

ORDINANCE NO. 5999

**AN ORDINANCE AUTHORIZING CONVEYANCE OF EASEMENTS
REQUESTED BY THE ADOT FOR THE NOBLE STREET UPGRADE
AND PEDESTRIAN FACILITIES PROJECTS**

WHEREAS, the Alaska Department of Transportation (ADOT) has funding for right of way acquisition and construction for the NOBLE STREET UPGRADE PROJECT STP-000S (413)/61725 (the "Noble Street Project"), and the CITY OF FAIRBANKS PEDESTRIAN FACILITIES UPGRADE PROJECT STP-002(277)/62127 (the "Pedestrian Project"); and

WHEREAS, the Noble Street Project will reconstruct driving lanes, sidewalks, utilities, traffic signals, and other amenities from Gaffney Road to First Avenue, providing pedestrians and the traveling public with safer routes; and

WHEREAS, construction of the Noble Street Project will require ADOT acquisition of one permanent parcel of land on City-owned Lot 9, Block 12, Fairbanks Townsite, adjoining Noble Street at First Avenue, referred to as Parcel 28, and one temporary construction easement ("TCE") on Lot 9, identified as Parcel TCE 28, for the purpose of installing a new traffic signal pole and load center and for temporary work space, together with one TCE on Block 39, Fairbanks Townsite, adjoining the Downtown Parking Garage, identified as TCE 48; and

WHEREAS, ADOT has performed an internal appraisal of the property, which established the value at \$4,350.00, and will compensate the City in this amount; and

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

WHEREAS, construction of the Pedestrian Project will provide ADA compliance at several locations and will require four temporary construction easements ("TCE's"), from the City, including Parcels TCE 15A and 15B, located on Lots 2 & 3, Block 42, Aurora Subdivision, adjacent the Aurora Drive Fire Station, and Parcels TCE 115A & 115B, located on Lot 6A, Block 66, Fairbanks Townsite, adjoining 5th Avenue and upon the pedestrian walkway at that location; and

WHEREAS, the permanent and temporary easements are depicted on "Exhibit A," and the easement documents are shown on "Exhibit B," both attached to this Ordinance.

WHEREAS, it is the sense of the City Council that a conveyance of the easements 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 Warranty Deed and easement documents shown on attached "Exhibit B" conveying one permanent easement and five temporary easements identified above, and to execute such other instruments as necessary to transfer the easements 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 19th day of December, 2015.





