

BEFORE THE ALASKA LOCAL BOUNDARY COMMISSION

PETITION

for

**DETACHMENT
OF
0.076 SQUARE MILES
48.5 Acres**

from

**CITY OF FAIRBANKS
A Home Rule City**

Using the Local Option Election Method

April 2015

The Petitioner hereby requests that the Local Boundary Commission (“LBC”) grant this Petition for Detachment (hereinafter “Petition”), pursuant to Article X of the Constitution of the State of Alaska; AS 44.33.812, AS 29.06.040 – AS 29.06.060, 3 AAC 110.257 – 3 AAC 110.265, 3 AAC 110.400 – 3 AAC 110.700, 3 AAC 110.900 – 3 AAC 110.990; and any other pertinent laws that are relevant to the detachment proposal.

All exhibits attached to this Petition are incorporated herein by reference.

SECTION 1. PETITIONER’S NAME. 3 AAC 110.420(b)(1).

The name of the Petitioner is the City of Fairbanks (hereafter “City” or “Petitioner”).

SECTION 2. PETITIONER’S REPRESENTATIVE. 3 AAC 110.420(b)(2).

The Petitioner designates the following individual to serve as its representative in all matters concerning this detachment proposal:

Name:	John C. Brainerd, Deputy City Attorney
Mailing Address:	800 Cushman Street Fairbanks, Alaska 99701
Physical Address:	800 Cushman Street Fairbanks, Alaska 99701
Telephone number:	(907) 459-6750
Facsimile number:	(907) 459-6761
Electronic-mail Address:	jbrainerd@ci.fairbanks.ak.us

ALTERNATIVE PETITIONER’S REPRESENTATIVE.

The Petitioner designates the following person to act as alternate representative in matters regarding the proposed detachment, in the event the primary representative is absent, resigns, or fails to perform his duties:

Name:	Paul Ewers, City Attorney
Mailing Address:	800 Cushman Street Fairbanks, Alaska 99701
Physical Address:	800 Cushman Street Fairbanks, Alaska 99701
Telephone number:	(907) 459-6750
Facsimile number:	(907) 459-6761
Electronic-mail Address:	pjewers@ci.fairbanks.ak.us

SECTION 3. THE NAME AND CLASS. 3 AAC 110.420(b)(3).

The name and class of the city from which detachment is proposed is the City of Fairbanks; incorporated under territorial law in 1903, home rule City under Alaska law since November 22, 1960 approval by City voters.

SECTION 4. GENERAL DESCRIPTION OF THE METHOD OF THE PROPOSED COMMISSION ACTION. 3 AAC 110.420(b)(4).

This Petition, initiated under authority of 3 AAC 110.410(a) requests the LBC authorize the following boundary change:

Detachment from the City of Fairbanks of the territory generally described as Open Skies Commercial Park with surrounding state highways. Detachment would be subject to approval by voters of the territory proposed for detachment, as authorized by AS 29.06.040(c) (1) and 3 AAC 110.265.

SECTION 5. GENERAL DESCRIPTION OF THE TERRITORY PROPOSED FOR DETACHMENT. 3 AAC 110.420(b)(5).

The territory proposed by the City for detachment consists of territory totaling approximately 0.076 square miles (48.5 acres). The detachment would decrease the area of the City from 33.85 to approximately 33.77 square miles. The legal description of the territory proposed for detachment is shown on Exhibit A-2, the post-detachment boundaries of the City are described on Exhibit A-3 and maps are attached as Exhibits A-4, A-5 and A-6. For ease of reference, the territory containing two lots owned by Open Skies LLC and neighboring state roadway land are referred to as “Open Skies.” The territory is the site of a self-service storage facility and caretaker unit known as “Forbes Storage” and a drive-up restaurant known as “Spicy Thai.”



Figure 1. Territory to be detached

SECTION 6. REASONS FOR THIS PETITION. 4 AAC 110.420(b)(6).

Open Skies was originally part of Ladd Field, a U.S. Army Air Corps cold weather station. The federal government acquired land for the installation over a period of years by reservation, purchase and condemnations; first authorized in 1937¹ and continuing through 1959.² In 1961, the U.S. Army acquired the property and it was renamed Fort Jonathan Wainwright. The Open Skies territory was included in the original Ladd Field boundary. The “new” Richardson Highway now lies to the west side of the old road.

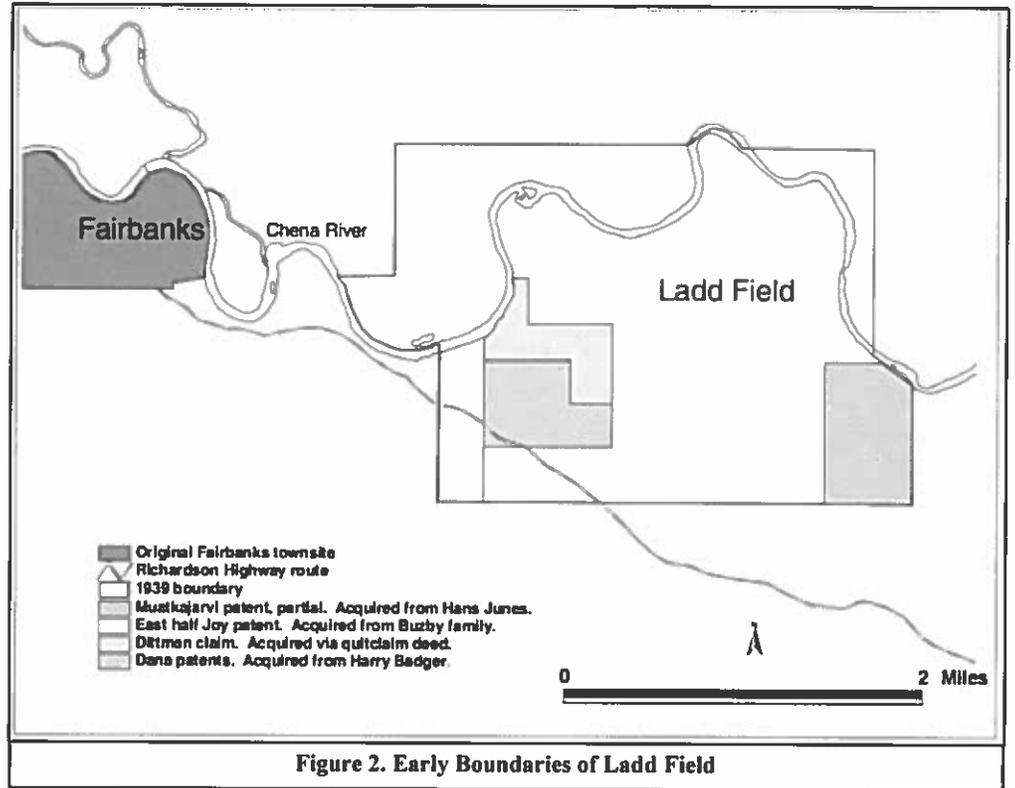


Figure 2. Early Boundaries of Ladd Field

Fort Wainwright was annexed to the City in 1973 by the legislative review method. To the knowledge of the Petitioner, the Open Skies territory was never fenced to Fort Wainwright.

The territory now known as Open Skies transferred from military ownership to private ownership in 1982 and then to the current owner, Open Skies LLC, in 2007. Although technically inside the City boundaries, it has not received City services or been subject to City taxation, until 2014, after this Petition process commenced. It was long been assumed to be outside the City.

¹ Executive Order No. 7596, March 1937.

² *Homesteads on Fort Wainwright, Alaska*. Kathy Price, edited by Glenda Lesondak; published by Center for Environmental Management of Military Lands, Colorado State University 2002. This is a thorough and interesting history of the transition from homesteading to military ownership.

Property Summary

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PAN 0608041	PROPERTY PHYSICAL DESCRIPTION LOT 1 OPEN SKIES COMMERCIAL PARK Previously assessed as 1S 1E 21 2150	
NEIGHBORHOOD 2004 Broadway-Clear Creek	BUSINESS	PROPERTY CLASS Other (Unc.)
MILLAGE GROUP 0977 NORTH STAR FIRE SERVICE AREA	MOST RECENT MILLAGE RATE 14.2780	STATUS TAXABLE
FIRE SERVICE AREA NORTH STAR FIRE S A	ADDITIONAL INFORMATION Building Details View Property Location	
LAND AREA Parcel Lot 1 10.312 Acres		

OWNER		ADDRESS
NAME	INTEREST	SITUS ADDRESS
OPEN SKIES LLC.	OWNERSHIP	1189 OLD RICHARDSON HWY 1191 OLD RICHARDSON HWY

Figure 3. From the Fairbanks North Star Borough Assessing records in 2012, showing one of the Open Skies lots as being outside City and inside Borough Service Area

One example of this assumption: As of Tax Year 2012, when the Petition process began, the Fairbanks North Star Borough Assessor's database showed the Open Skies territory to be outside of the City and inside the

Borough's North Star Fire Service Area.³

In 2013, the Fairbanks North Star Borough Assessor revised the database to show that the Fire Service Area for Open Skies is within City of Fairbanks jurisdiction.

Property Summary

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PAN 0608041	PROPERTY PHYSICAL DESCRIPTION LOT 1 OPEN SKIES COMMERCIAL PARK Previously assessed as 1S 1E 21 2150	
NEIGHBORHOOD 0170 Van Horn Industrial (City)	BUSINESS SPICY THAI	PROPERTY CLASS Commercial
MILLAGE GROUP 0143 OPEN SKIES COMMERCIAL PARK	MOST RECENT MILLAGE RATE 16.9050	STATUS TAXABLE
FIRE SERVICE AREA CITY OF FAIRBANKS	ADDITIONAL INFORMATION Building Details View Property Location	
LAND AREA Parcel Lot 1 10.312 Acres		

OWNER		ADDRESS
NAME	INTEREST	SITUS ADDRESS
OPEN SKIES LLC.	OWNERSHIP	1189 OLD RICHARDSON HWY 1191 OLD RICHARDSON HWY

Figure 4. From the Fairbanks North Star Borough Assessing records in 2013, showing one of the Open Skies lots as being inside City and outside Borough Service Area

Detachment will legalize what was a *de facto* state of affairs: Open Skies was been believed not to be part of the City.

³ The City, Fairbanks North Star Borough and the only owner of taxable land in the territory to be detached have stipulated that there is no liability for uncollected past taxes.

Given its relative isolation, it would not be efficient for the City to provide municipal services to Open Skies. One instance would be residential refuse collection service: the City refuse collection crew is currently able to collect an average of 1,373 pounds of refuse per work hour. If the City were required to provide refuse collection service to the single residence at this territory (as it is required to do for all City residences), our efficiency for that hour would only be 38.5 pounds per work hour. Providing refuse collection service to Open Skies would reduce our efficiency by 35 times.

