

Receipt # _____ Date 11/16/16 Building Board Case No. BCH-05-2016
Permit No. _____

MUNICIPALITY OF ANCHORAGE

Board of Building Regulations Examiners and Appeals

Appeal Emanating from Action of the Building Official

Appeal Emanating from Action of the Fire Official

I (we) Peach Investment Corp. (907) 561-7780
Appellant Telephone Number
of P.O. Box 93288 Anchorage AK 99509
Mailing Address City State Zip Code

request a determination be made by the Building Board on the case of:

a. Demolition permit denial b. _____ (other)
(type)

Street Address of Project: 630 W. 4th Ave
Legal Description: ORIGINAL BLK 41 LT 3 LESS E5' & LT 4 LESS W7.5'
Between Cross Streets: 4th Ave & 5th Ave and F Street & G Street
Status of Project: (check applicable boxes)

- a. Construction has has not started.
- b. Construction was suspended more than six months ago.
- c. Construction is in progress but a stop-work order has been issued by the Municipality.
- d. Construction is pending.
- e. Other Demolition permit denial
(please state)

This appeal is based on the action of the Building Official or Fire Official, who claims that:
(check one or more)

- a. Materials(s) chosen (is) (are) not appropriate for intended use.
- b. Type(s) or method(s) of construction (is) (are) not permitted.
- c. A Fire/Life Safety deficiency exists for the intended type of occupancy, which takes precedence over the plans as submitted and approved for permit.
- d. Other Historical easement / property lien
(please state)

I (we) contend that such an interpretation is incorrect or incomplete as per
Section 103.32 of the AMC Title 23.10, which supports the following belief:
(number & paragraph) (state which code)

State main reason(s), please be brief: Please refer to attached sheet.

APPELLANT:

PEACH INVESTMENT CORP.

By: [Signature] JOE FANG, President

By: [Signature] TERENCE CHANG, Agent

(907) 561-7780
Telephone

P.O. Box 93288
Address

(907) 561-6699
Fax

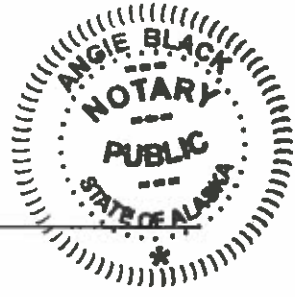
Anchorage AK 99509
City State Zip Code

Subscribed and sworn to before me this 15th day of November, 2016.

by TERENCE
Chang

Angie Black
Notary Public in and for Alaska

My Commission Expires: 12/25/18



Section 23.10.103.3.2 of the Anchorage Municipal Code

On October 17, 2016, Terry McGovern, an agent of the legal property owner, presented a Commercial Permit Worksheet for a demolition permit for the improvements located at 630 W. 4th Ave., Anchorage, AK. The municipal employees refused to issue the permit, citing a notation in the records about a “historic property lien.” Although an agreement recorded in 1985 titled “Fourth Avenue Theatre Easement and Use Agreement” (the “Conservation Easement”) existed in the past, which would have prevented demolition because of the historic nature of the property, the Conservation Easement was eliminated by a 1991 foreclosure. Neither the 1985 Conservation Easement, nor any other easement or lien, prevents the issuance of a demolition permit, as is demonstrated by an October 19, 2016 Owner’s Consultation Report issued by Fidelity Title Agency of Alaska, LLC, a copy of which is attached. The only reason the demolition permit was not issued on the spot was either an erroneous notation in the real property records of the Municipality of Anchorage, or a misreading of the notation by the municipal employees. Section 23.10.103.3.2 of the Anchorage Municipal Code imposes the duty on the building official to issue permits for the demolition of buildings. The refusal to issue the permit was in error, and should be reversed. The building official should be ordered to issue the permit.



Fidelity Title Agency Of Alaska, LLC

3150 C Street, Suite 220, Anchorage, AK 99503

Phone: (907) 277-6601 • Fax: (907) 277-6613

*A Non-Affiliated
Independent & Locally Owned Company
Where Experience Counts*

OWNER'S CONSULTATION REPORT

ORDER NO: F-61236

PROPERTY: 630 West 4th Avenue, Anchorage, AK 99501-2234

Peach Investment Corporation
P.O. Box 93228
Anchorage AK 99509-3228
Attn: Terence Chang
Email: tchang74@gmail.com

Questions regarding this Report should be directed to:
Howard Hancock at (907) 277-6626 or howardh@fidelityak.com

INVOICE



Remit Payment To:

Fidelity Title of Alaska, LLC
3150 "C" Street, Suite 220
Anchorage, AK 99503
Phone: 907-277-6601
Fax: 907-277-6617

Billed To:
Peach Investment Corporation
Attn: Terence Chang
P.O. Box 93228
Anchorage, AK 99509-3228

Invoice Date: October 19, 2016
Our File Number: F-61236
Please Pay Before: 30 Days

Property:
630 West 4th Avenue, Anchorage, AK
99501-2234

Brief Legal: Lot 3 And 4, Block 41, Original Townsite of
Anchorage

DESCRIPTION	AMOUNT
Owner's Consultation Report	\$250.00

Please write the order number on all payments to our office.

