

NON-CODE ORDINANCE

Sponsored By: Borough Manager

Introduced: 06/06/17

Public Hearing: 06/20/17

Postponed to 08/01/17: 06/20/17

Postponed indefinitely: 08/01/17

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 17-081**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY TO ENTER INTO A LEASE OF BOROUGH-OWNED REAL PROPERTY TO CONSTRUCT, INSTALL, MAINTAIN, REPAIR, OPERATE, AND MANAGE A BROADCAST TOWER SITE. (MSB007173)

WHEREAS, the Ohana Investments, LLC. has applied for a lease of property from Matanuska-Susitna Borough; and

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

WHEREAS, MSB 23.05.010(A)(5), stipulates making vacant Borough-owned real property available for development where and when it is feasible to do so and to maximize revenue to the extent consistent with the Borough's financial goals; and

WHEREAS, MSB 23.05.030(E)(6), allows property to be leased through agreements by application; and

WHEREAS, MSB 23.10.060(A), stipulates that no Borough-owned real property may be sold, leased, exchanged, or otherwise disposed of for less than its fair market value; unless otherwise provided for by a best interest finding, pursuant to MSB 23.05.030(G); and

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

BE IT ENACTED:

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

Section 2. Land Classification. Property in the Port District is classified through the Port Master Plan; the 2016 Plan update having been adopted by Ordinance Serial Number 16-02 on April 5, 2016. The subject property is classified Port Commercial District reserved for companies/businesses that do not require rail or dock services.

Section 3. Acceptance and Authorization. Subject to conditions and stipulations outlined in the Lease Agreement between Matanuska-Susitna Borough and Ohana Investments, LLC., the Assembly authorizes the Borough Manager to finalize and enter into the lease agreement for a period not to exceed 25 years with options for two renewals of 5 years each.

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

Postponed Indefinitely:

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

NO: Sykes