

NON-CODE ORDINANCE

Sponsored By: Borough Manager

Introduced: 04/03/18

Public Hearing postponed to 05/01/18: 04/17/18

Public Hearing: 05/01/18

Adopted: 05/01/18

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 18-010**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AUTHORIZING  
THE EXTENSION OF THE EMERGENCY SERVICES COMMERCIAL TOWER LEASE AS  
NEGOTIATED UNDER THE EXISTING TERMS OF THE LEASE(MSB007258).

WHEREAS, the Borough (as Lessee) entered into an unrecorded Commercial Tower Lease Agreement in 2013 for purpose of erecting a cellular tower on private property in support of the Borough's Enhanced 911 System; and

WHEREAS, the lease was subsequently recorded on May 23, 2017, to acknowledge and serialize the document and rent schedule; and

WHEREAS, MSB 3.08.150, and 3.08.161, authorizes the Manager or his designee to sign a contract and any amendments thereto if the contract does not obligate the Borough to pay more than \$100,000; and

Whereas, MSB 23.10.030, requires Assembly approval by ordinance for leases with a term of ten-years or more; and

WHEREAS, the initial lease term was for a 5-year period with rent totaling \$54,614; and

WHEREAS, the negotiated rent for years 6 through 10 is \$120,191; and for years 11 through 15 it is \$139,639, both of which

exceed the \$100,000 threshold and the 10-year term and therefore require Assembly approval; and

WHEREAS, the existing lease has been in effect since 2013 and is a crucial link for the Enhanced 911 System; and

WHEREAS, through approval of this ordinance, the lease agreement will be in compliance with Borough code.

BE IT ENACTED:

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

Section 2. Authorization. Subject to conditions and stipulations outlined in the commercial tower lease agreement between the Borough and H Services, LLC., and being subject to annual appropriation, the Assembly authorizes the Manager to extend the commercial tower lease agreement for two consecutive renewal periods of 5-years each, beginning May 1, 2018, and running through April 30, 2028, as negotiated under the original lease agreement executed on May 10, 2013, and recorded and amended on May 23, 2017, Serial No. 2017-009796-0, and Serial No. 2017-009799-0.

Section 3. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this  
1 day of May, 2018.



Vern Halter, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



PASSED UNANIMOUSLY: Sykes, Beck, McKee, Leonard, Mayfield, and  
Kowalke