

**The Alaska Mental Health Trust Authority
Trust Land Office
BEST INTEREST DECISION
MHT 9400904
Negotiated Sale of Trust Parcel FM-0835, Fairbanks**

**MHT: 9400904
MH Parcel: FM-0835**

In accordance with AS 38.05.801 et seq. and the implementing regulations governing Alaska Mental Health Trust (“Trust”) land management (11 AAC 99), Trust land shall be managed consistently with the responsibilities accepted by the State under the Alaska Mental Health Enabling Act (P.L. 84-830, 70 Stat. 709 (1956)). This means that management shall be conducted solely in the best interest of the Trust and its beneficiaries.

In determining the best interest of the Trust and its beneficiaries, and in determining consistency between state law and the Alaska Mental Health Enabling Act, the Executive Director of the Alaska Mental Health Trust Land Office (“TLO”) shall, at a minimum, consider the following interactive Trust management principles in accordance with 11 AAC 99.020:

- Maximization of long-term revenue from Trust land;
- Protection of the corpus;
- Protection and enhancement of the long-term productivity of Trust land;
- Encouragement of a diversity of revenue-producing uses of Trust land; and
- Management of Trust land prudently, efficiently, and with accountability to the Trust and its beneficiaries.

I. Proposed Use of Trust Land. Disposal of Trust Parcel FM-0835 (75 acres) in Fairbanks through a negotiated land sale at a price of \$159,600.

II. Applicant/File #. FS&G Aggregate Inc. (MHT 9400904)

III. Subject Property.

A. Legal Description.
Township 1 South, Range 1 West, Fairbanks Meridian, Alaska
Section 24: S1/2NE1/4NW1/4SW1/4, SE1/4NW1/4SW1/4, E1/2SW1/4SW1/4;
Section 25: NW1/4NW1/4; containing 75.00 acres, more or less. According to the survey map examined and approved by the U.S. Surveyor General’s Office in Juneau, Alaska on June 7, 1913.

B. Settlement Parcel Number(s). FM-0835.

C. Site Characteristics/Primary Resource Values. An assemblage of two contiguous parcels at the northeast corner of Easy Street and Lakeview Drive, south of Richardson Highway (\pm MP 360) in Fairbanks, Alaska. The overall assembled parcel

is approximately 94% lake/pond, which is the result of former gravel extraction pits filled with groundwater. As most of the acreage is submerged, only a few non-contiguous upland pockets, which appear to be unsuitable for improved uses, remain.

- D. **Historical and Existing Uses of the Property.** The parcels have been used in the past as material sources through TLO authorized material sales from the years 1998-2011. All economic gravel resources are exhausted, and further significant extraction is impractical.
- E. **Adjacent Land Use Trends.** The predominant uses in the neighborhood include industrial, rural residential, and military operations. The next-door Ft. Wainwright gun range is a negative externality. Fairbanks Fun Lions Snowmobile Club is a non-profit, youth, winter recreation organization that remains at the southwest border.
- F. **Previous State Plans/Classifications.** None.
- G. **Existing Plans Affecting the Subject Parcel.** The area is zoned HI/MN (Heavy Industrial/Military Noise district). The HI/MN use district is "intended to provide for heavy manufacturing, fabricating, assembly, disassembly, processing and treatment activities".
- H. **Apparent Highest and Best Use.** Disposal through negotiated land sale.

IV. **Proposal Background.** On August 6, 2024, FS&G Aggregate Inc. applied for the purchase of MH parcel FM-0835. FS&G Aggregate Inc. agreed to pay 50% above appraisal value and reimburse the TLO for the cost of the appraisal.

V. **Terms and Conditions.** The parcel will be sold via a land sale contract or quitclaim deed at the time of closing. The terms and conditions include the following:

- A. Parcel will be sold "as is" and "where is" with no guarantees as to the suitability for any intended use.
- B. Purchaser agrees to pay for all escrow, title, and other closing costs including title insurance if title insurance is desired by the Purchaser.
- C. Purchaser agrees to reimburse the TLO for the cost of the appraisal totaling \$9,600.

VI. **Resource Management Considerations.** The proposal is consistent with the "Resource Management Strategy for Trust Land," which was adopted October 2021 in consultation with the Trust and provides for the TLO to maximize return at prudent levels of risk, prevent liabilities and convert nonperforming assets into performing assets.

VII. **Alternatives.**

- A. **Do nothing or offer sometime in the future.** This alternative would delay receipt of revenues from sales, potential income from land sale contract interest, income from Trust principal interest, and could result in additional costs and risks to the Trust without significant increases in value.
- B. **Leasing the parcel.** Management costs for the Trust will generally decrease on the properties through a sale and there have been no interests from any parties in leasing the parcel.

