

**ORDINANCE NO. 6127**

**AN ORDINANCE AUTHORIZING CONVEYANCE OF A TEMPORARY  
CONSTRUCTION EASEMENT ON CITY-OWNED PARCEL TCE-11 AS REQUESTED  
BY THE ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES  
FOR THE WENDELL AVENUE BRIDGE PROJECT**

**WHEREAS**, the Alaska Department of Transportation & Public Facilities (ADOT&PF) has funding for the Wendell Avenue Bridge Project, State Project number Z632910000; and

**WHEREAS**, the Wendell Avenue Bridge Project will provide for improvements and upgrades to that bridge; and

**WHEREAS**, this project will require the State of Alaska to acquire a temporary construction easement on a parcel of city property referred to as TCE-11, containing 1,532 square feet, as more fully described and shown in Exhibit A attached to this ordinance; and


**WHEREAS**, it is the sense of the Council that conveyance of this temporary easement to ADOT&PF is in the best interest of the public and of mutual benefit to the State and the City.

**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 attached, and the City Clerk is authorized and directed to attest and affix the City Seal to the easement document.

**SECTION 2.** That the conveyance of the easement is subject to the 30-day permissive referendum period as required under FGC Sec. 70-42 and in accordance with the Fairbanks City Charter.

**SECTION 3.** That the effective date of this ordinance will be the 18th day of April 2020.



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Jim Matherly, City Mayor


AYES: Pruhs, Therrien, Kun, Cleworth, Gibson, Rogers  
NAYS: None  
ABSENT: None  
ADOPTED: April 13, 2020

ATTEST:

  
Danyelle Snider, CMC, City Clerk

APPROVED AS TO FORM:

  
Paul J. Ewers, City Attorney

	STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	PROJECT NAME: <u>WENDELL AVENUE BRIDGE</u>
	<b>TEMPORARY CONSTRUCTION EASEMENT</b> (Standard/Partial Property)	STATE PROJECT #: <u>Z632910000</u> FEDERAL-AID PROJECT #: _____ PARCEL #: <u>TCE-11</u>

The GRANTOR, CITY OF FAIRBANKS, whose mailing address is 800 Cushman Street, Fairbanks, AK 99701, for and in consideration of TEN DOLLARS (\$10.00), 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, AK 99709, its successors and assignees, an unrestricted temporary easement, over, and across the following-described tract of land located within Section 11, Township 1 South, Range 1 West, Fairbanks Recording District, Fourth Judicial District, State of Alaska: That part of the following described tract of land:

**TCE-11**

That parcel of land, for use as a Temporary Construction Easement, as required for the Wendell Avenue Bridge Construction, State of Alaska DOT&PF Project No. Z632910000, as depicted on the attached plat, Parcel No. TCE-11; said parcel being a portion of that property delineated in the conveyance document recorded February 2, 1982, filed for record in Book 248 Page 499, Fairbanks Recording District.

Excepting therefrom all portions of existing buildings and appurtenances thereof, if any; all existing public and private utilities and appurtenances thereof, inclusive of surface and subsurface utilities; signs, bollards, parking structures, if any, and all corporeal hereditaments of said property not appurtenant to existing sidewalks, existing disabled ramps, existing driveways, and those improvements specific to said State of Alaska DOT&PF Project No. Z632910000.

Said described parcel contains 1,532 square feet, more or less

which lies adjacent to right-of-way lines of Alaska Project No. Z63291000, delineated as to said tract of land on the plat attached hereto and made a part of hereof as pages 4, 5 & 6 of this instrument and designated as Parcel No. TCE-11. Said parcels, containing 1,532 square feet, more or less, to construct the Wendell Avenue Bridge project, is hereby granted to the State of Alaska for the purpose of workspace for a temporary work trestle, rebuild path and relocate a fire hydrant.

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 awarded and end on the completion of the project, not to exceed 2 years, at which time this easement shall expire and be of no force and effect.

GRANTOR  
City of Fairbanks

\_\_\_\_\_  
By: Jim Matherly  
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 \_\_\_\_\_, 20\_\_, the undersigned, a Notary Public for the State of Alaska, duly commissioned and sworn as such, personally appeared JIM MATHERLY, 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 \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
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 \_\_\_\_\_,  
2\_\_\_\_\_.

