

NON-CODE ORDINANCE

Sponsored By: Borough Manager

Introduced: 09/05/17

Public Hearing: 09/19/17

Lease Attached to IM 17-157 Amended: 09/19/17

Adopted: 09/19/17

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 17-117**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AUTHORIZING THE MANAGER TO ENTER INTO A LEASE OF BOROUGHOWNED REAL PROPERTY WITH INSITE TOWERS DEVELOPMENT 2, LLC. TO CONSTRUCT, INSTALL, MAINTAIN, REPAIR, OPERATE, AND MANAGE A COMMUNICATION SITE AND CONSTRUCT DRIVEWAY ACCESS AND UTILITIES, TAX PARCEL NO. 24N05W15D002 (southeast 1/4 northeast 1/4) (MSB007261).

WHEREAS, InSite Towers Development 2, LLC. has applied for a lease of property from Matanuska-Susitna Borough; and

WHEREAS, InSite Towers Development 2, LLC. a developer of wireless communications and Matanuska Telephone Association are working together to provide coverage to areas where gap coverage exists; and

WHEREAS, a site study was completed by the applicant for the tower location confirming the location meets the technical requirements necessary to fill the coverage gap; and

WHEREAS, InSite Towers Development 2, LLC. has applied for a conditional use permit through the Planning Department pursuant to MSB 17.67.050, for a new tall structure with a Planning Commission hearing date of October 9, 2017; and

WHEREAS, public notice was provided in accordance with MSB 23.05.025 and comments are included and addressed in the best interest finding; and

WHEREAS, pursuant to MSB 23.10.080 Application, all applications for purchase or use of Boroughowned real property shall be filed with the Manager according to the procedures adopted by Assembly resolution; and

WHEREAS, MSB 23.10.030(C), requires Assembly approval by ordinance of any lease greater than 10 years in length, regardless of value.

THEREFORE, BE IT ENACTED:

Section 1. Classification. This Ordinance is a non-code ordinance.

Section 2. Acceptance and Authorization. Subject to conditions and stipulations outlined in the lease agreement between the Borough and InSite Towers Development 2, LLC. the Assembly authorizes the Manager to finalize and enter into the lease agreement for a period not to exceed 20 years with options for two renewals of five years each.

Section 3. Conditions.

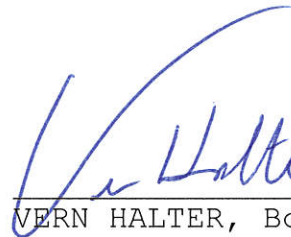
- 1) Planning Commission approval of a Conditional Use Permit for a new tall tower structure;
- 2) Obtain a driveway permit from the Alaska State Department of Transportation and Public Facilities for Parks Highway access;
- 3) Obtain a construction permit from the Borough permit center for construction of a driveway on Boroughowned land; and

4) Provide an as-built survey for the installed utilities to record with a right of way easement.

5) Incorporation of terms into the lease that allow for MSB location space to locate three antenna (each 10 feet in length and located at the same elevation) and 2 feet of "rack space" with all necessary incidental conditions for the purposes of emergency services department communications. Such location will be without charge or offset to the lease.

Section 4. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 19 day of September, 2017.



VERN HALTER, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

YES: Sykes, Beck, Colligan, Mayfield, Doty, and Kowalke

NO: McKee