John Eberhart, Mayor

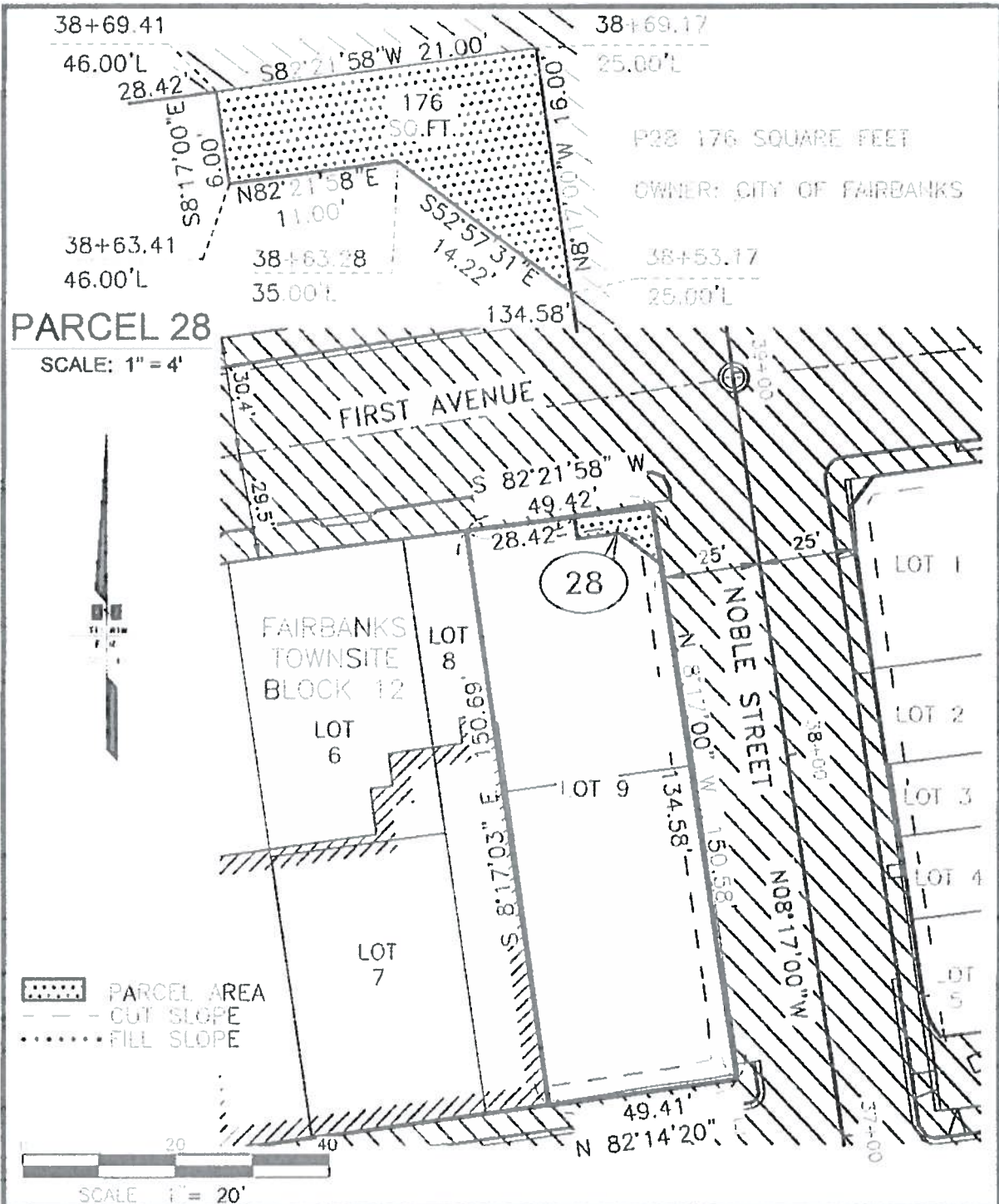
AYES: Pruhs, Gatewood, Huntington, Cleworth, Matherly, Walley
NAYS: None
ABSENT: None
ADOPTED: December 14, 2015

ATTEST:

APPROVED AS TO FORM:


