

By: Juanita Helms
Introduced: 11/21/85
Advanced: 11/21/85
Map title to be
amended: 12/05/85
Adopted: 12/05/85

ORDINANCE NO. 85-152

AN ORDINANCE REZONING A PORTION OF GOVERNMENT LOT 2,
SECTION 14, T. 2 S., R. 2 E., F.M.,
EXCLUDING THE PROPERTY WITHIN THE 50 FOOT OUTDOOR RECREATION ZONE
FROM THE MEANDER LINE OF CHENA SLOUGH
(As Shown On Attached Exhibit A)
FROM RURAL RESIDENTIAL TO BUSINESS I AND
OUTDOOR RECREATION CONTRACT ZONE FROM THE PROPERTY LINE
BETWEEN GOVERNMENT LOT 2 AND NEWBY ACRES SUBDIVISION
(Located North Of The New Richardson Highway, South Of Chena Slough,
Between Dawson And Newby Roads).

BE IT ORDAINED By the Assembly of the Fairbanks North Star
Borough:

Section 1. This ordinance is not of general application and shall
not be codified.

Section 2. The following described property is rezoned from
Rural Residential to Business I and Outdoor Recreation Contract Zone, in
consideration of and subject to the execution of the attached Contract
Zoning Agreement:

A portion of Government Lot 2, Section 14,
T. 2 S., R. 2 E., F.M., excluding the property
within the 50 foot Outdoor Recreation zone from
the meander line of Chena Slough (as shown on
attached Exhibit A) from Rural Residential to
Business I and Outdoor Recreation Contract Zone
from the property line between Government Lot 2
and Newby Acres Subdivision.

Section 3. The official zoning map is amended in accordance
with this ordinance. The map is to be identified with the title of this
ordinance.

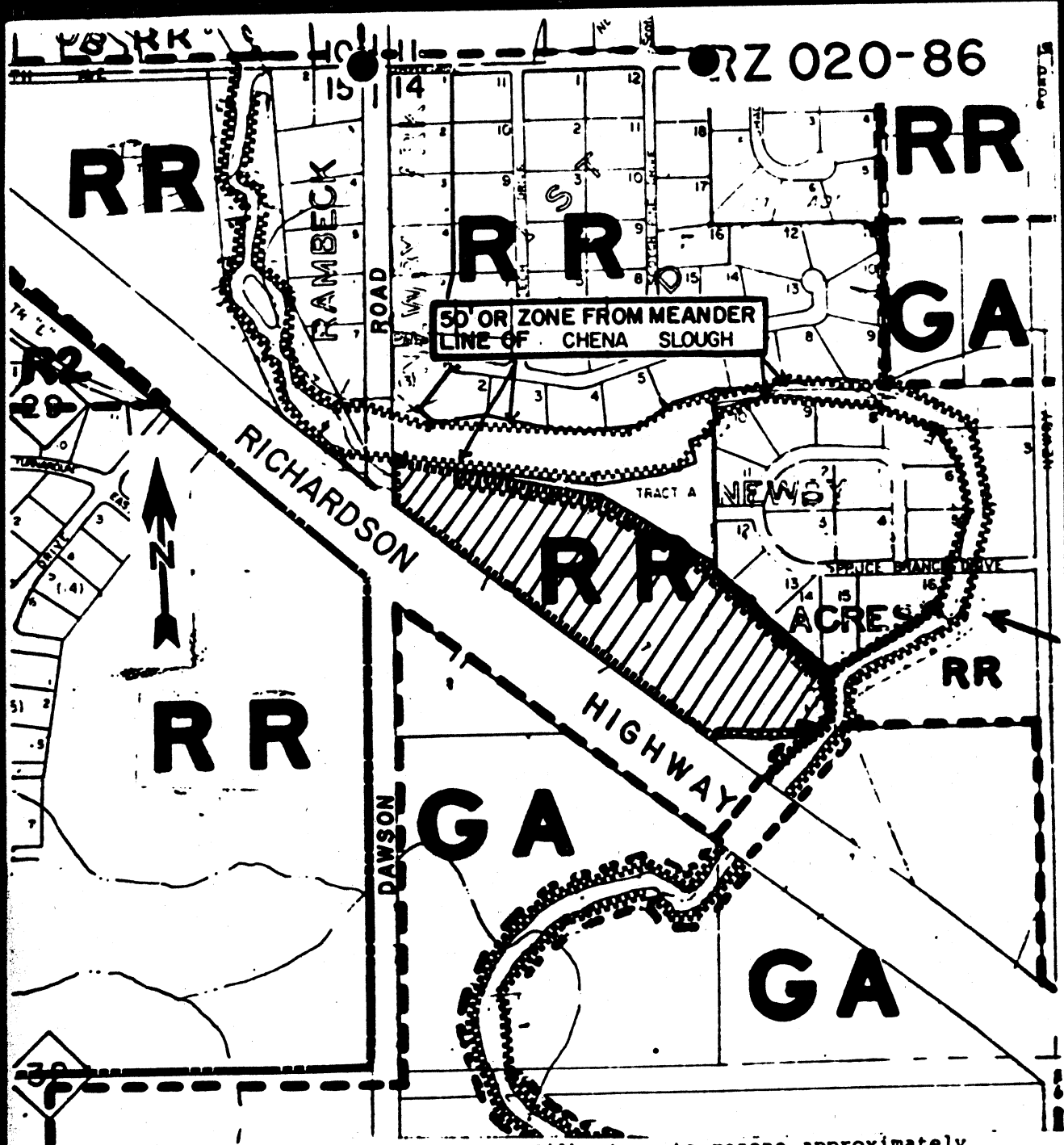
Section 4. Effective Date. This ordinance is effective the day
following its adoption.

