

Introduced by:	Mayor
Date:	05/15/01
Shortened Hearing:	06/05/01
Action:	Enacted
Vote:	9 Yes, 0 No

**KENAI PENINSULA BOROUGH  
ORDINANCE 2001-15**

**AN ORDINANCE AUTHORIZING A LEASE TO MCCAW COMMUNICATIONS OF  
ANCHORAGE, INC., AN ALASKA CORPORATION, d.b.a. AT&T WIRELESS  
SERVICES FOR APPROXIMATELY 0.13 ACRES OF BOROUGH LAND ON THE  
NORTH SIDE OF SKYVIEW HIGH SCHOOL FOR A COMMUNICATION SITE**

**WHEREAS,** McCaw Communications of Anchorage, Inc., an Alaska Corporation, d.b.a. AT&T Wireless Services has determined that cellular telephone service is inadequate to meet industry standards and the increase in demand for wireless communication in the Soldotna area; and

**WHEREAS,** AT&T Wireless Services has researched the Soldotna area to determine feasible sites for a new communication tower; and

**WHEREAS,** AT&T Wireless Services has determined that a 0.13 acre parcel owned by the borough on the north side of Skyview High School is the most desirable site to meet its technical site requirements and create the least conflict with existing residential improvements and the Tsalteshi Trail Association; and

**WHEREAS,** AT&T Wireless Services proposes a market value lease; and

**WHEREAS,** AT&T Wireless Services will pay for the required subdivision of the parcel prior to lease; and

**WHEREAS,** the land is classified government; and

**WHEREAS,** the KPB Planning Commission at its regularly scheduled meeting of May 14, 2001 recommended enactment by unanimous consent.

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** The mayor is authorized to deposit into the land bank the parcel generally described as a 0.13 acre ± parcel located within the SE¼SE¼, Section 1, T4N, R11W, S.M., Kenai Recording District, Third Judicial District, State of Alaska, and further described on map, Attachment A.

**SECTION 2.** That the Assembly finds that leasing this land to AT&T Wireless Services for a communication tower site is in the best interests of the public and the borough. This finding is based on the following facts:

- a. The borough will receive a market value rental rate for the term of the lease.
- b. The land will be used to provide a new cellular tower site that will benefit all cell phone users including public safety providers.

**SECTION 3.** The mayor is authorized, pursuant to KPB 17.10.100(I), Negotiated Sale or Lease, to negotiate and enter into a lease of the above-described parcel to AT&T Wireless Services subject to all lease and sale conditions required by this ordinance and the applicable consistent provisions of KPB 17.10. The authorization is for negotiation solely with the AT&T Wireless Services.

**SECTION 4.** Pursuant to KPB 17.10.230, the Assembly authorizes an exception to the requirements of KPB Chapter 17.10.110, Notice of Disposition, based on the following facts:

1. That special circumstances or conditions exist.
  - a. The proposed lease is solely with AT&T Wireless Services for the purpose of constructing a new cellular tower site.
  - b. The notice requirement is intended to make the public aware of an opportunity to purchase borough property, which is unnecessary since the intent of the disposal is to lease the property solely to AT&T Wireless Services.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.
  - a. The notice requirement is intended to make the public aware of an opportunity to purchase borough property, which is unnecessary since the intent of the disposal is to lease the property solely to AT&T Wireless Services.
3. That the granting of this exception will not be detrimental to the public welfare or injurious to other property in the area.
  - a. Lease of subject parcel to AT&T Wireless Services for a cellular tower site is compatible with the current government classification.
  - b. The cellular tower site is compatible with Skyview High School activities and the Tsateshi Trail system.

**SECTION 5.** Any conveyance of the land subject to this ordinance is contingent on subdivision in compliance with state and borough law.

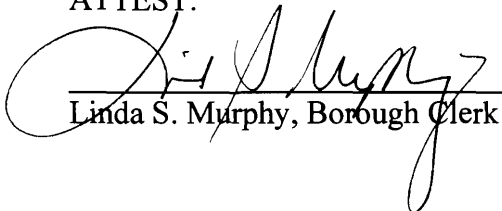
**SECTION 6.** The mayor is authorized to sign any documents necessary to effectuate this ordinance.

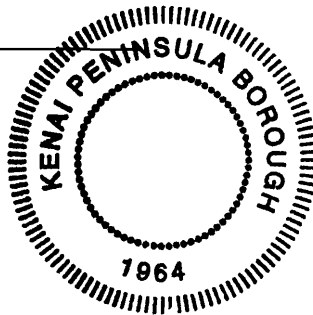
**SECTION 7.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF JUNE, 2001.**

  
Timothy Navarre, Assembly President

ATTEST:

  
Linda S. Murphy, Borough Clerk






**AT&T WIRELESS PROPOSED  
SOLDOTNA CELL TOWER SITE**

Prepared for:  
AT&T WIRELESS SERVICES  
4711 Business Park Blvd. Suite 10  
Anchorage, AK 99503  
Attn: Shirley E. Wilson

NO	DATE	DESCRIPTION	BY

	
<b>McLane Consulting Group</b>	
<b>Testing</b>	
P.O. BOX 468 SOLDOTNA, AK 99660	
(907) 263-4210 FAX (907) 263-3265	

DRAWN BY: msm	SCALE: 1" = 50'
DATE: 3/27/01	
DRAWING NO.: 014014.DWG	
PROJECT NO.: 014014	BK NO.: 01-02-45
SHEET 1 OF 1	

SALAMATOF NATIVE ASSOCIATION

HEA OH ELECTRIC LINE

50.0'

50' SECTION LINE EASEMENT

75.00'

PROPOSED  
AT&T  
LEASE

75.00'

127.7'

275.4'

Ski Trail

KENAI PENINSULA BOROUGH

SE 1/4 SE 1/4 SEC. 1, T4N, R11W, SM, AK

15' PUE

TRACT 1

CENTRAL PENINSULA HIGH SCHOOL SUBDIVISION  
KRD 86-130

STERLING HWY.  
232' R/W