Daniëlle Snider, CMC, City Clerk
Paul Ewers, City Attorney

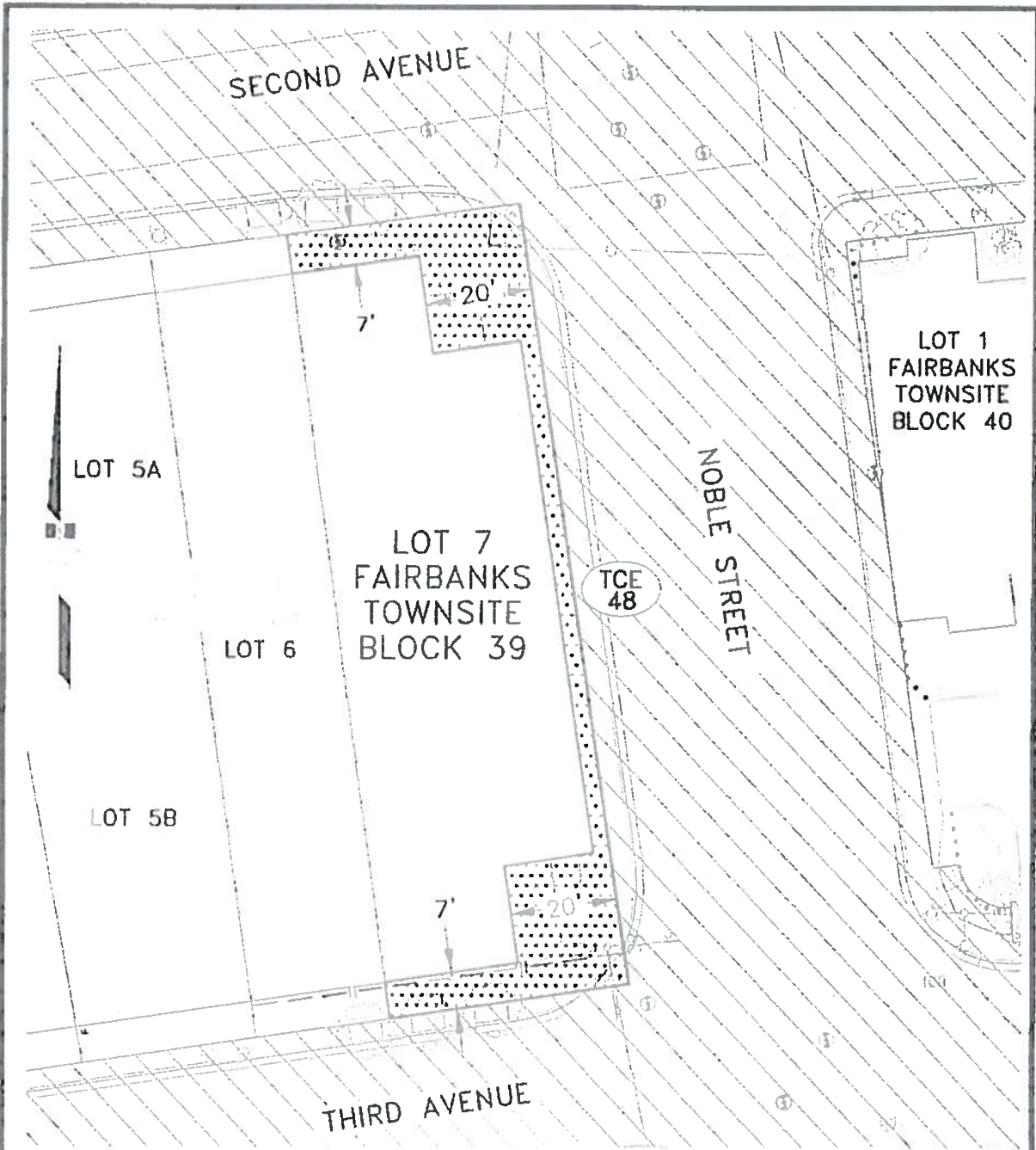
ORDINANCE NO. 5999
EXHIBIT 'A'






K:\Eng\Hwy\61725 Noble Street\A\61725 Noble Street.dwg 2015-03-27pm

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		RIGHT OF WAY REQUIRED FOR FAIRBANKS NOBLE STREET UPGRADE	
DRAWING		PROJECT NO. STP-000S(4'3) / 61725	
INITIAL		AREA 176 S.F.	PARCEL NO. 28
DATE		SCALE 1" = 20'	DATE 5/6/15
2 OF 2			

ORDINANCE NO. 5899
EXHIBIT 'A'



