

RESOLUTION NO. 5044

A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO PARTICIPATE IN THE FAIRBANKS NORTH STAR BOROUGH (FNSB) AIR QUALITY IMPROVEMENT PROGRAM REPLACEMENT PROGRAM FOR 1424 MOORE STREET (FAIRBANKS SENIOR CENTER)

WHEREAS, the City of Fairbanks owns the real property located at 1424 Moore Street and currently leases that property to the North Star Council on Aging, Inc.; and

WHEREAS, the North Star Council on Aging, Inc. plans to replace an oil burning heating appliance with a gas burning heating appliance at 1424 Moore Street and would like to participate in the FNSB Air Quality Improvement Program Replacement Program; and

WHEREAS, the FNSB Air Quality Improvement Program Replacement Program would provide \$7,500 for eligible expenses associated with replacing the oil burning heating appliance with a gas burning heating appliance; and

WHEREAS, the City of Fairbanks would be required to sign a deed restriction that restricts all future installations of solid fuel burning appliances on the property.

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

SECTION 1. That the Mayor or his designee is authorized to execute all documents required for participating in the FNSB Air Quality Improvement Program Replacement Program for the replacement of the oil burning heating appliance with a gas burning heating appliance at 1424 Moore Street.

SECTION 2. That the effective date of this resolution is the 23rd day of January 2023.



David Pruhs, Mayor

AYES: PASSED and APPROVED on the CONSENT AGENDA
NAYS: None
ABSENT: Marney
APPROVED: January 23, 2023

ATTEST:



D. Danyielle Snider, MMC, City Clerk

APPROVED AS TO FORM:

Paul Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 5044

Abbreviated Title: FNSB AIR QUALITY IMPROVEMENT PROGRAM REPLACEMENT PROGRAM

Department(s): GENERAL

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes _____ No X

2) additional support or maintenance costs? Yes _____ No X

If yes, what is the estimate? see below

3) additional positions beyond the current adopted budget? Yes _____ No X

If yes, how many positions? _____

If yes, type of positions? _____ (F - Full Time, P - Part Time, T - Temporary)

II. FINANCIAL DETAIL:

| PROJECTS: | TOTAL |
|-----------------------------|--------------------|
| NORTH STAR COUNCIL ON AGING | \$ 7,500.00 |
| | |
| | |
| | |
| | |
| TOTAL | \$ 7,500.00 |

| FUNDING SOURCE: | TOTAL |
|------------------------|--------------------|
| GRANT FUND | \$ 7,500.00 |
| | |
| | |
| TOTAL | \$ 7,500.00 |

The City of Fairbanks will reimburse the North Star Council on Aging funds received from the Fairbanks North Star Borough to replace an oil burning heating appliance with a gas burning heating appliance at 1424 Moore Street.

Reviewed by Finance Department:

Initial mb

Date 1/12/2023

DEED RESTRICTION ON THE INSTALLATION OF SOLID FUEL BURNING APPLIANCES

TO WHOM IT MAY CONCERN:

This deed restriction is made this _____ day of _____, 20____, by **David Pruhs on behalf of the City of Fairbanks** (hereinafter referred to as the "Grantor(s)"), the owner(s) of the following described property ("the Property"):

Lot 1A, of the Replat of Lot 1, Alaska State Land Survey Plat No. 80-21, according to the plat filed March 23, 1993 as Alaska State Land Survey Plat No. 89-128; Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

This legal description was obtained from a previously recorded instrument.

Commonly known as **1424 Moore Street** with a parcel account number of **0094072**. This address is provided for informational purposes only.

Grantor(s) acknowledge(s) and agree(s) that, as a condition of participating in any of the Fairbanks North Star Borough's (FNSB) Voluntary Replacement, Removal, or Conversion Programs and as a requirement of the source of funding for the programs, the following deed restriction is impressed upon the above-described Property, to wit:

The Property is restricted from future installations of any solid fuel burning appliances (SFBA). SFBA means any appliance designed to produce heat by burning nongaseous and nonliquid fuels. This definition includes, but is not limited to: wood stoves, coal stoves, wood-fired hydronic heaters, wood-fired furnaces, coal-fired hydronic heaters, coal-fired furnaces, fireplace inserts, pellet fuel burning appliances, masonry heaters, cook stoves, and fireplaces.

This deed restriction shall run with the land and shall be binding on all successors, heirs, and assigns of the Grantor(s) who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, agrees and covenants to abide by and fully perform the provisions of this deed restriction.

This deed restriction is a condition of participating in the Borough's voluntary replacement, repair, and conversion programs, through which either an SFBA or an oil-burning appliance was repaired or replaced with or converted to any of the following: wood- or pellet-burning heating appliance, an emergency power backup system, or an appliance designed to use natural gas,

propane, home heating oil, electricity, or hot water district heat. This deed restriction is also a condition of participating in the Borough's Voluntary Removal Program, through which an SFBA has been removed but not replaced. FNSBC 21.28.040; FNSBC 21.28.045. These restrictions represent enforceable conditions established by the State of Alaska Department of Environmental Conservation (ADEC) that are necessary for its Air Quality program and Grantor(s) specifically grant(s) the ADEC or other air quality agency the authority to enforce this deed restriction. This deed restriction applies in perpetuity unless specifically revoked in writing by the ADEC Office.

PLEASE NOTE: SIGNATURES ARE REQUIRED TO BE NOTARIZED AND ALL PROPERTY OWNERS MUST SIGN.

The undersigned and any successors in interest will notify all potential buyers of this property of the existence of this Restriction Agreement via a Seller's Disclosure Statement as required by AS 34.70.010.

SIGNATURE: _____

PRINTED NAME: _____ DATE: _____

MAILING ADDRESS: 800 Cushman St., Fairbanks, AK 99701

RETURN TO: **FNSB Air Quality 3175 Peger Road, Fairbanks, AK 99709**

ACKNOWLEDGMENT

STATE OF ALASKA)
JUDICIAL DISTRICT: FOURTH) ss.

THIS IS TO CERTIFY that on this ____ day of _____, 20__, before me the undersigned Notary Public, personally appeared David Pruhs on behalf of the City of Fairbanks known to me and to me known to be the individual described in and who executed the forgoing instrument and acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein set forth.

Notary Public is and for Alaska

My commission expires: _____

(Seal)

(Revised 4-14-22)