

NONCODE ORDINANCE

Sponsored By: Borough Manager
Introduced: 08/03/21
Public Hearing: 08/17/21
Adopted: 08/17/21

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 21-080**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AUTHORIZING THE MANAGER TO ENTER INTO A COMMERCIAL USE PERMIT WITH COLASKA, INC., FOR THE USE OF BOROUGH-OWNED LAND AND IMPROVEMENTS WITHIN THE POINT MACKENZIE PORT DISTRICT, LOCATED WITHIN SECTION 26, TOWNSHIP 14 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA, FOR A TERM THAT EXCEEDS 18 MONTHS (MSB007735).

WHEREAS, On April 20, 2021, the Assembly adopted Ordinance Serial No. 21-039 approving the termination of lease and release between the Borough and NPI; and

WHEREAS, the 23,000 square foot building located on Tract 1-A, NPI Lease Expansion No. 1 Subdivision was occupied by Colaska, Inc. (approximately 11.25 acres) prior to termination of lease between the Borough and NPI; and

WHEREAS, the Borough prepared a land and improvements, commercial use permit for Colaska, Inc. to continue its occupancy of the building and property under a Borough approved permit with an expiration date of May 25, 2023, approximately a 20-month period; and

WHEREAS, the duration of the permit exceeds 18 months and Assembly approval by ordinance is required pursuant to MSB 18.02.010(B), "notwithstanding other titles of the Borough code, the form and substance of all leases in the port district shall be approved by the Assembly by ordinance. All terms and

conditions of proposed leases will be developed and forwarded by the Manager to the Assembly. Land use permits without Assembly approval for a period of time under 18 months are allowed in addition to leases with manager approval;" and

WHEREAS, on July 19, 2021, the Port Commission adopted Resolution Serial No. 21-02, recommending the Assembly authorize the Manager to enter into a commercial use permit with Colaska, Inc.

BE IT ENACTED:

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

Section 2. Approval of the Land and Improvements, Commercial Use Permit. The Assembly approves and authorizes the Manager to enter into a land and improvements, commercial use permit, with Colaska, Inc. as attached to IM No. 21-160 and pursuant to MSB 18.02.010(B).

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

ADOPTED by the Matanuska-Susitna Borough Assembly this
17 day of August, 2021.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



PASSED UNANIMOUSLY: Hale, Nowers, McKee, Yundt, Tew, Sumner, and
Boeve