VIII. **Risk Management Considerations.**

- A. Performance Risks.** Performance risks will be mitigated through TLO's Purchase and Sale Agreement, Land Sale Contract, and Quitclaim Deed.
- B. Environmental Risks.** There are no known environmental risks associated with the proposed sale.
- C. Public Concerns.** Subject to comments resulting from the public notice, there are no known public concerns.

IX. Due Diligence.

- A. Site Inspection.** The site was visited by the TLO during August 2025.
- B. Valuation.** On December 10, 2024, Black-Smith, Bethard & Carlson, LLC performed an appraisal on the subject overall parcel and determined the fair market price to be \$100,000. An agreed 50% premium and factoring in the appraisal reimbursement brings the total purchase price to \$159,600.
- C. Terms and Conditions Review.** An agreement for the purchase and sale of the parcel was signed on December 12, 2024. The standard TLO conveyance documents have been reviewed by the Department of Law.

X. Authorities.

- A. Applicable Authority.** AS 37.14.009(a), AS 38.05.801, and 11 AAC 99 (key statutes and regulations applicable to Trust land management and disposal).
- B. Inconsistency Determination.** As the proposed negotiated sale is specifically authorized under 11 AAC 99, any relevant provision of law applicable to other state lands is inapplicable to this action if it is inconsistent with Trust responsibilities accepted by the State under the Alaska Mental Health Enabling Act (P.L. 84-830, 70 Stat. 709 (1956)) as clarified by AS 38.05.801 and Alaska Mental Health Trust land regulations (11 AAC 99). 11 AAC 99 includes determinations that certain State statutes applicable to other State land do not apply to Trust land unless determined by the Executive Director, on a case-by-case basis, to be consistent with 11 AAC 99.020. The State Statutes deemed inconsistent with Trust management principles and inapplicable to Trust land by these regulations have not been applied to this decision or this action, including, but not limited to, AS 38.04 (Policy for Use and Classification of State Land Surface), AS 38.05.035 (Powers and Duties of the Director), AS 38.05.300 (Classification of Land), AS 38.05.945 (Notice), AS 38.05.946 (Hearings), and 11 AAC 02 (Appeals).

XI. Trust Authority Consultation. The Alaska Mental Health Trust Resource Management Committee was consulted on January 9, 2025. The Committee recommended that the proposed transaction be forwarded to the Alaska Mental Health Trust board of trustees. On February 5, 2025, the board of trustees adopted the motion stating: "The Alaska Mental Health Trust Authority board of trustees concur with the Executive Director of the Trust Land Office's (TLO) decision to dispose of Trust parcel FM-0835, approximately 75 acres, through a negotiated sale or subsequent disposal."

XII. Best Interest Decision. Given the information above and the information contained in the complete record, the Executive Director finds that the proposed transaction is in the

best interest of the Trust, subject to the terms and conditions addressed in this decision. The decision is based upon the consideration of the five Trust management principles set out in 11 AAC 99.020 and is in full compliance with 11 AAC 99. This decision does not preclude the TLO from determining that an alternative proposal will serve the best interest of the Trust. A future determination of that nature will require a best interest decision specific to the proposal.

A. Non-competitive Disposal Determination. 11 AAC 99.020 (d) allows for the disposal of Trust land through a competitive basis, unless the Executive Director, in consultation with the Trust Authority, determines in a written decision required by 11 AAC 99.040 that a non-competitive disposal is in the best interest of the Trust and its beneficiaries. This parcel is being sold at a premium of 50% above the appraised value with 100% down to compensate for not selling the land through a competitive process. Given the 50% premium price offered, large percentage (~94%) of the parcels consisting of flooded former material extraction pits, which are undevelopable and essentially hold no value or would be cost prohibitive to develop alternatively, non-competitive disposal is in the best interest of the Trust and its beneficiaries. There are no alternative uses, as suggested in the appraisal report, that may lead to another form of revenue from this parcel if not sold through a negotiated sale. If another party submits a qualified offer as explained in Section XIII, the Executive Director may consider a competitive sale under the authority of this decision.