 TCE AREA
 CUT SLOPE
 FILL SLOPE

OWNER:
CITY OF FAIRBANKS



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

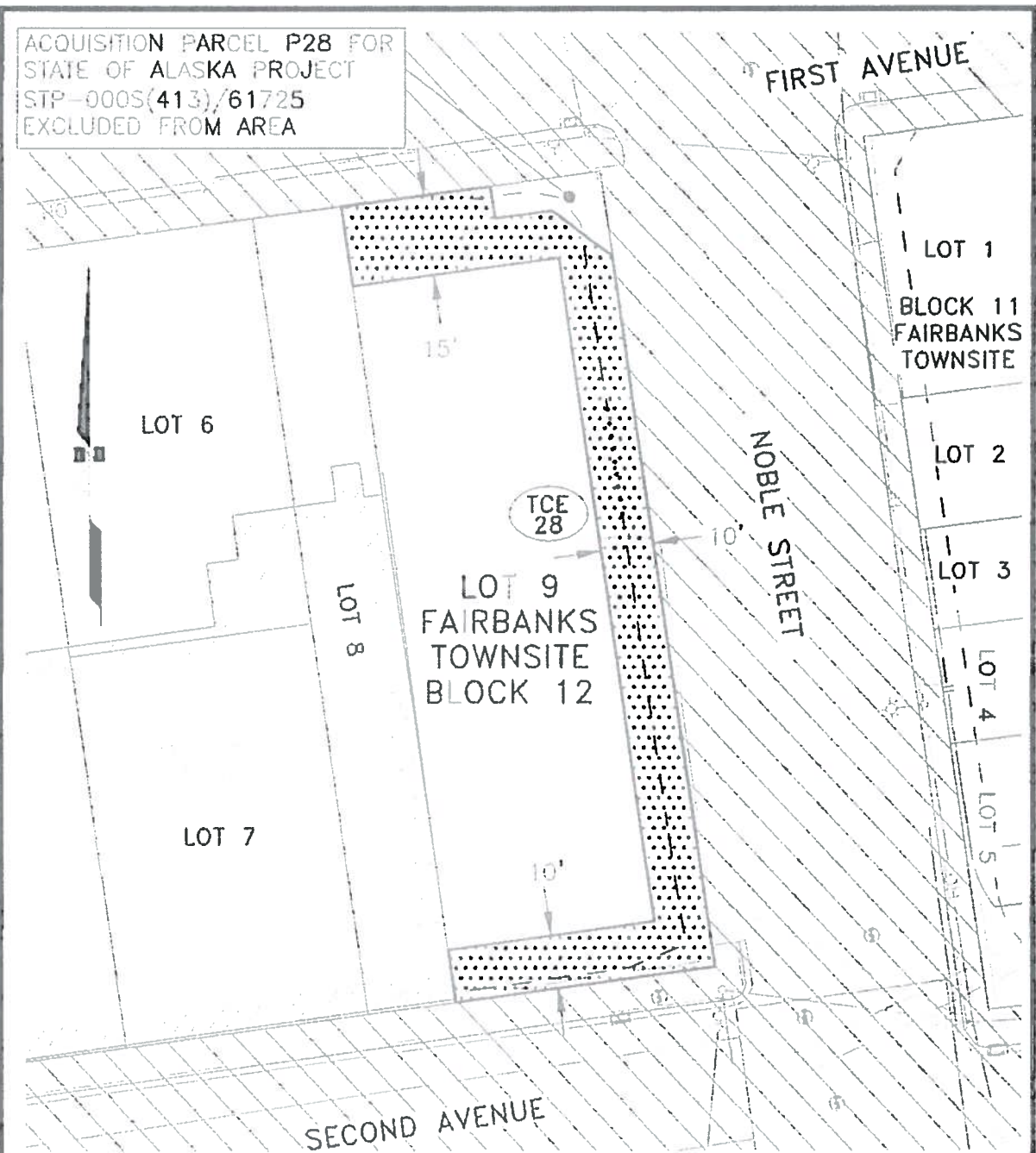
TEMPORARY CONSTRUCTION EASEMENT (TCE)
FOR
THE FAIRBANKS NOBLE STREET UPGRADE

DRAWING		PROJECT NO. STP-OCGS(413) 61725	
1 OF 1		AREA 1697 S.F.	PARCEL NO. TCE 48
INITIAL	DATE	SCALE 1" = 30'	DATE 12/18/14

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**ORDINANCE NO. 5999
EXHIBIT 'A'**