PASSED AND APPROVED THIS 5TH DAY OF DECEMBER, 1985.

Sandra S. Stringer
Presiding Officer

ATTEST:

Mona Lisa Sueder
Clerk of the Assembly
(RZ 020-86)



RZ 020-86

50' OR ZONE FROM MEANDER
LINE OF CHENA SLOUGH

RZ 020-86 -- A request by Roy Gilbertson to rezone approximately 20 acres in a portion of Government Lot 2, Section 14, T. 2 S., R. 2 E., F.M. excluding the property within the 50 foot Outdoor Recreation zone from the meander line of Chena Slough (as shown on attached Exhibit A) from Rural Residential to Business I or other appropriate zone and a 50 foot Outdoor Recreation buffer from the property line between Government Lot 2 and Newby Acres Subdivision (located north of the New Richardson Highway, south of Chena Slough, between Dawson and Newby Roads).

CONTRACT ZONING AGREEMENT

THIS AGREEMENT, made this ^{12th} day of ^{November}, 1985 by and between the Fairbanks North Star Borough, Roy Gilbertson, and James H. Roberts;

WHEREAS, Roy Gilbertson and James H. Roberts are the Owners of the property, described as a portion of Government Lot 2, Section 14, T. 2 S., R. 2 E., F.M.; and

WHEREAS, the Owners' property is designated in the Comprehensive Plan as urban; and

WHEREAS, the Borough requests more restrictions on development of the property under the zoning than allowed outright; and

WHEREAS, after review by the Borough Planning Commission and extensive public hearings, the Borough Assembly has agreed to place said property within the Business I and Outdoor Recreation zoning districts, permitting development of the property for use subject to certain restrictions on use and site development agreed to by the owner.

NOW, THEREFORE, the parties mutually agree under the authority of A.S. 29.33.090(a) as follows:

1. The Borough Assembly by virtue of the adoption of Ordinance 85-152, has placed a portion of Government Lot 2, Section 14, T. 2 S., R. 2 E., F.M. within the Business I and Outdoor Recreation zoning districts.
2. In consideration thereof, the Owners agree to the following conditions:
 - A. There shall be a 50 foot Outdoor Recreation zone from the property line along Tract A, Section 14, T. 2 S., R. 2 E., F.M. and a 75 foot Outdoor Recreation zone from the property line along Lots 12, 13, 14 and 15, Newby Acres Subdivision.
 - B. Normal forestry practices shall be required for the purpose of the public health, safety and welfare; granted, that no thinning or clearing or other substantial removal of vegetation shall be permitted without prior approval from the Director of the Fairbanks North Star Borough Division of Community Planning.

3. All other regulations of the zoning district as well as other zoning regulations in the Fairbanks North Star Borough Code of Ordinances shall be applicable to said property.
4. The provisions of the contract have the same force and effect as any Borough ordinance and may be enforced by the Borough in the same manner as any other ordinance.
5. This contract shall apply to said property as of the date hereof and shall continue in effect without regard to the ownership of the property until amended or otherwise altered in the same manner as any other zoning district change as provided for by Borough ordinance.
6. Failure to comply with any of these conditions will automatically terminate both this agreement and the effect of Ordinance No. 85-152.

IN WITNESS WHEREOF, the parties have executed this contract on the date first above written.

FAIRBANKS NORTH STAR BOROUGH

Juanita Helms 1/13/86

OWNER

Roy Gilbertson
Roy Gilbertson

ATTEST:

Mona Lisa Archer
Borough Clerk

OWNER

James H. Roberts
James H. Roberts

APPROVED AS TO FORM:

WJ
Borough Attorney

ACKNOWLEDGEMENT

STATE OF ALASKA)
) ss.
FOURTH JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 13th day of ~~November~~ ^{January}, 1986, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared ROY GILBERTSON to me known to be the person described in and who executed the foregoing instrument, and acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

Leona L. Anderson
Notary Public in and for Alaska
My commission expires: 8-29-86