

**SUBJECT: Bridgestone Subdivision Sewer System Transfer**

REQUESTED BY: Public Works

PREPARED BY: Public Works

DATE: August 30,1999

FOR AGENDA OF: September 13,1999

**SUMMARY:**

On August 30, 1999, the Bridgestone Subdivision Board of Supervisors voted to turn over, by warranty deed, the sewer system in Bridgestone Subdivision to the City of Wasilla at no cost. The Bridgestone Subdivision water system was given to the City several years ago.

The effective date of the City assuming responsibility will be October 1, 1999. Billing for the sewer system will be based upon the water usage per City ordinance. Because the water system is already run by the city, the billing system will be easily implemented.

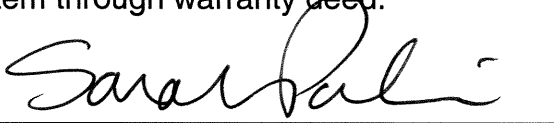
The sewer facility is a gravity system going to a community septic field. As the sewer system expands north along Lucas to serve subdivisions along the way, Bridgestone can serve as a terminus for such a major trunk line. Because it is a gravity system with a common septic tank, it can be tied into the city sewage system at a relatively low cost when a trunk line is constructed.

The system has been inspected by the City and has been found to be in good condition. A precedent has been set by Wasilla in taking over existing water systems in Lacey Lane and Bridgestone and the sewer system in Lacey Lane over the last few years.

**FISCAL IMPACT:**  x No  Yes, amount requested: \$ Fund:

**RECOMMENDED ACTION:**

Council approve Public Works to pursue accepting the Bridgestone Subdivision sewer system through warranty deed.



Reviewed by: SARAH PALIN, Mayor

Presented to council on 9/13/99  
Action taken:  Approved  Denied  
other \_\_\_\_\_  
Verified by W.

Attachments: Agreement, Warranty Deed and Bill of Sale Document  
BHOA Board Of Directors Meeting Agenda, August 28, 1999

BHOA BOARD OF DIRECTORS MEETING  
AGENDA  
AUGUST 28, 1999

SUBJECT

Transfer of ownership of the Bridgestone Subdivision septic system to the city of Wasilla

PROPOSED RESOLUTION

WHEREAS Alaska state statute, Chapter 20, and the Articles of Incorporation of the Bridgestone Homeowners Association specify that the Board of Directors shall manage the affairs of the Association, and

WHEREAS Article III, Section (c) of the Bridgestone Homeowners Association Articles of Incorporation authorizes the Association "...to convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association;" and

WHEREAS Article III, Section (e) of the Bridgestone Homeowners Association Articles of Incorporation reads as follows: "dedicate, sell or transfer all or any part of the common area to a public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by two-thirds (2/3) of each class of members, agreeing to such dedication, sale or transfer;" and

WHEREAS the city of Wasilla has offered to take ownership under the terms specified in the attached document

THEREFORE BE IT RESOLVED that the Board of Directors of BHOA accept the Agreement, Warranty Deed and Bill of Sale from the City of Wasilla, and

THEREFORE BE IT FURTHER RESOLVED that the Board of Directors for BHOA prepare an affidavit for the membership in accordance with Article III, Section (e) of the Articles of Incorporation, and

THEREFORE BE IT FURTHER RESOLVED that this affidavit be given to each member of BHOA for signature

*Pass Unanimous*

## **AGREEMENT, WARRANTY DEED AND BILL OF SALE**

The Grantor, BRIDGESTONE SUBDIVISION HOMEOWNERS' ASSOCIATION, hereinafter referred to as Homeowners' Association, whose address is c/o Carl Foldenauer, 264 Bridgestone Drive, Wasilla, Alaska 99654, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, convey, release, and warrant all of its right, title and interest to the CITY OF WASILLA, ALASKA, hereinafter referred to as the City, whose mailing address is 209 East Herning Avenue, Wasilla, Alaska 99654-7091, in that real and personal property situated in the Palmer Recording District, Third Judicial District, State of Alaska, and more particularly described as follows:

(1) The entire sanitary sewer system in the BRIDGESTONE SUBDIVISION, Plat No. 84-279, Palmer Recording District, Third Judicial District, State of Alaska, to include all utility easements, rights of way, and the entire sanitary sewer system to include all assets and property, both real and personal, used in the operation of this sanitary sewer system.

(2) Lot Seven (7), Block One (1), BRIDGESTONE SUBDIVISION, according to Plat No. 84-279, Palmer Recording District, Third Judicial District, State of Alaska.