SECTION 7. LEGAL DESCRIPTIONS, MAPS, AND PLATS. 3 AAC 110.420(b)(7).

A. Legal description of the Boundaries of the Existing City from Which Detachment is Sought. A written metes and bounds legal description of the existing city from which detachment is sought is attached as Exhibit A - 1.

B. Legal Description of the Boundaries of the Territory Proposed for Detachment. A written metes and bounds legal description of the territory proposed for detachment is attached as Exhibit A - 2.

C. Legal Description of Proposed Post-Detachment Boundaries of the Remnant City. A written metes and bounds legal description of the proposed post-detachment boundaries of the city from which detachment is requested is attached as Exhibit A-3.

D. Map of the Existing City from Which Detachment is Sought. A map showing the boundaries of the existing city is attached as Exhibit A-4.

E. Map of Territory Proposed for Detachment. A map showing the boundaries of the territory proposed for detachment is attached as Exhibit A-5.

F. Map of the Proposed Remnant City. A map showing the proposed post-detachment boundaries of the city from which detachment is requested is attached as Exhibit A-6.

SECTION 8. SIZE OF THE TERRITORY. 3 AAC 110.420(b)(8).

A. The existing city from which detachment is sought encompasses 33.85 square miles.

B. The territory proposed for detachment encompasses 0.076 square miles.

C. The area of the remnant city after the proposed detachment encompasses 33.77 square miles.

SECTION 9. DATA ESTIMATING THE POPULATION OF THE TERRITORY PROPOSED FOR CHANGE. 3 AAC 110.420(b)(9).

The population of the territory proposed for detachment is one person based upon information from the property owner. The population within the City of Fairbanks is estimated to be 32,312; the population of the Fairbanks North Star Borough is approximately 99,000.⁴ The City of Fairbanks is the larger of two cities located inside the Fairbanks North Star Borough; approximately 32.3% of the Borough population lives inside the current City of Fairbanks boundaries.⁵ The population of the City of North Pole is 2,154, according to the North Pole website, which is about 2.2% of the total Borough.

SECTION 10. INFORMATION RELATING TO PUBLIC NOTICE AND SERVICE OF THE PETITION. 3 AAC 110.420(b)(10).

Exhibit B provides information relevant to public notice of this detachment proceeding, including:

A. All newspapers of general circulation within the boundaries proposed for change per 3 AAC 110.450(a)(1);

B. Six prominent locations readily accessible to the public and within or near the boundaries proposed for change where public notice can be posted per 3 AAC 110.450(a)(2)(A);

C. The names of all municipalities having jurisdictional boundaries within 20 miles of the proposed change per 3 AAC 110.450(a)(4) and 3 AAC 110.460(a);

D. The names of persons to whom notice of the filing of the petition should be served, per 3 AAC 110.450(a)(4), and on whom the petition should be served, per 3 AAC 110.460(a);

E. A list of all radio and TV stations serving the boundaries of the proposed change, per 3 AAC 110.450(a)(5); and

F. A list of locations, addresses, and hours of operation where the public can view the petition and related documents, per 3 AAC 110.460(b);

⁴ From 2012 Fairbanks North Star Borough Community Research Quarterly.

⁵ The Alaska State Department of Commerce Community and Economic Development certified July 1, 2012 estimate is 99,615; the US Census Bureau certified January 1, 2012 estimate is 99,192. Fairbanks North Star Borough estimates its population as 99,000.

SECTION 11. TAX DATA. 3 AAC 110.420(b)(12).

A. Assessed Value of Taxable Property in the Territory Proposed for Detachment.

Detachment will have no effect on City or Borough property taxes. Fairbanks North Star Borough Assessor’s Office does not treat this territory as being inside City limits and City taxes have never been levied or collected. The 2014 taxable assessed value of real estate in the territory proposed for detachment is \$1,195,276. And although never levied or collected in the past, if the City’s 2014 approved mill levy of 5.549 mills were applied to this territory, then City tax revenues would be \$6,632.59. The North Star Fire Service Area will assess its mill levy on the territory after detachment, as noted *infra*. There is no personal property tax assessed in the City of Fairbanks or in the Fairbanks North Star Borough.

B. Projected Taxable Sales in the Territory Proposed for Detachment.

Detachment will have no effect on City or Borough sales tax collection. The City does not levy a general sales tax. It levies a tax upon the retail sales of alcohol, the wholesale tax of tobacco products, and the transient rental of hotel rooms and bed-and-breakfasts. There are currently no hotels, motels or other guest facilities in the territory to be detached.

Estimated 2014 tax revenues for the territory to be detached:

Open Skies	2014 Estimated Tax Revenue
Alcohol Sales Tax (5%)	\$0
Tobacco Sales Tax (8%)	\$0
Room Tax (8%) (none)	\$0
TOTAL	\$0

C. Existing Taxes in the Territory Proposed for Detachment.

(i) Property taxation.

All of the territory proposed for detachment is inside the Fairbanks North Star Borough and is subject to area-wide and non-area-wide property taxes levied by the Borough. For the 2014 – 2015 Borough Fiscal Year, the following mill levies apply:

City, Borough, or Service Area	Property tax (mills)
FNSB Borough Area-wide	11.356
FNSB North Star Fire Service Area	1.399
FNSB non-Area-wide (Economic Development and EMS)	0.493
Solid Waste District	1.300
City of Fairbanks	0
Total	14.548

(ii) Limited Sales Taxes

Fairbanks North Star Borough presently imposes a 5% sales tax upon the retail sale of alcohol and an 8% excise tax upon the wholesale sales of tobacco products. These two taxes are levied area-wide. Sales of alcohol taxed by a city are not subject to a duplicate Borough alcohol sales tax. There is no similar exemption for sales of tobacco products. There are no sales of tobacco or alcohol in the territory.

Fairbanks North Star Borough imposes an 8% area-wide tax upon the rental of transient housing at hotels, motels, and bed-and-breakfasts. The Borough provides an exemption for rentals of transient housing if taxed by a city. There are no stores, hotels, motels or other guest facilities in the territory to be detached so no sales tax revenue is generated for the Borough.

(iii) Personal Property Taxation.

Neither the Fairbanks North Star Borough nor the City of Fairbanks levies a personal property tax.

SECTION 12. BUDGET INFORMATION. 3 AAC 110.420(b)(13).

In order to be conservative, Petitioner assumes that no final action on this Petition will be complete until 2015 and therefore provides annual budget information for City for calendar years 2015 - 2017. While 3 AAC 110.420(B)(13) sets forth three “trigger” dates, only subsection 420(b)(13)(B), the date of completed transition, applies.

A. Projected revenue, on a calendar year, for the period 2015 – 2017 is presented in

Exhibit C-1.

B. Operating expenditures, on a calendar year, for the period 2015 – 2017 are presented in **Exhibit C-2.**

C. Capital expenditures, on a calendar year, for the period 2015 – 2017 are presented in **Exhibit C-3.**

SECTION 13. EXISTING LONG-TERM CITY DEBT. 3 AAC 110.420(b)(14).

The City does not have existing long-term municipal debt.

SECTION 14. CITY POWERS AND FUNCTIONS. 3 AAC 110.420(b)(15).

Exhibit D lists the powers and functions of the following:

A. The existing city.

B. No change for any municipality is proposed.

C. No new alternate service providers, including service areas, are proposed in the territory proposed for detachment.

SECTION 15. TRANSITION PLAN. 3 AAC 110.420(b)(16).

Because the territory to be detached has long been assumed to be outside the City boundaries, absolutely nothing will change. There is no need for any “transition” except the formal recognition of what has been perceived as the status quo. Detachment will not cause a loss of value in assets, loss of credit or a reduced bond rating for liabilities. As noted above, the territory has not been taxed by the City. Except for recent changes due to the preparation of this Petition, the North Star Fire Service Area has been responding to the territory.

Unlike a boundary change that requires a “ramp up” of services or a formal date of transferring a service from one municipality to another, there is nothing to transfer in this case.

Assuming the Local Boundary Commission approves, detachment can be effective on the date of final action.

Petitioner has consulted with the following officials of the State of Alaska, Fairbanks North Star Borough, North Star Volunteer Fire Service Area, City of North Pole, as well as the owners’ representative:

OFFICIALS AND PERSONS CONSULTED FOR THE TRANSITION			
Name	Title & Organization	Date Consulted	Subject Discussed
Cynthia Klepaski	Assistant Borough Attorney, Fairbanks North Star Borough	Letter sent to Borough Mayor on December 12, 2012 explaining Proposed Detachment. In addition, a complete copy of the December 31 Draft Petition (as sent to LBC staff for Technical Review) was provided. Petitioner sent Petition draft ver2014-01 to Ms. Klepaski via email on November 7, 2014 requesting additional comments.	Assistant Borough Attorney Cynthia Klepaski sent email February 4, 2013 on behalf of Borough stating no objection so long as City, Borough & property owner enter an agreement waiving any claims for taxes either paid in error or not levied in error. Subsequently, Ms. Klepaski approved terms of stipulated agreement draft. No comments regarding draft ver2014-01 were received.
Bryce Ward	Mayor, City of North Pole	Letter sent December 12, 2012 explaining Proposed Detachment. Petitioner sent Petition draft ver2014-01 to Mayor Ward via email on November 7, 2014 requesting additional comments.	In his email response dated November 10, 2014, Mayor Ward stated “[t]his particular set of properties are well outside of the boundaries of the City of North Pole and ... we have no official opinion on the de-annexation.”

Steve Crouch	Fire Chief, North Star Fire Service Area	Petitioner sent Petition draft ver2014-01 to Chief Crouch via email on November 7, 2014 requesting additional comments.	No comments regarding draft ver2014-01 were received.
David Gibbs	Emergency Operations Director, FNSB	Letter sent December 12, 2012 explaining the Proposed Detachment; also telephone discussion in March, 2013. Petitioner sent Petition draft ver2014-01 to Mr. Gibbs via email on November 7, 2014 requesting additional comments.	No comments regarding draft ver2014-01 were received.
Rene & Howard "Buzz" Otis	Managing Members, Open Skies LLC	Letter sent December 12, 2012 explaining Proposed Detachment; series of emails. Petitioner sent Petition draft ver2014-01 to Mr. and Ms. Otis via email on November 7, 2014 requesting additional comments.	Mr. and Ms. Otis are Managing Members of the Limited Liability Corporation that owns land. They requested detachment and have not asked for a transition plan. No comments regarding draft ver2014-01 were received.
Burke Barrick	Captain, Detachment "D" Commander, Alaska State Troopers	Letter sent December 12, 2012 explaining Proposed Detachment. Petitioner sent Petition draft ver2014-01 to Captain Barrick via email on November 7, 2014 requesting additional comments.	Letter of non-objection received February 19, 2013. No comments regarding draft ver2014-01 were received.

