

NONCODE ORDINANCE

Sponsored By: Borough Manager
Introduced: 12/18/19
Public Hearing: 01/15/19
Adopted: 01/15/19

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 19-002**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AUTHORIZING THE MANAGER TO AMEND THE COMMUNICATION SITE LEASE BETWEEN THE MATANUSKA-SUSITNA BOROUGH AND INSITE TOWERS DEVELOPMENT, LLC, TO ALIGN THE RENTS WITH CURRENT BOROUGH LEASE RATES AND STANDARD LEASE PRACTICES (MSB007261).

WHEREAS, September 2017 the Assembly authorized the Manager to enter into a lease of Borough owned real property with InSite Towers Development 2, LLC (Lessee) to construct a tower site, install utilities, and driveway access to provide cell coverage to an area where gap coverage exists; and

WHEREAS, the Alaska State Department of Transportation and Public Facilities would only accept a driveway approach from the Parks Highway, within the 50-foot section line easement located on the east boundary of the property; and

WHEREAS, upon construction of the access road from the Parks Highway, within the 50-foot section line easement, the costs increased dramatically when swampy and wet soils were encountered that required the removal of the muck and import of fill; and

WHEREAS, the lessee requests to dedicate the access road from the section line easement to the tower site as a public right of way to reduce the lease base rate is not a desirable solution; and

WHEREAS, the development of the 50-foot section line easement provides a public benefit for an approved driveway access from the Parks Highway to Borough and private parcels; and

WHEREAS, the lease amendment will meet the Borough's standard practices for lease rates for market value and the industry standards for calculating the lease rate by square footage verses acreage; and

WHEREAS, the Land and Resource Management Division recommends a minimum base rent of \$450 per month (0.012 square foot - equal to 40 percent of market/assessed value) for approximately 37,800 square feet; and

WHEREAS, upon recording the record of survey for the lease site and access road, any increase in the square footage will be adjusted to reflect the additional area and will not be less than the base rent of \$450.

BE IT ENACTED:

Section 1. Classification. This Ordinance is a noncode ordinance.


Section 2. Acceptance and authorization. The Assembly authorizes the Manager to amend the communication site lease between the Borough and Insite Towers Development, LLC. as stipulated in Lease Amendment No. 1.

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

ADOPTED by the Matanuska-Susitna Borough Assembly this
15 day of January, 2019.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)

PASSED UNANIMOUSLY: Sykes, Beck, McKee, Mayfield, Sumner, and
Boeve