(3) Its existing rights of access across Lot Eight (8), Block (1), BRIDGESTONE SUBDIVISION, in order to operate and maintain the community septic system located on Lot Seven (7), Block (1), BRIDGESTONE SUBDIVISION.

Subject to all reservations and exceptions contained in any U.S. Patent, and any reservations and restrictions of record.

The Homeowners' Association warrants to the City that it has the present right to convey its interest in this property and that all requirements of law and the governing documents of the Homeowners' Association in order to convey this property have been satisfied.

The City accepts this conveyance and will take over all operations, maintenance and billing for

the system on the first day of the month following that month during which this agreement was executed by both parties.

DATED this \_\_\_\_ day of September, 1999.

CITY OF WASILLA

By: \_\_\_\_\_  
Sarah H. Palin, Mayor

ATTEST:

\_\_\_\_\_  
Kristie L. VanGorder  
City Clerk

BRIDGESTONE SUBDIVISION  
HOMEOWNERS' ASSOCIATION

Dated: 20 Aug 1999

By: \_\_\_\_\_  
Carl Foldenauer  
President and Registered Agent

Dated: 30 Aug 1999

By: \_\_\_\_\_  
Dale W. Schendel  
Vice-President

Dated: 30 Aug. 1999

By: \_\_\_\_\_  
Steve Smilove  
Secretary

Dated: 30 Aug 1999

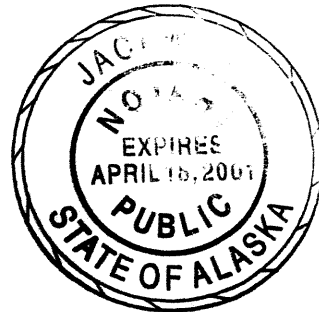
By: \_\_\_\_\_  
Kevin Sant  
Treasurer

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on the 30th day of August, 1999, before the undersigned Notary Public for the State of Alaska, duly commissioned and sworn, personally appeared Carl Foldenauer, known to me to be the individual described in and who executed this document and acknowledged to me that he was authorized to execute this document on behalf of the Bridgestone Subdivision Homeowners' Association and that he freely executed the document for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND and official seal the day and year last above written.

Jaci Webb  
Notary Public in and for Alaska  
My Commission Expires: 4-18-2001.



STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on the 30th day of August, 1999, before the undersigned Notary Public for the State of Alaska, duly commissioned and sworn, personally appeared Dale W. Schendel, known to me to be the individual described in and who executed this document and acknowledged to me that he was authorized to execute this document on behalf of the Bridgestone Subdivision Homeowners' Association and that he freely executed the document for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND and official seal the day and year last above written.

Jaci Webb  
Notary Public in and for Alaska  
My Commission Expires: 4-18-2001.

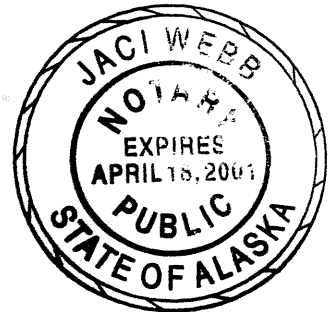


STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on the 30th day of August, 1999, before the undersigned Notary Public for the State of Alaska, duly commissioned and sworn, personally appeared Steve Smilove, known to me to be the individual described in and who executed this document and acknowledged to me that he was authorized to execute this document on behalf of the Bridgestone Subdivision Homeowners' Association and that he freely executed the document for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND and official seal the day and year last above written.

Jaci Webb  
Notary Public in and for Alaska  
My Commission Expires: 4-18-2001.

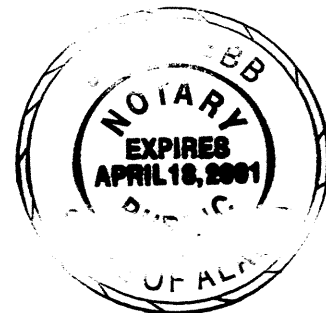


STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on the 30th day of August, 1999, before the undersigned Notary Public for the State of Alaska, duly commissioned and sworn, personally appeared Kevin Sant, known to me to be the individual described in and who executed this document and acknowledged to me that he was authorized to execute this document on behalf of the Bridgestone Subdivision Homeowners' Association and that he freely executed the document for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND and official seal the day and year last above written.

Jaci Webb  
Notary Public in and for Alaska  
My Commission Expires: 4-18-2001.



RETURN TO: Kenneth P. Jacobus  
425 G Street, Suite 920  
Anchorage AK 99501-2140