SECTION 16. COMPOSITION AND APPORTIONMENT OF THE CITY COUNCIL. 3 AAC 110.420(b)(17).

Exhibit F presents information about the current composition and apportionment of the City Council. There will be no contemplated change to the "at large" composition of the City Council following detachment.

SECTION 17. FEDERAL VOTING RIGHTS ACT INFORMATION. 3 AAC 110.420(b)(18).

Information regarding any effect of the proposed detachment upon civil and political rights for purposes of the federal Voting Rights Act of 1965 (42.U.S.C. 1971 - 1974) is provided in Exhibit G.

SECTION 18. SUPPORTING BRIEF. 3 AAC 110.420(b)(19).

Exhibit H presents a supporting brief which provides a detailed explanation of how the proposed detachment serves the best interests of the state and satisfies the constitutional, statutory, and regulatory standards as set out in Article X of the Constitution of the State of Alaska; AS 44.33.812, AS 29.06.040 – AS 29.06.060, 3 AAC 110.257 – 3 AAC 110.265, 3 AAC

110.400 – 3 AAC 110.700, 3 AAC 110.900 – 3 AAC 110.990; and any other pertinent laws relevant to the detachment proposal.

SECTION 19. DOCUMENTATION DEMONSTRATING THAT THE PETITIONER IS AUTHORIZED TO FILE THE PETITION UNDER 3 AAC 110.410. 3 AAC 110.420(b)(20).

Alaska Administrative Code subsection 3 AAC 110.410(a)(4) authorizes a “political subdivision of the state” to file a petition for a proposed action with the Local Boundary Commission. The City of Fairbanks is a home rule city under Alaska law. The Fairbanks City Council passed City Resolution 4470 authorizing the submission of this detachment petition. A copy is attached as Exhibit I.

SECTION 20. INFORMATION FROM DIVISION OF ELECTIONS.

Exhibit J is a copy of a letter from Division of Elections regarding votes cast from the territory proposed for detachment in the last general election. Mickey Speegle, Region III Elections Supervisor with State of Alaska Division of Elections, states in her October 23, 2014 letter that Division of Elections records indicated that there is one voter registered in the territory proposed for detachment. The owner of the property provided the addressing information; the territory is known as both 1189 Old Richardson Highway and 640 Badger Road. Petitioner’s representative notified Division of Elections that this territory is no longer within the boundaries of Fort Wainwright.

SECTION 21. ADDITIONAL INFORMATION REQUIRED FOR PETITION. 3 AAC 110.420(b)(22).

Exhibit K is an affidavit of accuracy from Petitioner’s representative.

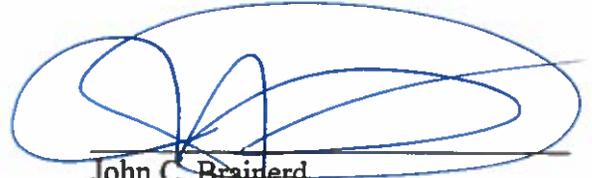
SECTION 22. SOURCES OF INFORMATION. 3 AAC 110.420(b)(23).

Exhibit L is an affidavit from the Petitioner’s representative that details the source of information in each section of this Petition.

SECTION 23. ELECTRONIC FORMAT. 3 AAC 110.420(c).

The Petition and supporting materials are being provided in print and in electronic format (“PDF”).

DATED this 22nd day of April 2015.

A handwritten signature in blue ink, consisting of several overlapping loops and a vertical stroke, positioned above a horizontal line.

John C. Brainerd
Deputy City Attorney
City of Fairbanks
Petitioner's Representative

EXHIBIT A - 1

LEGAL METES AND BOUNDS DESCRIPTION OF THE EXISTING CITY FROM WHICH DETACHMENT IS SOUGHT

Commencing at the south 1/4 corner of Section 36, T1N, R1W, F.B. & M. which is located on the Fairbanks Base Line, being the true point of beginning of this description; thence west along the Fairbanks Base Line to the northwesterly corner of Section 3, T1S, R1W, F.B. & M.; thence in a southerly direction along the section line common to Sections 3 and 4, T1S, R1W, F.B. & M., to an intersection with the thread of the Noyes Slough; thence downstream along the thread of the Noyes Slough to the easterly 1/16 line of Section 4, T1S, R1W, F.B. & M.; thence in a northerly direction along said easterly 1/16 line to the southerly boundary of Johnston Subdivision, filed in the Fairbanks Recorder's Office October 4, 1954, as Instrument No. 151.674; thence in northerly, northeasterly and northerly directions, respectively, along the easterly boundary of Johnston Subdivision filed in the Fairbanks Recorder's Office on October 4, 1954, as Instrument No. 151.674, to the southernmost right of way limit of College Road, State of Alaska Project S-SG-0644(5); thence in a northwesterly direction along the southernmost right of way limit of College Road, State of Alaska Project S-SG-0644(5), to the Fairbanks Base Line; thence west along said Base Line to the thread of Noyes Slough; thence downstream along the thread of Noyes Slough to the northerly extension of the lot line common to Lots 1 and 11 of the Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence in a southerly direction along the westerly boundaries of Lots 1 through 6 and 9 and the southerly extension of said line to the southernmost right of way limit of Hanson Road, shown on the plat of Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence in a westerly direction along the southernmost right of way limit of Hanson Road to the northwesterly corner of Lot 21, Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence in a southerly direction along the westerly boundary of said Lot 21 to the southwest corner of Lot 21, Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office, on October 15, 1976, as Instrument No. 76-165; thence easterly and northeasterly along the southerly boundaries of Lots 21, 20 and 24 to the southeasterly corner of Lot 24, Fairbanks Industrial Park Subdivision filed in the Fairbanks Recorder's Office on October 15, 1976, as Instrument No. 76-165; thence easterly, normal to the section line, to said section line common to Sections 5 and 4, T1S, R1W, F.B. & M.; thence in a southerly direction along said section line common to Sections 4, 5, 8 and 9, T1S, R1W, F.B. & M. to an intersection with the easterly extension of the southernmost right of way limit of Phillips field Road as shown on the plat of Doyon Estates subdivision, filed in the Fairbanks Recorder's Office on October 16, 1997 as Instrument No. 97-100 ; thence in a westerly direction along said easterly extension of the southernmost right of way limit of Phillips Field Road to an intersection with the westernmost right of way limit of Mouton Street as shown on the plat of Doyon Estates subdivision, filed in the Fairbanks Recorder's Office on October 16, 1997 as Instrument No. 97-100 ; Thence southeasterly and southwest along said westernmost right of way limit of Mouton Street to the northern most boundary of Government Lot 10, Section 8, T1S, R1W, F.B.& M.; thence in a westerly direction along the northerly boundary of Government Lot 10, Section 8, T1S, R1W, F.B.& M. extended to intersect with the thread of the Chena River; thence downstream along the thread of the Chena River to the section line common

to Sections 7 and 8, T1S, R1W, F.B. & M.; thence in a southerly direction along said section line to the easterly extension of the northerly boundary of Fred Meyer Subdivision as filed in the Fairbanks Recorder's Office as Plat No. 91-55; thence westerly, southerly and easterly along the boundary of said Fred Meyer Subdivision to the northwesternmost corner of Lot 2, Block 1, Fairwest Subdivision West Addition filed in the Fairbanks Recorder's Office January 24, 1964, as Instrument No. 64-486; thence in a southerly direction along the westerly lot line of said Lot 2, Block 1, to the northernmost right of way limit of Mitchell Avenue as shown on said plat of Fairwest Subdivision West Addition; thence in an easterly direction along the northernmost right of way limit of Mitchell Avenue as shown on said plat of Fairwest Subdivision West Addition extended to the section line common to Sections 17 and 18, T1S, R1W, F.B. & M.; thence in a southerly direction along the section line common to Sections 17 and 18, T1S, R1W, F.B. & M. to the northernmost 1/16 corner common to Sections 17 and 18, T1S, R1W, F.B. & M.; thence in an easterly direction along the northernmost east-west 1/16 line to the northerly 1/16 corner on the centerline (north-south) of Section 17, T1S, R1W, F.B. & M.; thence in a southerly direction along the centerline (north-south) of Section 17, T1S, R1W, F.B. & M. to the center 1/4 corner of Section 17, T1S, R1W, F.B. & M.; thence in a easterly direction along the centerline (east-west) of Section 17, T1S, R1W, F.B. & M. to an intersection with the westernmost right of way limit of Peger Road, State of Alaska Project S-0665(2); thence in a southerly direction along the westernmost right of way limit of Peger Road, State of Alaska Project S-0665(2), to a point on the extended southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2), thence in an easterly direction along the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2), to the easternmost limit of Schacht Street as shown on the plat of Metro Industrial Airpark subdivision filed in the Fairbanks Recorder's Office on December 12, 1969, as instrument No. 69-12194; thence in a southerly direction along the easternmost limit of said Schacht Street to the southwest corner of Lot 1-A as shown on the replat of Lot 1, Block 7, Metro Industrial Air Park filed in the Fairbanks Recorder's Office on June 18, 1985, as Instrument No. 85-96; thence in a easterly direction along the southerly boundary of said Lot 1-A to the southeasterly corner of said Lot 1-A at the westerly boundary of the Subdivision of the Arvo A. Joki Property in the SE 1/4 of Section 21, T.1S. R.1 W. F.M., filed in the Fairbanks Recorder's Office on May 31, 1973, as instrument No. 73-34; thence in southerly easterly and northerly directions around the perimeter of the Avro A. Joki Property encompassing Tract A and Tract B to the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2); thence in an easterly direction along the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2) to the easternmost limit of South Lathrop Street, a 66 foot section line easement centered on the section line common to Sections 21 and 22, T1S, R1W, F.B. & M.; thence in a southerly direction along the easternmost limit of South Lathrop Street, a 66 foot section line easement centered on the section line common to Sections 21 and 22, T1S, R1W, F.B. & M. to the northwesterly corner of Lot 1, as shown on the Amended Plat of D-5 Subdivision filed in the Fairbanks Recorder's Office on September 19, 1980, as Instrument No. 80-160; thence in an easterly direction along the northerly boundary of Lot 1, as shown on the Amended Plat of D-5 Subdivision filed in the Fairbanks Recorder's Office on September 19, 1980, as Instrument No. 80-160; thence in a southerly direction along the easterly boundary of Lot 1, as shown on the Amended Plat of D-5 Subdivision filed in the Fairbanks Recorder's Office on September 19, 1980, as Instrument No. 80-160 common to the westerly boundary of Lot 6, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the southwesterly corner of Lot

6, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence in an easterly direction along the southerly boundary of Lot 6, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the westernmost right of way limit of Royal Road, as shown on the plat of King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence in a northerly direction along the westernmost right of way limit of Royal Road, as shown on the plat of King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the northeasterly corner of Lot 7, Block 1, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence in an easterly direction along the westerly extension of and continuing along the southerly boundary of Lot 2, Block 2, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the southeasterly corner of Lot 2, Block 2, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114; thence northerly along the easterly boundary of Lots 1 and 2, Block 2, King Industrial Park Subdivision filed in the Fairbanks Recorder's Office on July 22, 1981, as Instrument No. 81-114 to the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2); thence in an easterly direction along the southernmost right of way limit of Van Horn Road, State of Alaska Project S-0665(2), to an intersection with the westernmost right of way limit of South Cushman Street; thence in a southerly direction along the westernmost right of way limit of South Cushman Street as shown on the plat of Tennessee Miller Industrial Park recorded in the Fairbanks District Recorders Office on March 14, 1986 as instrument number 86-35; thence continuing along the southerly extension of said westernmost right of way limit of South Cushman Street to the section line common to Sections 22 and 27, T1S, R1W, F. B. & M.; thence in an easterly direction along the section line common to Sections 22, 27, 23 and 26, to the 1/4 common to Sections 23 and 26, T1S, R1W, F.B. & M.; thence in a northerly direction along the north-south centerline of Section 23, to the northernmost 1/16 corner on said north-south centerline of Section 23, T1S, R1W, F.B. & M.; thence in an easterly direction along the northernmost east-west 1/16 line of said Section 23 to the northernmost 1/16 corner common to Sections 23 and 24, T1S, R1W, F.B. & M.; thence in a southerly direction along the section line common to Sections 23 and 24 to the southerly limit of Parcel B of Exhibit A to the Special Warranty Deed recorded in the Fairbanks Recorder's Office on February 27, 1985, in Book 414, Pages 331 through 337, as Instrument Number 85-4616; thence North 8959'52" East along the southerly boundary of said Parcel B a distance of 330.14 feet; thence North 002'05" West a distance of 330.22 feet to a point on the southerly boundary of said Parcel B; thence North 8959'59" East a distance of 690.39 feet to a point on the southerly boundary of said Parcel B; thence South 000'01" East a distance of 660.40 feet to a point on the southerly limit of said Parcel B; thence North 8959'46" East a distance of 300.44 feet to the southeasternmost corner of said Parcel B which lies on the westerly 1/16 line of Section 24, T1S, R1W, F.B. M.; thence in a southerly direction along the westerly 1/16 line of Sections 24 and 25, T1S, R1W, F.B. & M., to the meander of the north bank of the Tanana River; thence in northeasterly and southeasterly directions along the meanders of the north bank of the Tanana River to an intersection with the section line common to Sections 32 and 33, T1S, R1E, F.B. & M.; thence in a northerly direction along the section line common to Sections 33, 28, 29 and 32, T1S, R1E, F.B. & M., to the section corner common to Sections 21, 28, 29 and 20, T1S, R1E, F.B. & M.; thence in an easterly direction along the section line common to Sections 28 and 21, T1S, R1E, F.B. & M., to

the westerly 1/16 corner common to Sections 28 and 21, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M., to the southernmost right of way limit of the Old Richardson Highway, FAP 62-4; thence in a northwesterly direction along the southernmost right of way limit of the Old Richardson Highway, FAP 62-4, extended to the westernmost right of way limit of Badger Road, State of Alaska Project S-0620(2); thence in a northerly direction along the westernmost right of way limit of Badger Road State of Alaska Project S-0620(2) to an intersection with the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M., to the westerly 1/16 corner common to Sections 21 and 16, T1S, R1E, F.B. & M.; thence in an easterly direction along the section line common to Sections 21 and 16, T1S, R1E, F.B. & M. to the centerline of Badger Road State of Alaska Project RS-0622(6); thence in a northerly direction along the centerline of Badger Road State of Alaska Project No. RS-0622(6) to the centerline of Holms Road State of Alaska Project RS-0622(1) /63872; thence in a southeasterly direction along the centerline of Holms Road to a point of tangent at centerline station 24+59.63; thence South 02°32' 10" West (basis of bearing for this call is Holms Road State of Alaska Project RS-0622(1) /63872) to the section line common to Sections 21 and 16, T1S, R1E, F.B. & M.; thence in an easterly direction along said section line to the section corner common to Sections 22, 21, 16 and 15, T1S, R1E, F.B. & M.; thence in a northerly direction along the section line common to Sections 15 and 16, T1S, R1E, F.B. & M., to the section corner common to Sections 10, 15, 16 and 9, T1S, R1E, F.B. & M.; thence in a westerly direction along the section line common to Sections 9 and 16, T1S, R1E, F.B. & M., to the 1/4 corner common to Sections 9 and 16, T1S, R1E, F.B. & M.; thence in a northerly direction along the centerline (north-south) of Section 9, T1S, R1E, F.B. & M., to the 1/4 corner common to Sections 9 and 4, T1S, R1E, F.B. & M.; thence in an easterly direction along the section line common to Sections 9, 4, 3 and 10, T1S, R1E, F.B. & M., to the westerly 1/16 corner common to Sections 10 and 3, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line to the mid 1/16 corner located in the SW 1/4 of Section 3, T1S, R1E, F.B. & M.; thence in an easterly direction along the southerly 1/16 line to the southerly 1/16 corner on the centerline (north-south) of Section 3, T1S, R1E, F.B. & M.; thence in a northerly direction along the centerline (north-south) of Section 3, T1S, R1E, F.B. & M., to the 1/4 corner of Section 3, T1S, R1E, F.B. & M., located on the Fairbanks Base Line; thence east along the Fairbanks Base Line to the southerly 1/4 corner of Section 34, T1N, R1E, F.B. & M.; thence in a northerly direction along the centerline (north-south) of Section 34, T1N, R1E, F.B. & M., to the 1/4 corner common to Sections 34 and 27, T1N, R1E, F.B. & M.; thence in a westerly direction along the section line common to Sections 27, 34, 33 and 28, T1N, R1E, F.B. & M., to the section corner common to Sections 29, 28, 33 and 32, T1N, R1E, F.B. & M.; thence in a southerly direction along the section line common to Sections 32 and 33, T1N, R1E, F.B. & M., to the 1/4 corner common to Sections 32 and 33, T1N, R1E, F.B. & M.; thence in a westerly direction along the centerlines (east-west) of Sections 32 and 31, T1N, R1E, F.B. & M., to the 1/4 corner of Section 31, T1N, R1E, F.B. & M., located on the Fairbanks Meridian; thence north along the Fairbanks Meridian to the northernmost 1/16 corner of Section 36, T1N, R1W, F.B. & M., thence in a westerly direction along the northerly 1/16 line of Section 36, T1N, R1W, F.B. & M., to the mid 1/16 corner located in the NE 1/4 of Section 36, T1N, R1W, F.B. & M.; thence in a southerly direction along the easterly 1/16 line to the easterly 1/16 corner on the centerline (east-west) of Section 36, T1N, R1W, F.B. & M.; thence in a westerly direction to the interior 1/4 corner of Section 36, T1N, R1W, F.B. & M.; thence in a southerly direction along the

centerline (north-south) of Section 36, T1N, R1W, F.B. & M., to the 1/4 corner common to Section 36, T1N, R1W, F.B. & M., and located on the Fairbanks Base Line, the true point of beginning of this description. This description encompasses an area of 33.85 square miles.

EXHIBIT A-2

LEGAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY PROPOSED FOR DETACHMENT

Commencing at the Section Corner common to Sections 20, 21, 28, and 29, T1S, R1E, F.B. & M., being the true point of beginning of this description; thence in an easterly direction along the section line common to Sections 28 and 21, T1S, R1E, F.B. & M., to the westerly 1/16 corner common to Sections 28 and 21, T1S, R1E, F.B. & M.; thence in a northerly direction along the westerly 1/16 line of Section 21, T1S, R1E, F.B. & M. to the southernmost right of way limit of the Old Richardson Highway, FAP 62-4; thence in a northwesterly direction along the southernmost right of way limit of the Old Richardson Highway, FAP 62-4, extended to the westernmost right of way limit of Badger Road, State of Alaska Project S-0620(2); thence in a southerly direction along the westernmost right of way limit of Badger Road, State of Alaska Project S-0620(2) to the northernmost right of way limit of the Richardson Highway 6 Mile Badger Road Interchange, State of Alaska Project NH-IR-0A2-4(9)/63886; thence in a southwesterly direction along the northernmost right of way limit of the Richardson Highway 6 Mile Badger Road Interchange to the section line common to sections 20 and 21, T1S, R1E, F.B. & M.; thence in a southerly direction along the section line common to sections 20 and 21, T1S, R1E, F.B. & M. to the true point of beginning, containing an area of 48.5 acres more or less.

One platted subdivision lies inside the above-described territory:

Lots 1 & 2, Open Skies Commercial Park, subdivision plat 2009-015996-0, as amended by record survey 2012-000982-0, Section 21, Township 1S, Range 1E, Fairbanks Meridian.

EXHIBIT A-3

LEGAL DESCRIPTION OF THE PROPOSED POST-DETACHMENT BOUNDARIES OF THE PROPOSED REMNANT CITY

Same as the legal description found in Exhibit A-1, except that the yellow highlighted text found on pages 15-16 is replaced with the following:

thence in a northerly direction along the section line common to Sections 20 and 21, T1S, R1E, F.B. & M., to the northernmost right of way limit of the Richardson Highway 6 Mile Badger Road Interchange, State of Alaska Project NH-IR-0A2-4(9)/63886; thence in a northeasterly direction along the northernmost right of way limit of the Richardson Highway 6 Mile Badger Road Interchange NH-IR-0A2-4(9)/63886,

0.076 sq. mile reduction (48.5 acres)

EXHIBIT A - 4

MAP OF THE EXISTING CITY FROM WHICH DETACHMENT IS SOUGHT.