1st copy – Customer
remittance

2nd copy-Please return with

Order No.: F-61236



Fidelity Title Agency Of Alaska, LLC
3150 C Street, Suite 220, Anchorage, AK 99503
Phone: (907) 277-6601 • Fax: (907) 277-6613

OWNER'S CONSULTATION REPORT

Order No.: F-61236

Fee: \$250.00

Prepared October 19, 2016 for the sole use and benefit of the addressee:

Peach Investment Corporation
P.O. Box 93228
Anchorage AK 99509-3228
Attn: Terence Chang
Email: tchang74@gmail.com

This report is issued for the use of the addressee set out above, this report sets out ownership and liens, voluntary and involuntary, affecting the following described property, such items being only those items recorded in the records of the recording district where the property is located and which impart constructive notice:

1. Estate or interest researched:

Fee simple

2. Vested owner:

Peach Investment Corp., a California Corporation

3. Legal description

Lot Three (3), EXCEPTING THEREFROM the East 5 feet of the North 101 feet of said Lot 3; and Lot Four (4) EXCEPTING THEREFROM the West 7.5 feet of said Lot 4, all in Block Forty-one (41) of the Original Townsite of Anchorage according to the official Bureau of Land Management survey thereof, being located within the Anchorage Recording District, Third Judicial District, State of Alaska BUT EXCEPTING THEREFROM the North 10 feet of said lots within Fourth Avenue as set out on the Municipality of Anchorage Grid Map SW1230.

A search of the public records in the office of the recorder for the Anchorage Recording District, Third Judicial District, State of Alaska, discloses the following matters affecting the title to the property set out herein:

The search and this report are effective only through: **October 13, 2016 at 8:00 am**

GENERAL EXCEPTIONS

- a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
- b) Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
- c) Easements, claims of easement or encumbrances which are not recorded in the public records.
- d) Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose and which are not shown by the public records.
- e) (a) Unpatented mining claims; or (b) water rights, claims or title to water, whether or not the matter excepted under (a) or (b) are shown by the public records.
- f) Any lien, or right to a lien, for services, labor, or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
- g) Rights of the State or federal government and/or public in and to any portion of the land for right of way as established by federal statute RS2477 (AKA 43 USC 932) whether or not such rights are shown by recordings of easements and/or maps in the public records by the State of Alaska showing the general location of these rights of way.

SPECIAL EXCEPTIONS

1. **Reservations and exceptions** as contained in the United States Patent and/or in Acts authorizing the issuance thereof, recorded May 29, 1922 in City Book 8 at Page 288 (Lot 3) and recorded November 21, 1923 in City Book 11 at Page 94 (Lot 4).
2. **Terms, covenants, conditions and restrictions** of Easement in favor of the Lathrop Company over the East 5 feet of the North 101 feet of Lot 3, Block 41, to the record of which reference is hereby made.
For: "...to be used and enjoyed by the said party of the second part, and its successors and assigns, by its offices, agents, and employees and patrons of the theater building now being erected on the said Lot 3 of Block 41, above described, for the purposes of ingress and egress to the side rear entrance of said building and for other purposes connected with the management and use of said building by the said party of the second part."
Recorded: June 20, 1945
Book: 44 Page: 307

(Exception No. 2 Continued)

Agreement Clarifying the Terms and Conditions of Existing Easement, including the terms and provisions thereof:

By and between: Commercial Stationers, Inc. and Iditarod Properties, Inc.

Recorded: September 25, 2001

Reception No.: 2001-064437-0

Note: We find Deed recorded December 31, 2012 as Reception No. 2012-077032-0, regarding the North 101 feet of the East 5 feet of Lot 3, Block 41.