ACQUISITION PARCEL P28 FOR
STATE OF ALASKA PROJECT
STP-000S(413)/61725
EXCLUDED FROM AREA



 TCE AREA
 CUT SLOPE
 FILL SLOPE

OWNER:
CITY OF FAIRBANKS



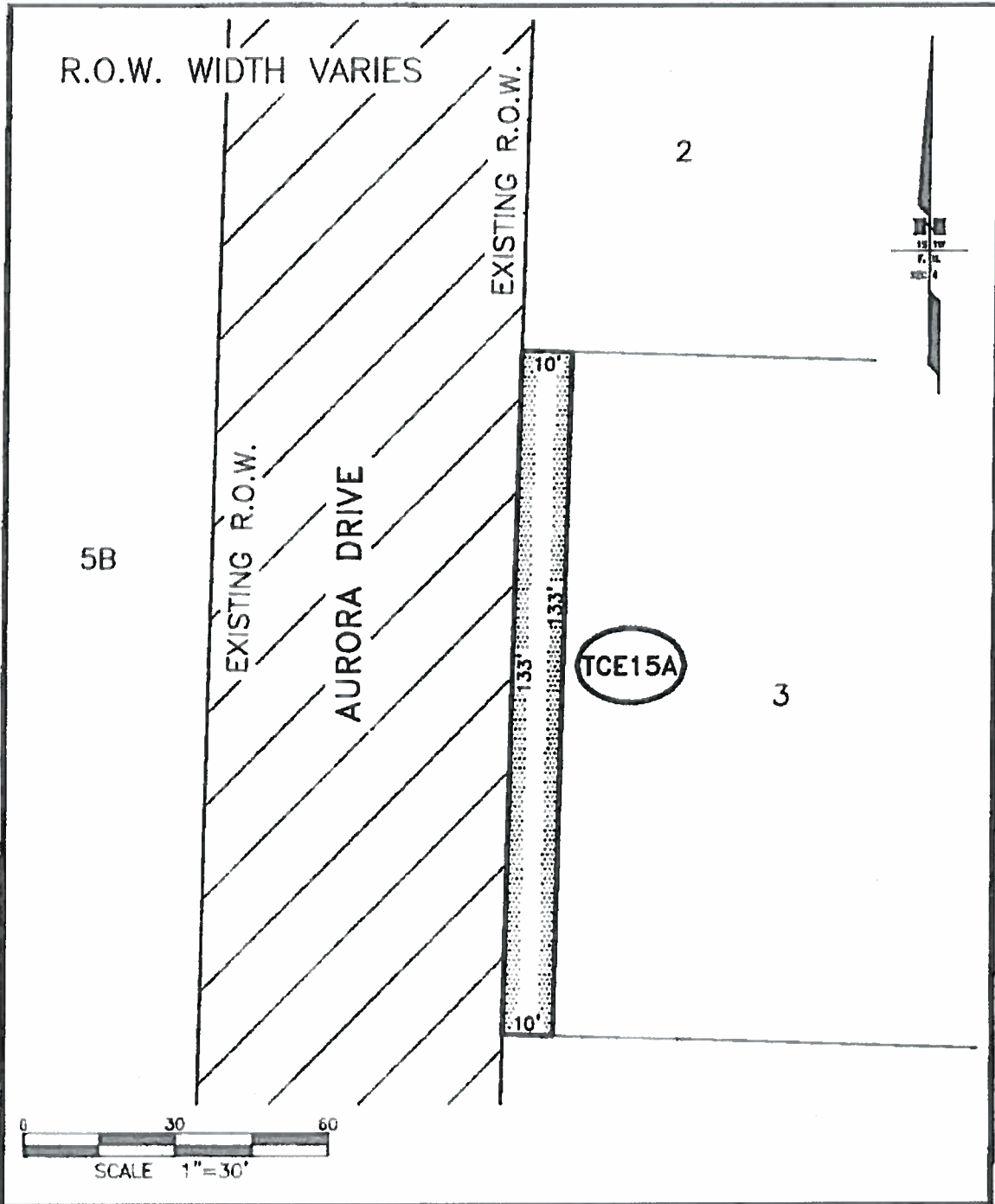
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

TEMPORARY CONSTRUCTION EASEMENT (TCE)
FOR
THE FAIRBANKS NOBLE STREET UPGRADE

DRAWING		PROJECT NO. STP-000S(413) 61725	
AREA 2315 S.F.		PARCEL NO. TCE 28	
SCALE 1" = 30'		DATE 12/23/14	
INITIAL	DATE	1 OF 1	