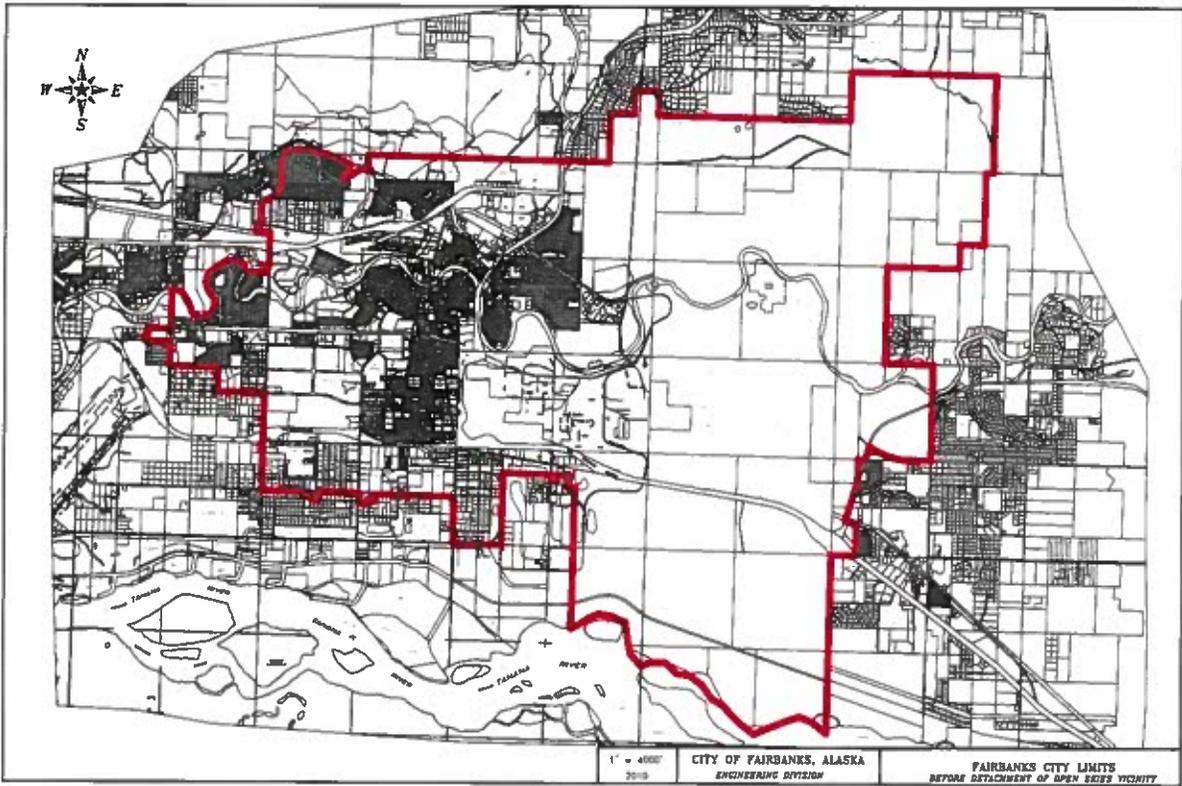


EXHIBIT A - 5

MAP OF TERRITORY PROPOSED FOR DETACHMENT

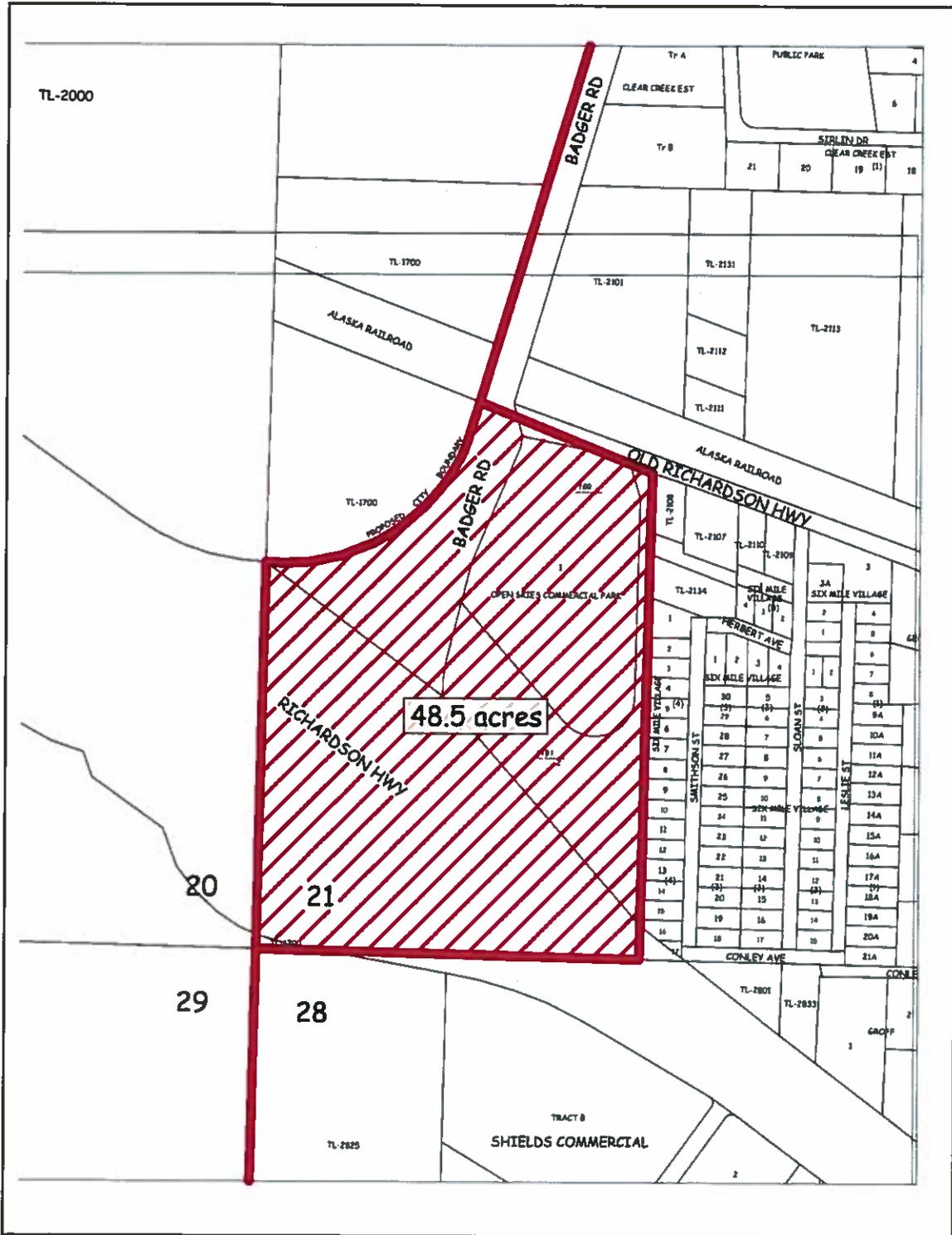


EXHIBIT A - 6

MAP OF THE PROPOSED REMNANT CITY

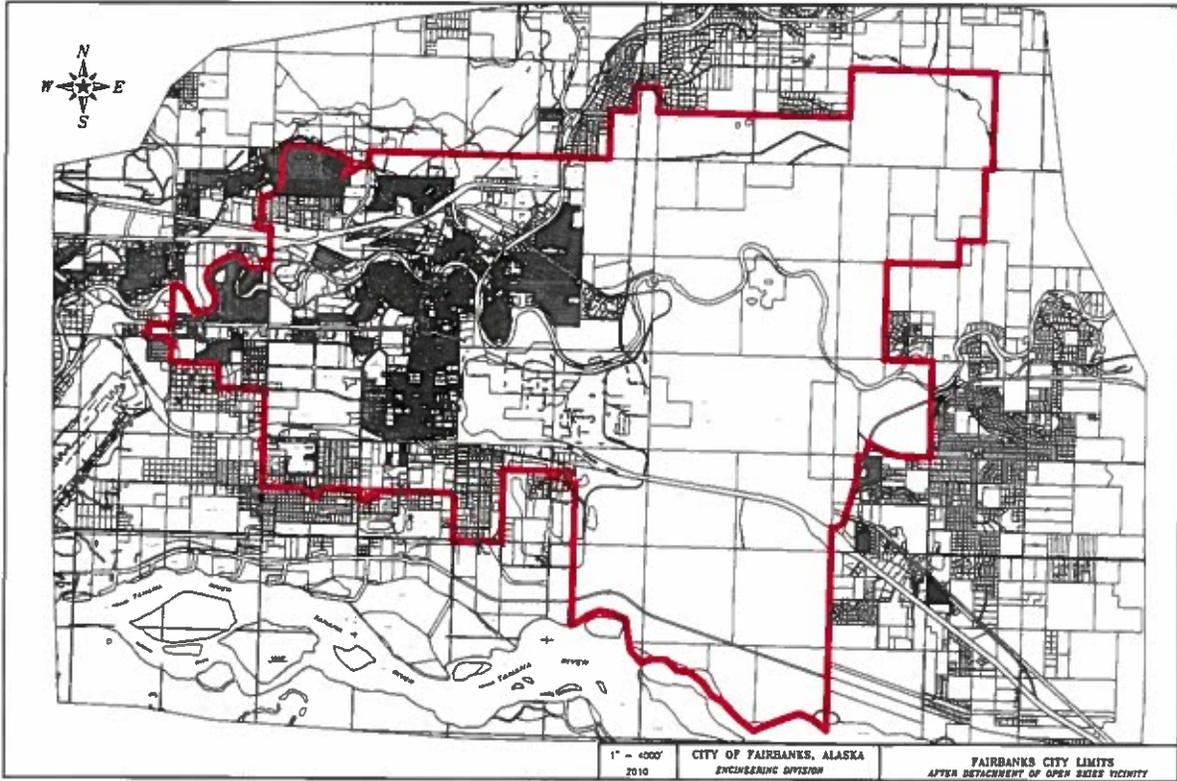


EXHIBIT B
INFORMATION RELATING TO PUBLIC NOTICE
AND SERVICE OF THE PETITION

This Exhibit provides information relevant to public notice of this detachment proceeding. The information includes specifics about local media; adjacent municipal governments; places recommended for posting notices; location(s) where the Petition may be viewed; and persons who, because of their interests in this matter, may warrant the courtesy of individual notice of the detachment proceedings.