3. **Easement, including terms and provisions thereof, for the purpose set out therein, to the record of which reference is hereby made:**
Granted To: City of Anchorage
For: "...attaching a street light to the South wall of the Fourth Avenue Theatre Building, located on Lot 3, Block 41..." and related purposes
Recorded: September 18, 1962
Misc. Book: 54 Page: 258
Affects: Lot 3 as set out therein

4. **Easement, including terms and provisions thereof, for the purpose set out therein, to the record of which reference is hereby made:**
Granted To: Owners of the West 40 feet of Lot 2 and the East 5 feet of the North 101 feet of Lot 3, Block 41, and their successors as such
For: encroachment of the "Reed Building" onto said property and related purposes
Recorded: September 25, 1962
Misc. Book: 55 Page: 32
Affects: The East twenty-six hundredths (.26) of a foot of the South twenty-nine (29) feet of Lot 3

5. **Notice of Zoning Action, including terms and provisions thereof, as executed by Municipality of Anchorage on behalf of the Zoning Board of Examiners and Appeals, disclosing action under Municipal Zoning File noted therein:**
Zoning File: 95-064
Petitioner: The Hotel Fourth Avenue, Inc.
Request: conditional use permit for retail sales of Alcoholic beverages
Recorded: August 22, 1995
Book: 2824 Page: 82

6. **Resolution No. AR NO. 97-41, including terms and provisions thereof, levying assessments for the payment of the improvement district set out below, to the record of which reference is hereby made:**
District: Downtown Business Improvement District, Special Assessment District 1SD97
Recorded: December 19, 1997
Book: 3171 Page: 687

NOTE: Among other provisions said Resolution provides for a continuing obligation for possible future work

Order No.: F-61236

This report is limited to the benefit of the addressee solely for the researching the condition of title as of the effective date set out above and cannot be used as a basis for the completion or closing of any transaction involving this property.

The liability of Fidelity Title Agency of Alaska under this report for any error or omission, including any negligence on the part of Fidelity Title Agency of Alaska is limited to \$250.00 which is the amount of the fees received. Further, by state regulation, the fees paid will not be applicable to any title insurance policies subsequently issued involving this property.

This report is not a title insurance commitment, policy or guaranty.

Effective Date October 13, 2016 at 8:00 am

Prepared by:

Fidelity Title Agency Of Alaska, LLC


Howard Hancock, Title Officer

Enclosures: Invoice
Vesting Deed
Liens (voluntary or involuntary)
Recorded Plat



Fidelity Title Agency Of Alaska, LLC
3150 C Street, Suite 220, Anchorage, AK 99503
Phone: (907) 277-6601 • Fax: (907) 277-6613

Privacy Policy

We recognize and respect the privacy expectations of today's consumers and the requirements of applicable federal and state privacy laws. We believe that making you aware of how we use your non-public personal information ("Personal Information"), and to whom it is disclosed, will form the basis for a relationship of trust between us and the public that we serve. This Privacy Statement provides that explanation. We reserve the right to change this Privacy Statement from time consistent with applicable privacy laws.

In the course of our business, we may collect Personal Information about you from the following sources:

- From applications or other forms we receive from you or your authorized representative;
- From your transactions with, or from the services being performed by, us, our affiliates, or others;
- From our internet web sites;
- From the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others; and
- From consumer or other reporting agencies.

Our Policies Regarding the Protection of the Confidentiality and Security of Your Personal Information

We maintain physical, electronic and procedural safeguards to protect your Personal Information from unauthorized access or intrusion. We limit access to the Personal Information only to those employees who need such access in connection with providing products or services to you or for other legitimate business purposes.

Our Policies and Practices Regarding the Sharing of Your Personal Information

We may share your Personal Information with our affiliates, such as insurance companies, agents, and other real estate settlement service providers. We also may disclose your Personal Information:

- to agents, brokers or representatives to provide you with services you have requested;
- to third-party contractors or service providers who provide services or perform marketing or other functions on our behalf; and
- to others with whom we enter into joint marketing agreements for products or services that we believe you may find of interest.

In addition, we will disclose your Personal Information when you direct or give us permission, when we are required by law to do so, or when we suspect fraudulent or criminal activities. We also may disclose your personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our right arising out of any agreement, transaction or relationship with you. One of the important responsibilities of some of our affiliated companies is to record documents in the public domain. Such documents may contain your Personal Information.

Right to Access Your Personal Information and Ability to Correct Errors or Request Changes or Deletion

Certain states afford you the right to access your Personal Information and, under certain circumstances, to find out to whom your Personal Information has been disclosed. Also, certain states afford you the right to request correction, amendment or deletion of your Personal Information. We reserve the right, where permitted by law, to charge a reasonable fee to cover the costs incurred in responding to such requests. All requests must be made in writing to the above address.