P:\2014\11\00\FB\TCE\1000 TCE 11 1000b.dwg Jan 03, 2015 4:26pm


ORDINANCE NO. 5989
EXHIBIT 'A'



H:\Projects\17_COP_Ped_Facilities_Upgrade\04 - PS&E\10 - Drafting\Aurora_TCE\04 16 1.Avg May 05, 2015 - 10:40am

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		TEMPORARY CONSTRUCTION EASEMENT CITY OF FAIRBANKS PEDESTRIAN FACILITIES UPGRADE	
DRAWING		PROJECT NO. STP-0002(277)/62127	
2 OF 2		AREA 1330 S.F. PARCEL NO. TCE15A	
INITIAL	DATE	SCALE 1" = 30'	DATE 04-17-2015

**ORDINANCE NO. 5999
EXHIBIT 'B' - 12 PAGES**

	STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	PROJECT NAME: FAIRBANKS NOBLE STREET UPGRADE
	WARRANTY DEED (Corporate/Partial Property)	STATE PROJECT #: 61725 FEDERAL-AID PROJECT #: 000S(413) PARCEL #: 28

The GRANTOR, the City of Fairbanks, whose mailing address is 800 Cushman Street, Fairbanks, Alaska 99701, for and in consideration of TWO THOUSAND ONE HUNDRED TWELVE DOLLARS (\$2,112.00), 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 99709-5399, the following-described real estate, located in the State of Alaska:

A portion of Lot 9, Block 12 of the Fairbanks Townsite as shown on the Map of the Official Survey of the Fairbanks Townsite, Alaska, reproduced by Karl Thiele, U.S. Surveyor General, 1922, Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska, more particularly described as follows:

BEGINNING at the northeast corner of Lot 9;

THENCE S82°21'58"W a distance of 21.00 feet along the northerly boundary of Lot 9 adjoining First Avenue;

THENCE S8°17'00"E a distance of 6.00 feet;

THENCE N82°21'58"E a distance of 11.00 feet;

THENCE S52°57'31"E a distance of 14.22 feet to the easterly boundary of Lot 9 adjoining Noble Street;

THENCE N8°17'00"W a distance of 16.00 feet to Point of Beginning;

which lies within the right-of-way lines of Alaska Project No. 000S(413)/61725, delineated as to said tract of land on the plat attached hereto and made a part hereof as pages 4 and 5 of this instrument and designated as Parcel No. 28.

Said parcel, containing 176 square feet, more or less, in addition to existing right-of-way, is hereby conveyed to the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES.

GRANTOR
City of Fairbanks

By: John Eberhart
Title: Mayor

ATTEST:

D. Danyielle Snider, CMC
City Clerk

APPROVED AS TO FORM:

Paul Ewers
City Attorney

ACKNOWLEDGMENT

THIS IS TO CERTIFY that on this _____ day of _____, 2015, the undersigned, a Notary Public for the State of Alaska, duly commissioned and sworn as such, personally appeared JOHN EBERHART, and D. DANYIELLE SNIDER, and that they acknowledged before me that they executed the same for and on behalf of The City of Fairbanks and under the authority of said municipal corporation so granted by the City Council, as their free and voluntary act and deed of said corporation.

IN WITNESS, I have set my hand and affixed my official seal on this _____ day of _____, 2015.

Notary Public
My Commission Expires: _____

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 _____, 20__.