XIII. Opportunity for Comment. Notice of this Best Interest Decision will take place as provided under 11 AAC 99.050. Persons who believe that the decision should be altered because it is not in the best interest of the Trust or its beneficiaries, or because the decision is inconsistent with Trust management principles set out in 11 AAC 99.020 or any other provision of 11 AAC 99, must provide written comments to the TLO during the notice period. Other persons who may be interested in purchasing the Property must submit their proposals during the 30-day public notice period. Instructions to apply can be found online at <https://alaskamentalhealthtrust.org/trust-land-office/land-sales/land-use-application/>. To be considered a qualified competing interest, applications must include the application fee, a formal Letter of Intent to include an offer price that exceeds the current offer of \$159,600 for the parcels, a deposit of 10% of the offered price in certified funds. In the event that there is competing interest, all qualified interested parties will be notified by phone, fax, or e-mail how they may participate in the alternative sale process. Following the comment deadline, the Executive Director will consider timely written comments that question the decision on the basis of the best interest of the Trust and its beneficiaries or inconsistency with 11 AAC 99. The Executive Director may then, in his or her discretion, modify the decision in whole or in part in response to such comments or other pertinent information, or affirm the Best Interest Decision without changes. The Best Interest Decision as modified or affirmed will become the final agency action, subject to reconsideration procedures under 11 AAC 99.060. Additional notice will be provided for a substantially modified decision. If no comments are received by the end of the notice period, this Best Interest Decision will be affirmed, and the proposed action taken. (See notice for specific dates.)

XIV. Reconsideration. To be eligible to file for reconsideration of this Best Interest Decision, or to file a subsequent appeal to the Superior Court, a person must submit written comments during the notice period.

Persons who submit timely written comments will be provided with a copy of the final written decision and will be eligible to request reconsideration within 20 calendar days after publication of the notice or receipt of the decision, whichever is earlier under 11 AAC 99.060(b). This request must be accompanied by the fee established by the Executive Director under 11 AAC 99.130, which has been set at \$500, to be eligible for reconsideration. The Executive Director shall order or deny reconsideration within 20 calendar days after receiving the request for reconsideration. If the Executive Director takes no action during the 20-day period following the request for reconsideration, the request is considered denied. Denial of a request for reconsideration is the final administrative decision for purposes of appeal to the superior court under AS 44.62.560.

XV. Available Documents. Background documents and information cited herein are on file and available for review at the TLO, located at 2600 Cordova Street, Suite 201, Anchorage, Alaska 99503. Phone: (907) 269-8658. Email: mhtlo@alaska.gov.

The disposal action proposed by this decision will occur no less than 30 days after the first publication date of this decision, and after the conclusion of the TLO administrative process. For specific dates or further information about the disposal, interested parties should contact the TLO at the above address, or visit the website at: <https://alaskamentalhealthtrust.org/trust-land-office/>.

XVI. APPROVED:

Signed by:

Jusdi Warner

Jusdi Warner

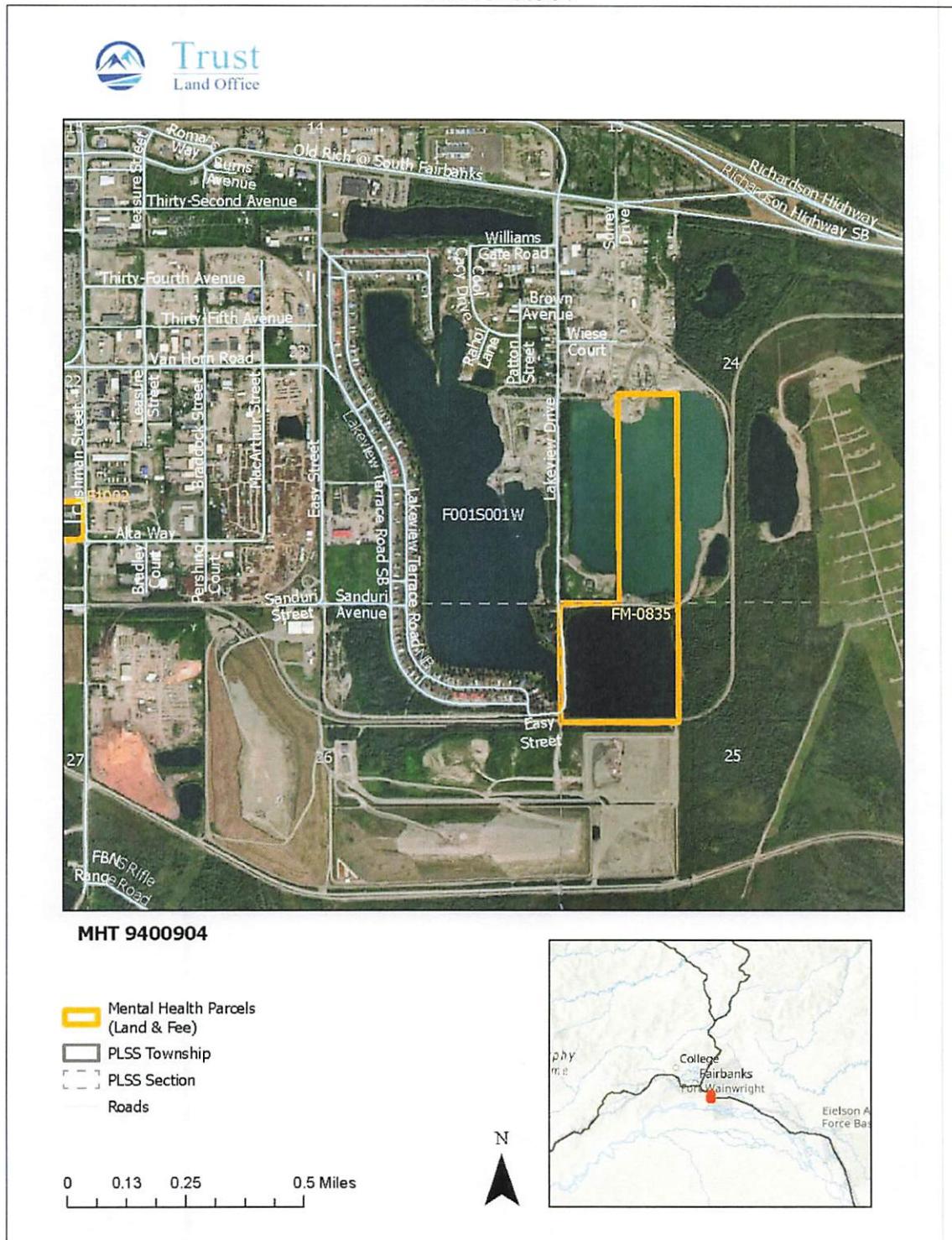
Executive Director

Alaska Mental Health Trust Land Office

2/19/2025

Date

Exhibit A – Map
MHT 9400904



Alaska Mental Health Trust Authority
Trust Land Office
Notice under 11 AAC 99.050 of
Decision to Complete a Negotiated Sale—Fairbanks - MHT 9400904

Notice is hereby given that, pursuant to the provisions of AS 38.05.801 and 11 AAC 99, the Executive Director of the Alaska Mental Health Trust Land Office (TLO) has determined that it is in the best interest of the Alaska Mental Health Trust and its beneficiaries to complete a negotiated land sale of certain Trust land to FS&G Aggregate Inc. The basis for this determination is explained in a written best interest decision prepared by the Executive Director pursuant to 11 AAC 99.040.

The Trust land affected by the decision is within Fairbanks, and is more particularly described as: Township 1 South, Range 1 West, Fairbanks Meridian, Alaska Section 24: S1/2NE1/4NW1/4SW1/4, SE1/4NW1/4SW1/4, E1/2SW1/4SW1/4; Section 25: NW1/4NW1/4; containing 75.00 acres, more or less. According to the survey map examined and approved by the U.S. Surveyor General's Office in Juneau, Alaska on June 7, 1913 (MH Parcel FM-0835).

Persons who wish to submit a qualified competing offer as described in Section XIII of the best interest decision, believe that the written decision should be altered because it is not in the best interest of the Trust or its beneficiaries, or because the decision is inconsistent with Trust management principles set out in 11 AAC 99.020, or any other provision of 11 AAC 99, must provide written comments on or before **4:30 PM, March 26, 2025**. **Qualified competing offers and/or Comments should be submitted to the TLO at 2600 Cordova Street, Suite 201, Anchorage, AK 99503, or by fax (907) 269-8905 or email mhtlo@alaska.gov**. Following the comment deadline, the Executive Director will consider timely comments that question the decision on the basis of the best interest of the Alaska Mental Health Trust and its beneficiaries or inconsistency with 11 AAC 99, and the best interest decision may be changed in response to such written comments or other information. Commenting parties will be provided a copy of the final best interest decision after the end of the notice period.

To be eligible to file for reconsideration of the best interest decision, or to file a subsequent appeal to the Superior Court, a person must have submitted written comments during the notice period. Eligible persons will have twenty (20) calendar days after published notice of or receipt of the final written decision to request that the Executive Director reconsider the decision under 11 AAC 99.060(b).

Copies of the written decision are available at the Trust Land Office, or at <https://alaskamentalhealthtrust.org/trust-land-office/>. If you have any questions concerning this action, please contact the Trust Land Office at (907) 269-8658.

In compliance with the Americans with Disabilities Act, the Alaska Mental Health Trust is prepared to accommodate individuals with disabilities. Please contact the Trust Land Office at (907) 269-8658 for assistance. Requests for assistance must be received at least 96 hours prior to the comment deadline in order to ensure that any necessary accommodations can be provided.

The Executive Director of the TLO reserves the right to waive technical defects in this notice or to amend, postpone, or vacate the best interest decision.

Signed by:
Jusdi Warner
Jusdi Warner
Executive Director

2/19/2025
Date
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