LOCAL MEDIA

Newspaper

Name: *Fairbanks Daily News-Miner*
Address: 200 North Cushman St.
Fairbanks, AK 99701
Telephone #: (907) 456-6661
Fax #: (907) 452-7917
Web address: newsminer.com

Web-based Media

Name: *Alaska Dispatch*
Address: 2301 Merrill Field Dr.
Anchorage, AK 99501
Telephone #: (907) 743-0744
Fax #: (907) 743-0729
web address: alaskadispatch.com

Radio stations

Name: KUAC-FM Public Radio
Address: P.O. Box 755620
Fairbanks, AK 99775-5620
Telephone #: (907) 474-7491
Fax #: (907) 474-5064
Web address: kuac.org

Name: KFAR, KUWL, KXLR, KWLF, KCBF
Address: 819 1st Ave Ste. A
Telephone #: (907) 451-5910
Fax #: (907) 451-5999
Web address: www.kfar660.com

Name: KSUA Radio
Address: P.O. Box 750113
Fairbanks, AK 99775
Telephone #: (907) 474-7054
Fax #: (907) 474-6314
Web address: www.ksuaradio.com

Name: KAKQ Magic 101.1 Radio
Address: 546 9th Ave.
Fairbanks, AK 99701
Telephone #: (907) 450-1000
Fax #: (907) 450-1092
Web address: www.101magic.com

Name: NewsRadio 970
Address: 546 9th Ave.
Fairbanks, AK 99701
Telephone #: (907) 450-1000
Fax #: (907) 450-1092
Web address: www.970kfbx.com

Name: 102.5 KIAK FM
Address: 546 9th Ave.
Fairbanks, AK 99701
Telephone #: (907) 450-1000
Fax #: (907) 450-1092
Web address: www.kiak.com

Television

Name: KATN /Ch 2 ABC
Address: 516 2nd Ave Ste 400
Fairbanks, AK 99701
Telephone #: (907) 452-2125
Web address: www.youralaskalink.com

Name: KFXF / Ch 7 FOX
Address: 3650 Braddock St
Fairbanks, AK 99701
Telephone #: (907) 452-3697
Web address: tvtv.com

Name: KJNP / Ch 4 TBN
PO Box 56359
North Pole, AK 99705
Telephone #: (907) 488-2216

Name: KTVF / Ch 11 NBC
3528 International Way
Fairbanks, AK 99701
Telephone #: (907) 458-1800
Web address: webcenter11.com

Name: KUAC / Ch 9 PBS
PO Box 755620
Fairbanks, AK 99775-5620
Telephone#: (907) 474-7491
Web address: KUAC.org

Name: KXD / Ch 13 CBS
3650 Braddock Street
Fairbanks, AK 99701
Telephone#: (907) 452-3697
Web address: cbsnews13.com

PLACES RECOMMENDED FOR POSTING OF OFFICIAL NOTICE OF THE PETITION FOR DETACHMENT

The following three or more public and prominent places within or near the boundaries proposed for change are recommended for posting of notice of this detachment proposal.

- Corner of Badger Road & Old Richardson Highway
- Corner of Badger Road & New Richardson Highway
- Driveway to Forbes Storage Annex, Open Skies Commercial Park
- McPeak's Store, 771 Badger Road
- Clerk's Office, City of Fairbanks, 800 Cushman Fairbanks, Alaska 99701
- Noel Wien Library, 1215 Cowles Street, Fairbanks, Alaska 99701
- Clerk's Office, Fairbanks North Star Administrative Office Building, 809 Pioneer Road, Fairbanks, Alaska 99701

ADJACENT MUNICIPAL GOVERNMENTS

The following is a list of city governments and organized boroughs whose boundaries are either concurrent with the City of Fairbanks or located within 20 miles of the current or proposed boundaries of the City.

City of North Pole
125 Snowman Lane
North Pole, Alaska 99705-7708
(907) 488-2281

Fairbanks North Star Borough
P.O. Box 71267
Fairbanks, Alaska 99707-1267
(907) 459-1000

LOCATIONS WHERE THE PETITION MATERIALS WILL BE AVAILABLE FOR PUBLIC REVIEW

The Petitioner proposes to comply with 3 AAC 110.460(b) by providing a full set of Petition documents for public review at the locations listed below which are open to the public on the days and times listed below. In addition, a full copy will be available for viewing at the City’s website, “www.ci.fairbanks.ak.us.”

Location	Days and Times Open to the Public
Fairbanks North Star Borough Noel Wien Library, 1215 Cowles Street, Fairbanks, AK	M-Th, 10:00 a.m.-9:00 p.m.; F, 10:00 a.m.-6:00 p.m., Sa, 10:00-5:00 p.m., Su, 1:00 p.m. – 5:00 p.m. (closed Sundays in June, July, and August).
City of Fairbanks Clerk’s Office, 800 Cushman Street, Fairbanks, AK	M-F, 8:00 a.m. – 5:00 p.m.
Fairbanks North Star Borough Clerks Office, 809 Pioneer Way, Fairbanks, AK	M-F, 8:00 a.m. – 5:00 p.m.

INDIVIDUALS AND ORGANIZATIONS THAT MAY WARRANT THE COURTESY OF INDIVIDUAL NOTICE IN WRITING OF THE FILING OF THE DETACHMENT PETITION

The following is a list of names and addresses of individuals and organizations whose potential interest in the detachment proceedings may warrant the courtesy of individual notice of the filing of the petition.

First Name	Last Name	Organization/Business	Address	Email
Luke	Hopkins	Mayor, Fairbanks North Star Borough	809 Pioneer Road Fairbanks, AK 99701	mayor@co.fairbanks.ak.us
Bryce	Ward	Mayor, City of North Pole	125 Snowman Lane North Pole, AK 99705	mayor@northpolealaska.com
Benjamin	Otis	Resident	PO Box 55068 North Pole, AK 99705	betterwayalaska@gmail.com
Olivia	Otis	Resident	PO Box 55068 North Pole, AK 99705	otis.greenlee@gmail.com
Buzz	Otis	Managing Member, Open Skies, LLC	PO Box 55068 North Pole, AK 99705	buzz@buzzotis.com
Burke	Barrick	Commander, Alaska State Troopers	1979 Peger Road Fairbanks, AK 99709	burke.barrick@alaska.gov
Roxanne	Frank	Fairbanks Native Association, President	605 Hughes Avenue, Suite 100 Fairbanks, AK 99701	roxanne.frank@tanachiefs.org
Pete	Kelly	State Senator, District B	1292 Sadler Way, Suite 308 Fairbanks, AK 99701	Sen.Pete.Kelly@akleg.gov
John	Coghill	State Senator, District A	1292 Sadler Way, Suite 308 Fairbanks, AK 99701	Sen.John.Coghill@akleg.gov
Steve	Thompson	State Representative, District 3	1292 Sadler Way, Suite 308 Fairbanks, AK 99701	Rep.Steve.Thompson@akleg.gov
Tammie	Wilson	State Representative, District 2	1292 Sadler Way, Suite 308 Fairbanks, AK 99701	Rep.Tammie.Wilson@akleg.gov
Scott	Kawasaki	State Representative, District 1	1292 Sadler Way, Suite 308 Fairbanks, AK 99701	Rep.Scott.Kawasaki@akleg.gov

First Name	Last Name	Organization/Business	Address	Email
John	Davies	Assembly member	809 Pioneer Road Fairbanks, AK 99701	jdavies@fnsb.us
Kathryn	Dodge	Assembly member	809 Pioneer Road Fairbanks, AK 99701	kdodge@fnsb.us
Janice	Golub	Assembly member	809 Pioneer Road Fairbanks, AK 99701	jgolub@fnsb.us
Diane	Hutchison	Assembly member	809 Pioneer Road Fairbanks, AK 99701	dhutchison@fnsb.us
Karl	Kassel	Assembly member	809 Pioneer Road Fairbanks, AK 99701	kkassel@fnsb.us
Van	Lawrence	Assembly member	809 Pioneer Road Fairbanks, AK 99701	vlawrence@fnsb.us
Christopher	Quist	Assembly member	809 Pioneer Road Fairbanks, AK 99701	cquist@fnsb.us
Lance	Roberts	Assembly member	809 Pioneer Road Fairbanks, AK 99701	lroberts@fnsb.us
Guy	Sattley	Assembly member	809 Pioneer Road Fairbanks, AK 99701	gsattley@fnsb.us
Rod	Boyce	<i>Daily News Miner</i>	200 North Cushman Street Fairbanks, AK 99701	rboyce@newsminer.com

INDIVIDUALS AND ORGANIZATIONS THAT WARRANT BEING SERVED WITH A PAPER COPY OF THE DETACHMENT PETITION

First Name	Last Name	Org/Bus	Address	Email
Harold "Buzz"	Otis	Managing Member, Open Skies LLC	PO Box 55068 North Pole, AK 99705	buzz@buzzotis.com
Luke	Hopkins	Borough Mayor	809 Pioneer Road Fairbanks, AK 99701	mayor@co.fairbanks.ak.us
Bryce	Ward	Mayor, City of North Pole	125 Snowman Lane North Pole, AK 99705	mayor@northpolealaska.com
Benjamin	Otis	Resident	PO Box 55068 North Pole, AK 99705	betterwayalaska@gmail.com
Olivia	Greenlee	Resident	PO Box 55068 North Pole, AK 99705	otis.greenlee@gmail.com

EXHIBIT C-1

**PROJECTED OPERATING REVENUES OF THE EXISTING CITY
2015 – 2017 (CALENDAR YEAR)**

	2015 BUDGET	2016 FORECAST	2017 FORECAST
Revenue			
Taxes (all sources)	\$20,564,123	\$20,819,913	\$21,079,703
Charges for Services	4,740,703	4,765,832	\$4,800,275
Intergovernmental Revenues	3,627,263	3,487,379	3,326,823
Licenses & Permits	1,965,194	1,965,194	1,965,194
Fines & Forfeitures	962,605	962,605	962,605
Interest & Penalties	130,500	130,500	130,500
Rental & Lease Income	164,734	164,734	164,734
Other Revenues	<u>224,500</u>	<u>224,000</u>	<u>223,500</u>
Total Revenue	32,379,622	32,520,157	32,653,334
Sale of Assets	50,000	50,000	50,000
Permanent Fund X-fer	4,330,032	4,508,128	4,703,477
X-fer to Capital Fund	<u>(200,000)</u>	<u>(200,000)</u>	<u>(200,000)</u>
Total Revenue and Other Financing Sources	<u>\$36,559,654</u>	<u>\$36,878,285</u>	<u>\$37,206,811</u>

The proposed detachment will not have a material effect on the City's finances.