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 Dept.
2301 Peger Road, MS 2553
Fairbanks, AK 99709-5399
State Business-No Charge



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

**TEMPORARY CONSTRUCTION
EASEMENT**
(Corporate/Partial Property)

**PROJECT NAME: FAIRBANKS NOBLE STREET
UPGRADE**

STATE PROJECT #: 61725

FEDERAL-AID PROJECT #: 000S(413)

PARCEL #: TCE 28

The GRANTOR, the CITY OF FAIRBANKS, whose mailing address is 800 Cushman Street, Fairbanks, Alaska 99701, for and in consideration of TWO THOUSAND TWO HUNDRED AND THIRTY EIGHT DOLLARS (\$2,238.00), 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 99709-5399, its successors and assignees, an unrestricted temporary easement, over, and across the following-described tract of land located in the State of Alaska:

TCE 28

A portion of Lot 9, Block 12 of the Fairbanks Townsite as shown on the Map of the Official Survey of the Fairbanks Townsite, Alaska, reproduce by Karl Thiele, U.S. Surveyor General, 1922, Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska, more particularly described as follows:

All that part of the parcel of land as delineated on the plat as TCE 28 attached hereto and made a part hereof as page 4 of this instrument and containing 2,315 square feet, more or less;

which lies adjacent to right-of-way lines of Alaska Project No. 61725, delineated as to said tract of land on the plat attached hereto. Said parcel, is hereby granted to the State of Alaska for the purpose of upgrading pedestrian facilities, utilities, landscaping and match grading driveways.

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 use thereof during the period of the temporary construction easement. The period shall begin on the day the contract is award and continue for the duration of the project, at which time this easement shall expire and be of no force and effect.

GRANTOR
City of Fairbanks

By: John Eberhart
Title: Mayor

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC
City Clerk

Paul Ewers
City Attorney

ACKNOWLEDGMENT

THIS IS TO CERTIFY that on this _____ day of _____, 2015, the undersigned, a Notary Public for the State of Alaska, duly commissioned and sworn as such, personally appeared JOHN EBERHART, and D. DANYIELLE SNIDER, and that they acknowledged before me that they executed the same for and on behalf of The City of Fairbanks and under the authority of said municipal corporation so granted by the City Council, as their free and voluntary act and deed of said corporation.

IN WITNESS, I have set my hand and affixed my official seal on this _____ day of _____, 2015.

Notary Public
My Commission Expires: _____

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 _____, 20__.

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 Dept.
2301 Peger Road, MS 2553
Fairbanks, AK 99709-5399
State Business-No Charge



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

TEMPORARY CONSTRUCTION
EASEMENT
(Corporate/Partial Property)

PROJECT NAME: FAIRBANKS NOBLE STREET
UPGRADE

STATE PROJECT #: 61725

FEDERAL-AID PROJECT #: 000S(413)

PARCEL #: TCE 48

The GRANTOR, the CITY OF FAIRBANKS, whose mailing address is 800 Cushman Street, Fairbanks, Alaska 99701, for and in consideration of ZERO DOLLARS (\$-0-), 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 99709-5399, its successors and assignees, an unrestricted temporary easement, over, and across the following-described tract of land located in the State of Alaska:

TCE 48

A portion of Lot 7, Block 39 of the Fairbanks Townsite as shown on the Map of the Official Survey of the Fairbanks Townsite, Alaska, reproduce by Karl Thiele, U.S. Surveyor General, 1922, Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska, more particularly described as follows:

All that part of the parcel of land as delineated on the plat as TCE 48 attached hereto and made a part hereof as page 5 of this instrument and containing 1,697 square feet, more or less;

which lies adjacent to right-of-way lines of Alaska Project No. 61725, delineated as to said tract of land on the plat attached hereto. Said parcel, is hereby granted to the State of Alaska for the purpose of upgrading pedestrian facilities, utilities, landscaping, and match grading driveways.

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 use thereof during the period of the temporary construction easement. The period shall begin on the day the contract is award and continue for the duration of the project, at which time this easement shall expire and be of no force and effect.

GRANTOR
City of Fairbanks

By: John Eberhart
Title: Mayor

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC
City Clerk

Paul Ewers
City Attorney

ACKNOWLEDGMENT

THIS IS TO CERTIFY that on this _____ day of _____, 2015, the undersigned, a Notary Public for the State of Alaska, duly commissioned and sworn as such, personally appeared JOHN EBERHART, and D. DANYIELLE SNIDER, and that they acknowledged before me that they executed the same for and on behalf of The City of Fairbanks and under the authority of said municipal corporation so granted by the City Council, as their free and voluntary act and deed of said corporation.