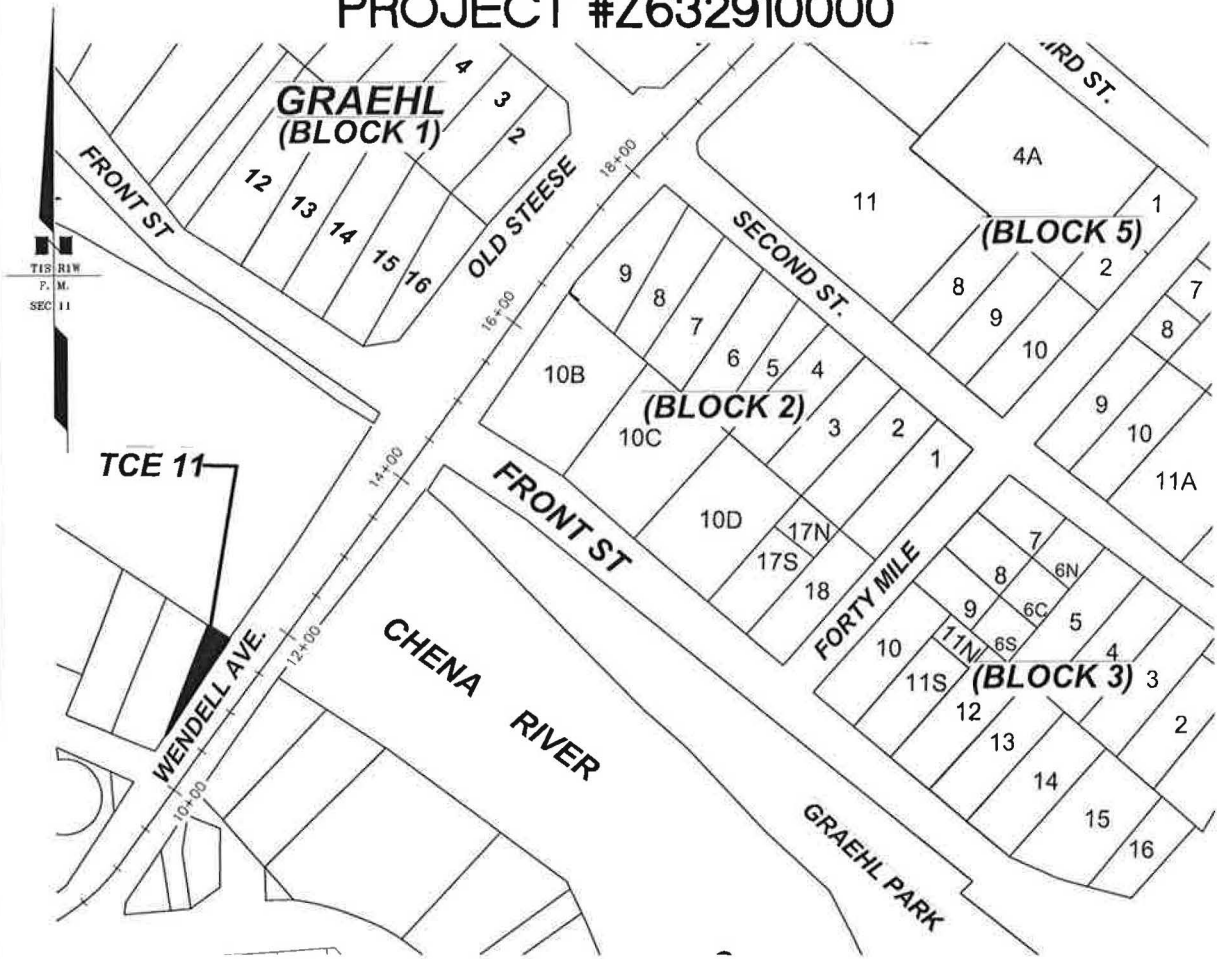
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

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

Filed for Record at the Request of and Return to:  
State of Alaska  
DOT&PF – Right of Way Dept.  
2301 Peger Road, MS 2553  
Fairbanks, AK 99709-5399  
State Business-No Charge