EXHIBIT C-2

**PROJECTED ESTIMATED OPERATING EXPENDITURES OF THE EXISTING CITY
2015 – 2017 (CALENDAR YEAR)**

	2015 BUDGET	2016 FORECAST	2017 FORECAST
Expenditures			
Mayor	\$602,561	\$611,599	\$620,773
City Attorney	181,316	184,036	186,796
City Clerk	349,232	354,470	359,788
Finance	936,547	950,595	964,854
Information Technology	1,675,149	1,700,276	1,725,780
General Government	5,711,961	5,804,474	5,898,512
Risk	1,413,460	1,413,460	1,413,460
Police	7,323,835	7,433,693	7,545,198
Dispatch	2,022,870	2,053,213	2,084,011
Fire	6,551,262	6,649,531	6,749,274
Public Works	7,777,320	7,893,980	8,012,389
Engineering	694,845	705,268	715,847
Building Department	671,559	681,632	691,857
Total Expenditures	\$35,911,917	\$36,436,227	\$36,968,539

EXHIBIT C-3

**PROJECTED CAPITAL EXPENDITURES OF THE EXISTING CITY
2015 – 2017 (CALENDAR YEAR)**

	2015 BUDGET	2016 FORECAST	2017 FORECAST
Revenue and Other Financing Sources (OFS)			
Asset Replacement Charges	\$1,276,500	\$1,295,648	\$1,315,082
Transfer from Permanent Fund	541,254	549,373	557,613
Transfer from General Fund (GF)	200,000	203,000	206,045
Transfer from GF Equipment Replacement	225,034	228,410	231,836
Transfer from General Fund Ambulance Mileage	65,000	65,000	65,000
Total Revenue and OFS	\$2,307,788	\$2,341,431	2,375,576
Expenditures			
Capital Outlay – Information Technology	\$32,000	\$32,480	\$32,967
Capital Outlay – Police	180,000	182,700	185,441
Capital Outlay – Fire	365,000	370,475	376,032
Capital Outlay – Public Works	1,726,000	1,751,890	1,778,168
Total Expenditures	\$2,303,000	\$2,337,545	\$2,372,608

EXHIBIT D
MUNICIPAL POWERS AND FUNCTIONS

CURRENTLY EXERCISED MUNICIPAL POWERS AND FUNCTIONS OF THE CITY OF FAIRBANKS, THE EXISTING MUNICIPALITY

- Police Protection
- Fire Suppression & Prevention
- Emergency Medical Services
- Emergency Dispatch
- Public Works: Street & Building Construction & Maintenance
- Engineering
- Building Code Enforcement
- Economic Development
- Wastewater Treatment Plant Ownership
- Storm water management

In addition, as a home rule city under Alaska Law, the City of Fairbanks has all municipal powers not prohibited by state law. In 2012, the City of Fairbanks transferred its power to operate a natural gas utility system to the Fairbanks North Star Borough. The City of North Pole also took this action.

MUNICIPAL POWERS AND FUNCTIONS OF ANY EXISTING MUNICIPALITY FOR WHICH A CHANGE IS PROPOSED; BEFORE AND AFTER THE PROPOSED CHANGE

No Change.

CURRENT ALTERNATIVE SERVICE PROVIDERS, INCLUDING SERVICE AREAS, IN THE TERRITORY PROPOSED FOR DETACHMENT

Provider	Service or Function
Fairbanks North Star Borough – North Star Fire Service Area	Fire suppression.
Fairbanks North Star Borough – non area wide	Emergency Medical Service. Solid Waste Collection. Economic Development.

EXHIBIT E

TRANSITION PLAN

PROVISION OF CITY SERVICES AND FUNCTIONS

The transition plan requires no action. Because the territory to be detached has long been assumed to be outside the City boundaries, absolutely nothing will change. There is no need for any “transition” except the formal recognition of has been the status quo. Detachment would not cause a loss of value in assets, loss of credit or a reduced bond rating for liabilities. As noted above, the territory has not been taxed by the City. The North Star Fire Service Area is already responding to the territory.

Unlike a boundary change that requires a “ramp up” of services or a formal date of transferring a service from one municipality to another, there is nothing to transfer in this case.

Assuming the Local Boundary Commission approves, detachment can be effective on the date of final action.

No change will occur because of detachment and there is no need for any action. In reality, the territory was never recognized as part of the City.

EXHIBIT F

COMPOSITION AND APPORTIONMENT OF THE CITY COUNCIL

This Exhibit presents information about the current composition and apportionment of the City Council. It also describes any change to the composition and apportionment of the City Council contemplated following detachment.

The detachment would not change the composition or apportionment of the City Council. The Fairbanks City Council is composed of a mayor and six council members, all of which are elected “at large” to serve three-year terms. Elected officials may not serve more than two full terms without a break in service.

No resident of the territory to be detached has voted in City elections.

City Council Members

First Name	Last Name	Position
John	Eberhart	Mayor & Council member
Jerry	Cleworth	Council member
Bernard	Gatewood	Council member
Jim	Matherly	Council member
David	Pruhs	Council member
Rene	Staley	Council member
Perry	Walley	Council member

EXHIBIT G

FEDERAL VOTING RIGHTS ACT INFORMATION

This Exhibit provides information regarding any effects of the proposed detachment upon civil and political rights for purposes of the federal Voting Rights Act. This information includes the following:

A. The purpose and effect of detachment as it pertains to voting.

The detachment is expected to remove two residents from the City of Fairbanks. The City's population in 2012 was 32,312 according to the U.S. Census.

B. The extent to which the detachment excludes minorities while including other similarly situated persons.

While the detachment is expected to remove two resident, only one resident is registered to vote. Removal of one voter at the proposed detachment will have no effect on the composition of the City's voters.

C. The extent to which detachment reduces the City's minority population percentage.

Subtracting two residents from the City's voters will have no effect on minority voting rights.

D. Whether the electoral system of the City fails fairly to reflect minority-voting strength.

The electoral system of the City of Fairbanks reflects minority-voting strength through at-large elections for all offices.

E. Participation by minorities in the development of the detachment proposal.

The public had the opportunity to speak to this proposed detachment at the meetings held by the City Council as part of their consideration of the Resolution authorizing the filing of this Petition. In addition, the public has the right to speak during the "Citizens Comments" portion of every regular meeting of the Fairbanks City Council – normally held at least twice a month – on the topic.

F. Designation of an Alaska Native for U.S. Department of Justice contact regarding the proposed detachment:

Roxanne Frank, Executive Director
Fairbanks Native Association
605 Hughes Street, Suite 100
Fairbanks, AK 99701

(907) 452-1648

English is spoken and understood throughout the City of Fairbanks and the area proposed for detachment.

EXHIBIT H
SUPPORTING BRIEF

The proposed detachment satisfies the relevant constitutional, statutory, and regulatory standards that generally govern municipal detachment. The Alaska Constitution created the Local Boundary Commission (“LBC”) with the authority to establish methods for the adjustment of boundaries by local action:

Article X, Section 10.12 - Boundaries.

A local boundary commission or board shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. **The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action.**

Regarding detachment⁶ by local action, the pertinent sections of AS 29.06.040 provide:

Sec. 29.06.040. Municipal boundary changes.

- (a) The Local Boundary Commission may consider any proposed municipal boundary change. The commission may amend the proposed change and may impose conditions on the proposed change. **If the commission determines that the proposed change, as amended or conditioned if appropriate, meets applicable standards under the state constitution and commission regulations and is in the best interests of the state, it may accept the proposed change.** Otherwise it shall reject the proposed change. A Local Boundary Commission decision under this subsection may be appealed under AS 44.62 (Administrative Procedure Act).

- (c) In addition to the regulations governing annexation by local action adopted under AS 44.33.812 , **the Local Boundary Commission shall establish procedures for annexation and detachment of territory by municipalities by local action.** The procedures established under this subsection must include a provision that

⁶ It should be noted that if Open Skies were *outside* the City wishing to be *annexed*, AS 29.06.040(c)(4) allows annexation with the consent of the owners; that is not the case of proposals to detach property.

- (2) a proposed annexation or detachment must be approved by a majority of votes on the question cast by voters residing in the area proposed to be annexed or detached;

This detachment meets all applicable requirements of the constitution, AS 26.06.040 and administrative regulations regarding detachment and is in the best interests of the state.

As provided in AS 29.06.040(c)(2), the LBC has adopted standards for detachment by local action (local vote). The regulatory starting point is 3 AAC 110.257:

3 AAC 110.257. Standards for detachment from cities

In accordance with AS 29.06.040(a), the commission may approve a proposal for detachment from a city only if the commission determines that the proposal

- (1) meets applicable standards under the Constitution of the State of Alaska;
- (2) meets standards in 3 AAC 110.257 – 3 AAC 110.260 and 3 AAC 110.900 – 3 AAC 110.970; and
- (3) is in the best interests of the state.

This detachment is more in the nature of a corrective deed with no effect on the existing City or the neighboring service area of the Fairbanks North Star Borough. There is no applicable constitutional standard. The slight adjustment of City boundaries is in the best interest of the State because it would be inefficient and impractical for the City to provide service to territory so removed from the rest of the City.

Pursuant to 3 AAC 110.260(a) “[i]n determining whether detachment from a city is in the best interests of the state under AS 29.06.040, the commission may consider relevant factors, including,” which are as follows, along with the Petitioner’s responses, in *italics*, to each factor:

- (1) The health, safety, and general welfare of the proposed remnant city and the territory after detachment;

The territory proposed for detachment has never been a source of any revenue.

Detachment will have no effect on the remnant city.

- (2) The ability of the proposed remnant city to efficiently and effectively provide reasonably necessary facilities and services after detachment;

Same as response to No. 1.

- (3) The reasonably anticipated potential for, and impact of, future population growth or economic development that will require local government regulation in the territory after detachment;

Given the fact that Open Skies has recently been developed as a commercial self-storage facility, no significant future population growth is foreseen.

- (4) The historical pattern of providing to the territory municipal services that have been, or should be, supported by tax levies in the territory;

As noted above, no municipal services have been provided; the land was vacant until recently. No taxes have been levied by the City.

- (5) The historical pattern of cooperation and shared commitment between the people of the proposed remnant city and the people of the territory;

Not relevant as there have been no residents until recently.

- (6) The extent to which detachment might enhance or diminish the ability of the proposed remnant city to meet the standards for incorporation of cities, as set out in the Constitution of the State of Alaska, AS 29.05, 3 AAC 110.005 - 3 AAC 110.042, and 3 AAC 110.900 - 3 AAC 110.970;

No effect.

- (7) The extent to which a transition plan of a previous annexation has been implemented and is effective;

No previous transition plan.

- (8) The effect of the proposed detachment on the long-term stability of the finances of the proposed remnant city, other municipalities, and the state;

No effect, as the territory has never been taxed or provided services.

- (9) Whether the proposed detachment will promote

(A) maximum local self-government, as determined under 3 AAC 110.981; and

(B) a minimum number of local government units, as determined under 3 AAC 110.982 and in accordance with art. X, sec. 1, Constitution of the State of Alaska;

No effect on either factor.