IN WITNESS, I have set my hand and affixed my official seal on this _____ day of _____, 2015.

Notary Public
My Commission Expires: _____

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 _____, 20__.

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 Dept
2301 Peger Road, MS 2553
Fairbanks, AK 99709-5399
State Business-No Charge



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

TEMPORARY CONSTRUCTION
EASEMENT
(Corporate/Partial Property)

PROJECT NAME: CITY OF FAIRBANKS
PEDESTRIAN
FACILITIES UPGRADES

STATE PROJECT #: 62127

FEDERAL-AID PROJECT #: STP-0002(277)

PARCEL #: 15A & B AND 115A & B

The GRANTOR, the CITY OF FAIRBANKS, whose mailing address is 800 Cushman Street, Fairbanks, Alaska 99701, for and in consideration of Zero DOLLARS (\$-0-), 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 99709-5399, its successors and assignees, an unrestricted temporary easement, over, and across the following-described tract of land located in the State of Alaska:

TCE 15A

Located within Section 4, Township 1 South, Range 1 West, Fairbanks Meridian, Fairbanks Recording District, Fourth Judicial District, State of Alaska, more particularly described as follows:

A portion of Lot 2, Block 42 of the 3rd Addition to Revision "A" of Aurora Subdivision according to the plat filed July 29, 1968 as Plat No. 68-6744, as shown on the plat as TCE 15A attached hereto and made a part hereof as pages 4 and 5 of this instrument and containing 1,330 square feet;

AND

TCE 15B

Located within Section 4, Township 1 South, Range 1 West, Fairbanks Meridian, Fairbanks Recording District, Fourth Judicial District, State of Alaska, more particularly described as follows:

A portion of Lot 3, Block 42 of the 3rd Addition to Revision "A" of Aurora Subdivision according to the plat filed July 29, 1968 as Plat No. 68-6744, as shown on the plat as TCE 15B attached hereto and made a part hereof as pages 6 and 7 of this instrument and containing 1,330 square feet;

AND

TCE 115A & B

Located within Section 10, Township 1 South, Range 1 West, Fairbanks Meridian, Fairbanks Recording District, Fourth Judicial District, State of Alaska, more particularly described as follows:

A portion of Lot 6A, Block 66A, of the Townsite of Fairbanks according to the Survey of said townsite, known as the L.S. Robe Map of 1909, reproduced by Karl Theile, US Surveyor – General, in 1922, as shown on the plat as TCE 115A and 115B attached hereto and made a part hereof as pages 8 through 11 of this instrument and containing a total of 607 square feet;

which lie adjacent to right-of-way lines of Alaska Project No. 61725. Said parcels, are hereby granted to the State of Alaska for the purpose of upgrading pedestrian facilities, utilities, landscaping and match grading driveways.

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 use thereof during the period of the temporary construction easement. The period shall begin on the day the contract is award and continue for the duration of the project, at which time this easement shall expire and be of no force and effect.

GRANTOR
City of Fairbanks

By: John Eberhart
Title: Mayor

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC
City Clerk

Paul Ewers
City Attorney

(City seal)

ACKNOWLEDGMENT

THIS IS TO CERTIFY that on this _____ day of _____, 2015, the undersigned, a Notary Public for the State of Alaska, duly commissioned and sworn as such, personally appeared JOHN EBERHART, and D. DANYIELLE SNIDER, and that they acknowledged before me that they executed the same for and on behalf of The City of Fairbanks and under the authority of said municipal corporation so granted by the City Council, as their free and voluntary act and deed of said corporation.

IN WITNESS, I have set my hand and affixed my official seal on this _____ day of _____, 2015.

Notary Public
My Commission Expires: _____

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 _____, 20__.

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

By: _____
For the Commissioner

Filed for Record at the Request of and Return to:
State of Alaska
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2301 Peger Road, MS 2553
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