STATE OF ALASKA  
 DEPARTMENT OF TRANSPORTATION  
 &  
 PUBLIC FACILITIES

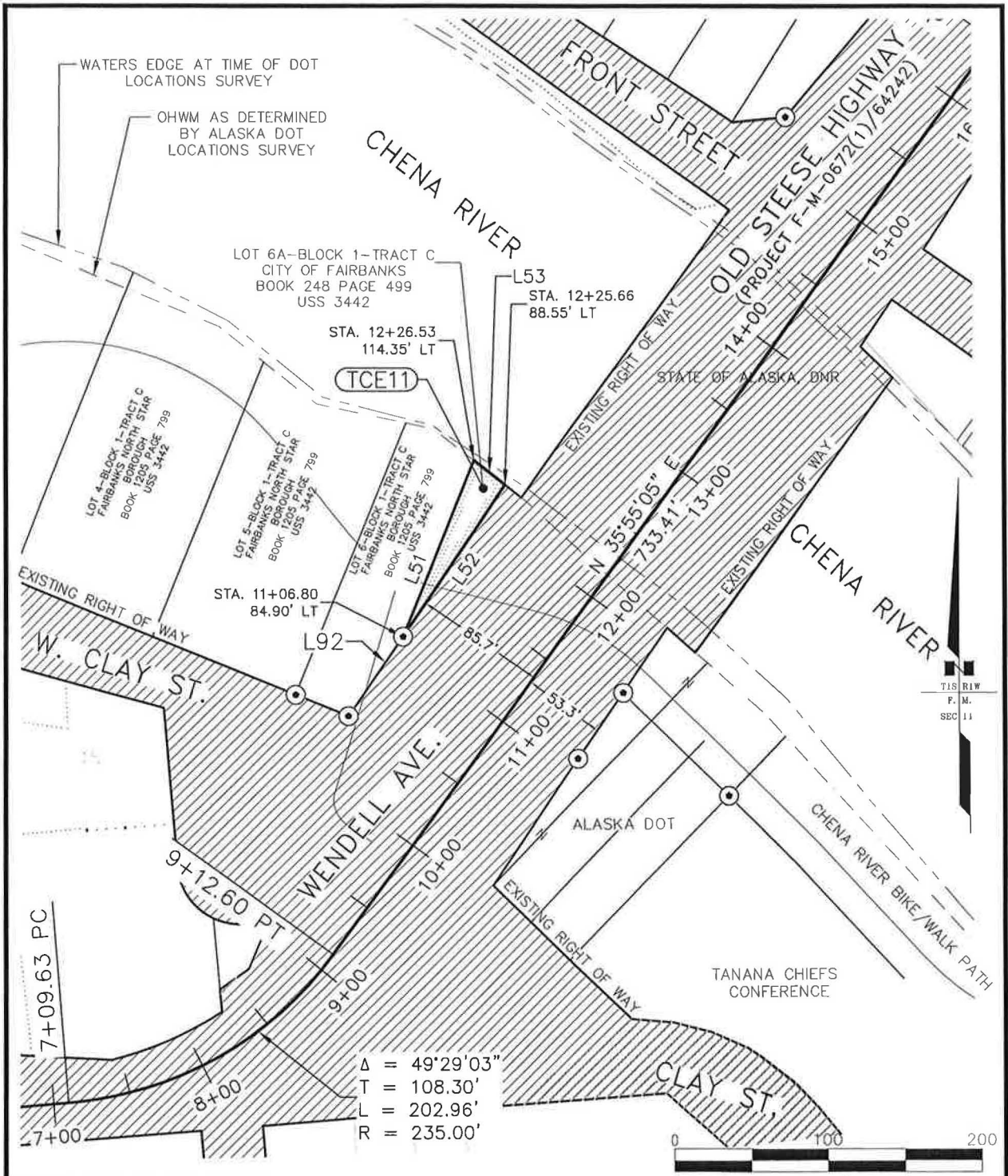
TEMPORARY CONSTRUCTION EASEMENT  
 REQUIRED FOR  
 WENDELL AVENUE BRIDGE  
 PROJECT #Z632910000



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STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		TEMPORARY CONSTRUCTION EASEMENT REQUIRED FOR WENDELL AVENUE BRIDGE	
_____	DRAWING	PROJECT NO. _____	Z632910000
_____	1 OF 3	AREA _____	1532 S.F. PARCEL NO. _____
INITIAL	DATE	SCALE _____	1" = 200' DATE _____
			01/14/2020

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OWNER: CITY OF FAIRBANKS		SCALE 1"=100'	
STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		TEMPORARY CONSTRUCTION EASEMENT REQUIRED FOR WENDELL AVENUE BRIDGE	
	DRAWING	PROJECT NO. 632910000	
		AREA 1532 S.F.	PARCEL NO. TCE 11
INITIAL	DATE	SCALE 1" = 100'	DATE 01/14/2020
		2 OF 3	

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LINE DATA		
L#	BEARING	DISTANCE
L51	N 22°05'57" E	123.29'
L52	S 34°09'42" W	118.92'
L53	S 52°09'50" E	25.82'
L92	N 34°07'05" E	62.45'

OWNER: CITY OF FAIRBANKS

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		TEMPORARY CONSTRUCTION EASEMENT REQUIRED FOR WENDELL AVENUE BRIDGE	
_____	DRAWING	PROJECT NO. _____	Z632910000
_____	3 OF 3	AREA _____	1532 S.F. PARCEL NO. _____
INITIAL	DATE	SCALE _____	N/A DATE _____
			01/14/2020