transaction.

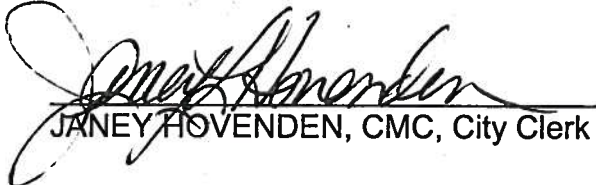
SECTION 4: That the effective date of this ordinance shall be the 14th day of September 2013.



JERRY CLEWORTH, Mayor

AYES: Hilling, Eberhart, Walley, Staley, Matherly, Gatewood
NAYS: None
ABSTAIN: None
ABSENT: None
ADOPTED: September 9, 2013

ATTEST:



JANEY HOVENDEN, CMC, City Clerk

APPROVED AS TO FORM:



PAUL EWERS, City Attorney

EXHIBIT A TO ORDINANCE No 5924

Record: Fairbanks Recording District

GRANT OF EASEMENT

THIS Easement entered into this ____ day of _____ 2013, by and between the CITY OF FAIRBANKS, a municipal corporation of the State of Alaska, with address of 800 Cushman Street, Fairbanks, Alaska, 99701, as GRANTOR, and William K. Rogers and Betty June Rogers, husband and wife, with address of 806 Cushman Street, Fairbanks, Alaska 99701, as GRANTEE,

WITNESSETH:

The GRANTOR, for good and valuable consideration, being seized in title, and duly authorized has this day granted an easement to GRANTEE (the "Easement") for the purposes of access to a public right of way and authorization of a building encroachment and all uses associated therewith, above, below and upon the following described parcel of land:

EASEMENT PARCEL

A strip of ground comprising a portion of Lot Four (4), Block Sixty-Six "A" (66A), of the Resubdivision of Blocks 48, 66, 75 and 86, TOWNSITE OF FAIRBANKS according to the plat filed November 30, 1959 as Instrument Number 195.411, records of the Fairbanks Recording District, described as follows:

Commencing at the Southeast Corner of said Lot 4, proceed N 10° 48' 15" W along the eastern lot line of said Lot 4 a distance of 57.22 feet to a point, and True Point of Beginning, continue thence N 10° 48' 15" W 1.00' to the Southeast Corner of Lot 3 of said plat, thence N 10° 48' 15" W 22.00' along the east boundary of Lot 3 to the Northeast Corner of Lot 3, thence N 79° 11' 50" E 5.00' to the Northeast corner of Lot 4, thence S 10° 48' 15" E to a point, thence S 79° 11' 45" W 5.00' to the True Point of Beginning, as shown on the attached drawing.

To Have and to Hold for so long as such easement is used or useful to the Grantee, subject to the following condition subsequent: that, pursuant to City of Fairbanks Ordinance No. 5924, Grantor and Grantee shall enter into a replat of the said Lots 3 and 4 of Block 66A, which replat shall serve the purposes of this easement. Said condition subsequent shall be binding upon the heirs and assigns of Grantor and Grantee. Upon recording of such plat in the Fairbanks Recording District, this easement shall automatically terminate.

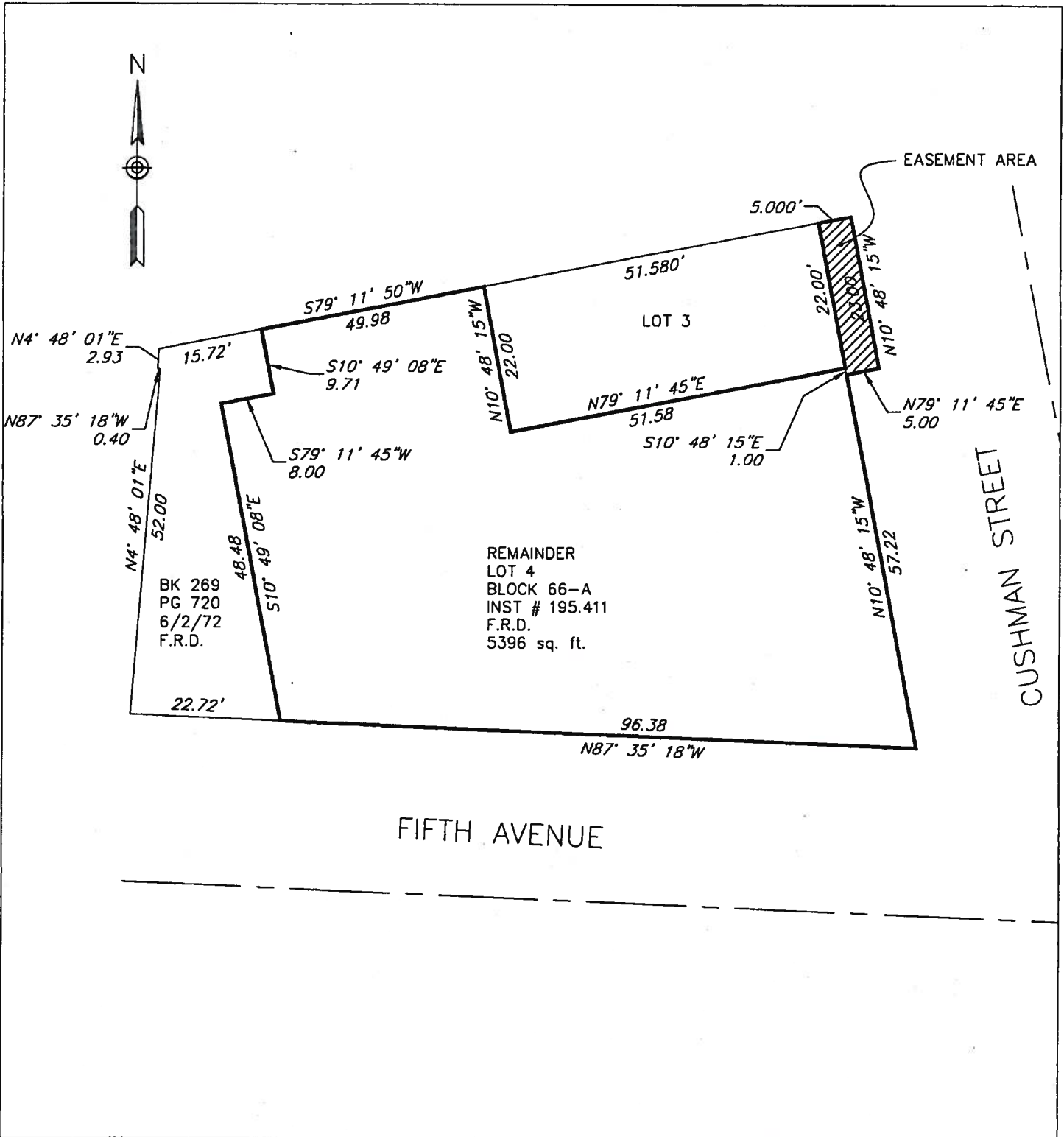


EXHIBIT A