

Introduced by:
Date:
Action:
Vote:

Mayor
10/12/2004
Adopted as Amended
8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2004-103**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE
AGREEMENT WITH THE USDA FOREST SERVICE FOR THE COOPER
MOUNTAIN COMMUNICATIONS SITE TO SUPPORT EMERGENCY
MANAGEMENT COMMUNICATIONS EQUIPMENT**

WHEREAS, the Kenai Peninsula Borough owns and operates communication equipment located at the Cooper Mountain Communications Site; and

WHEREAS, Cooper Mountain Communications Site is owned by the USDA Forest Service within the Seward Ranger District; and

WHEREAS, KPB Office of Emergency Management applied to the Seward Ranger District for authorization to operate and maintain the KPB equipment at this site; and

WHEREAS, entering into a lease agreement with United States of America for continued use of the site is the appropriate authorization and serves the public best interest; and

WHEREAS, pursuant to KPB 17.10.040, assembly approval of the acquisition of interests in lands shall be by resolution upon receipt of a planning commission recommendation; and

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of October 11, 2004 recommended enactment by unanimous vote;

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

SECTION 1. KPB is authorized to lease the real property located in the Seward Recording District, Third Judicial District, State of Alaska, more particularly described as follows:

That portion of Section 4, Township 4 North, Range 3 West, Seward Meridian, State of Alaska, as depicted on the site plan dated 4/21/2004 for the Cooper Mountain Communications Site, a copy of the map of which is attached and incorporated herein as Exhibit A;

for the construction, operation, maintenance and termination of a Public Safety Radio Repeater communications facility.

SECTION 2. That the purpose of the acquisition is to support the operation of Office of Emergency Management communication equipment currently located upon the leasehold.

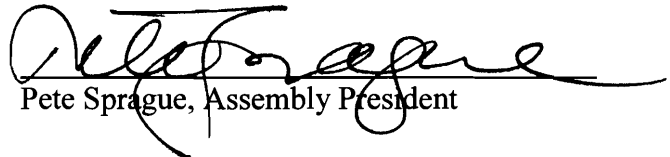
SECTION 3. That the lease shall expire on December 31, 2023. Lease payments shall be waived pursuant to 36 CFR 251.57, which authorizes the waiver of lease fees when equitable and in the public interest and the holder is a local government. The terms and conditions of the lease shall be in accordance with those of the accompanying lease agreement.

SECTION 4. That pursuant to KPB 17.10.080 (C), no land classification is proposed for this rental property.

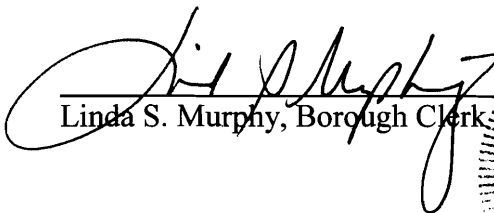
SECTION 5. That the mayor is authorized to execute all documents for a lease agreement substantially similar to the lease agreement submitted with this resolution, and to make all agreements deemed necessary in accordance with this resolution.

SECTION 6. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 12TH DAY OF OCTOBER, 2004.


Pete Sprague, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