- (10) Whether the territory's requirements for local government services will be adequately met following detachment;

The territory to be detached will continue to be served by North Star Fire Service

Area. Alaska State Troopers will enforce traffic safety on Badger Road and Old Richardson Highway. Fairbanks Police Department will continue to enforce traffic safety on New Richardson Highway to the first Badger Road exit.

(11) Contemporary and historical public school enrollment data; and

No children live in territory.

(12) Nonconfidential data from the Department of Revenue regarding applications under AS 43.23 for permanent fund dividends.

Not relevant.

(b) If, to fulfill the requirements of (a)(10) of this section, the petitioner has proposed, or the commission requires, incorporation of the territory into a new municipality, the commission may condition the approval of the detachment upon voter approval of the incorporation.

No new municipality proposed or needed.

(c) Absent a specific and persuasive showing to the contrary, the commission will presume that territory proposed for detachment that would create noncontiguous parts of the city or enclaves within the city does not meet the standards for detachment.

Not an issue: detachment would not create a non-contiguous territory or enclave.

(d) Absent a specific and persuasive showing to the contrary, the commission will presume that territory proposed for detachment from a city in an unorganized borough is a diminution of maximum local self-government and does not meet the standards for detachment.

Not relevant; this proposed detachment is inside an organized borough.

(e) In order to promote a minimum number of local government units in accordance with art. X, sec. 1, Constitution of the State of Alaska, a petition for detachment that also seeks to incorporate a new city must propose that the new city will encompass a substantially larger population and territory than the population and territory proposed for detachment.

Not relevant; no new city is proposed.

Regulatory Standards of 3 AAC 110.900 – 982

3 AAC 110.900(a) provides that a petition for detachment “must include a practical plan demonstrating the transition of termination of municipal services in the shortest practicable time after detachment” As noted above, there is nothing to transition; nothing will be changed. Prior to commencing the petition process, the territory was treated by the Fairbanks North Star Borough as lying outside the City. Petitioner is asking to formalize what has been *de facto* for decades. 3 AAC 110.900(d) notes that the commission may require an agreement among affected municipalities regarding, affected “rights.” The City, Fairbanks North Star Borough and property owner will enter into agreement that waives any right to uncollected City property taxes and collected service area, non-areawide and refuse collection district taxes in which each party waives any right to claim tax payments or refunds.

The detachment will not deny any “civil or political right” within the coverage of 3 AAC 110.910. 3 AAC 110.920 is not applicable as the territory is not a “community.” There will be no change in the “essential municipal services” currently provided to the territory. Finally, the detachment promotes efficient “maximum local self-government within the meaning of 3 AAC 110.981(9) and Article X, Section 1 of the Constitution of the State of Alaska. There is no diminution of the territory and population being detached, no effect on the capacity of the remnant City to meet the needs of its residents and the needs of the territory are already being served by the Borough.

Among the factors to be considered in determining whether a proposed boundary change promotes a minimum number of local government units in accordance with art. X, sec. 1, Constitution of the State of Alaska, the commission will consider for city detachment, whether the detached area, by itself, is likely to be incorporated as a new city. In response to 3 AAC 110.982(9), the proposed territory to be detached from City of Fairbanks will not be incorporated as a new city; rather, it will remain part of Fairbanks North Star Borough as privately owned land by the current land owner.

EXHIBIT I

AUTHORIZATION

Copy of Resolution Authorizing Preparation and Submission of Petition

Introduced By: Mayor Cleworth
Introduced: April 25, 2011

RESOLUTION NO. 4470

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A PETITION TO THE LOCAL BOUNDARY COMMISSION FOR THE DETACHMENT FROM THE CITY OF THE OPEN SKIES COMMERCIAL PARK SUBDIVISION, LOCATED AT THE INTERSECTION OF BADGER ROAD AND THE OLD RICHARDSON HIGHWAY

WHEREAS, in 1973, the State of Alaska approved annexation of Fort Wainwright into the City of Fairbanks; and

WHEREAS, Fort Wainwright includes land situated east of Badger Road; and

WHEREAS, tracts of land situated east of Badger Road have been transferred from military ownership; and

WHEREAS, parcels described as Lots 1 & 2, US Survey 11793, located at the intersection of Badger and Holmes Road, were transferred to the Fairbanks North Star Borough for use as a solid waste refuse collection site. The City consented to the detachment of these lots from the territory of the City of Fairbanks; and

WHEREAS, land described as Open Skies Commercial Park Subdivision, situated at the corner of Badger Road and the Old Richardson Highway, was transferred from military ownership and is now privately owned; and

WHEREAS, while it is the policy of the City Council of the City of Fairbanks that Fort Wainwright is an essential part of the City, detachment of territory that has been transferred from military ownership such as Open Skies Commercial Park Subdivision is appropriate under the regulatory standards adopted by the Local Boundary Commission.

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

Section 1. The City Council authorizes the City Mayor to prepare and submit a Petition for Detachment of Open Skies Commercial Park Subdivision, Fairbanks Recording District, via the local option method in which the affirmative vote of a majority of eligible voters will be required. In the event that the local option method is not available due to no eligible

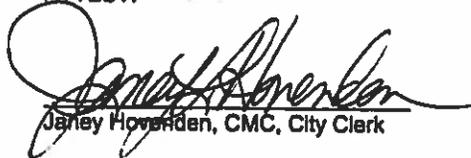
voters residing in the territory to be detached, the legislative review method of Detachment is authorized. All costs, including staff time, are to be paid by the owner of the land requesting Detachment.

Section 2. That the effective date of this Resolution shall be the 30th day of April 2011.



Jerry Cleworth,
City Mayor

AYES: Gatewood, Roberts, Matherly, Stiver
NAYS: Bratcher
ABSTAIN:
ABSENT: Eberhart
ADOPTED: April 25, 2011

ATTEST:


Janey Hovenden, CMC, City Clerk

APPROVED AS TO FORM:


Paul J. Ewers, City Attorney

Resolution 4470
Page 2

EXHIBIT J

**LETTER FROM ALASKA DIVISION OF ELECTIONS REGARDING THE NUMBER
OF VOTES CAST IN THE LAST GENERAL ELECTION WITHIN THE TERRITORY
PROPOSED FOR DETACHMENT**

Director's Office
PO Box 110017
Juneau, Alaska 99811-0017
907-465-4611 907-465-3203 FAX
elections@alaska.gov

Region III Office
Fairbanks Regional Office Bldg
675 7th Avenue Suite H3
Fairbanks, Alaska 99701-4592
907-451-2835 907-451-2832 FAX


STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

October 23, 2014

City of Fairbanks
JB Brainerd
Deputy City Attorney
800 Cushman Street
Fairbanks, Alaska 99701

Dear Mr. Brainerd:

In response to your request dated October 10, 2014 regarding Resolution 4470 and the 48.5 acre parcel of land in question, our records indicate that this address is now included in the precinct boundaries for Badger No.2. When creating the new precinct boundaries for the 2010 Redistricting plan we followed the boundaries of Fort Wainwright to keep the base wholly contained and this parcel was within those boundaries. With an additional Redistricting plan completed in 2013 we removed this area from the Fort Wainwright precinct boundaries and it is now included with the Badger No.2 precinct boundaries.

As of today, our records indicate that there is one voter registered with the address of 1189 Old Richardson Highway and this individual did cast a ballot during the 2014 Primary Election. Our records do not show any registered voters at 640 Badger Road.

Please let me know if there is anything else you may need regarding this issue.

Sincerely,



Mickey Speegle
Region III Elections Supervisor

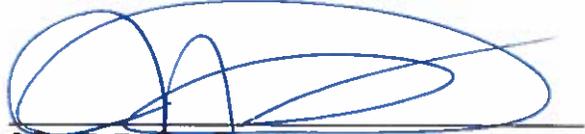
www.elections.alaska.gov

EXHIBIT K

AFFIDAVIT OF PETITIONER'S REPRESENTATIVE CONCERNING ACCURACY OF INFORMATION

STATE OF ALASKA)
) ss.
FOURTH JUDICIAL DISTRICT)

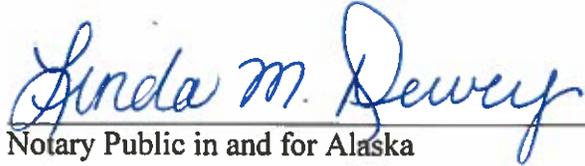
I, John C. Brainerd, representative of the Petitioner seeking detachment, being sworn, state the following: While Patrick B. Cole was the initial preparer, I am responsible for reviewing and updating the Petition for Detachment and, to the best of my knowledge, information, and belief, formed after reasonable inquiry, the information in the Petition is true and accurate.



John C. Brainerd
Petitioner's Representative

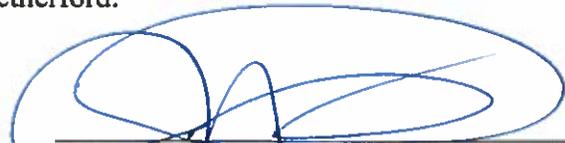
SUBSCRIBED AND SWORN TO before me on the 22nd date of April 2015.





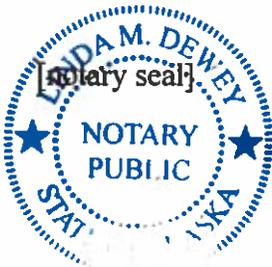
Notary Public in and for Alaska
My Commission expires: 09-16-17

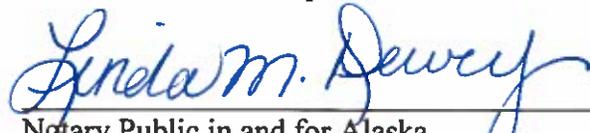
- (j) The information in Exhibit I demonstrating that the Petitioner is authorized to file this Petition was provided by Janey Hovenden, City Clerk.
- (k) Exhibit J, documentation of the number of votes cast in the last general election in the territory proposed for detachment was provided by Mickey Speegle, Region III Elections Supervisor.
- (l) General information regarding population and information regarding was determined with the assistance of Rebekah Lloyd, a University of Alaska Fairbanks student enrolled in a honors program which included an internship with the City of Fairbanks. Ms. Lloyd also verified the information relating to public notice and service of the Petition contained in Exhibit B.
- (m) Editing and research of applicable sections of Alaska Statue and Administrative Regulations was provided by Brittany Retherford.



John C. Brainerd
Petitioner's Representative

SUBSCRIBED AND SWORN TO before me on the 22nd date of April 2015.





Notary Public in and for Alaska
My Commission expires: 09-16-17