

**LAKE AND PENINSULA BOROUGH
ORDINANCE NO. 13-08**

AN ORDINANCE AUTHORIZING A TRANSFER AND FIVE YEAR LEASE OF REAL PROPERTY CONTAINING 1.0 ACRES MORE OR LESS TO CLAUDIA ANDERSON FOR THE OPERATION OF A COMMERCIAL SET NET OPERATION

WHEREAS, the Lake and Peninsula Borough owns a 1.00 acre parcel of land located at North Coordinates: 58-16-786, West Coordinates: 157-32-422 , Township 22 South, Range 51 West, South 12, Seward Meridian, Alaska ("the Property"); and

WHEREAS, Claudia Anderson has operated a commercial set net operation at this site since 1983; and

WHEREAS, Claudia Anderson has paid the amount of \$1,000 as deposit for the proposed lease as well as paying rent in the amount of \$1,000 for the use of the land for 2013; and

WHEREAS, Representatives of Lake and Peninsula Borough have inspected the property and observed that Claudia Anderson has demonstrated extemporaneous care and stewardship of this land; and

WHEREAS, Claudia Anderson has submitted a completed lease application and is ready to fulfill all terms set forth by Borough Code 6.80.260; therefore

BE IT ENACTED by the Assembly of the Lake and Peninsula Borough that:

Section 1. Classification.

This is a Non-Code Ordinance.

Section 2. General Provisions.

The Assembly finds that issuing a 5-year lease on 1.0 acres located at surveyed in the "as-built" plat dated July 24, 1998 of the former ADL 224177, including Alaska State Land Survey 95-68, 58-16-786, West Coordinates: 157-32-422 , Township 22 South, Range 51 West, South 12, Seward Meridian, Alaska, containing 1.0 acres, more or less, Claudia Anderson is in the best interest of the Borough. A copy of the completed lease application is attached to this Ordinance as Exhibit "A." The Assembly hereby approves the issuance of a 5-year lease to Claudia Anderson for the operation of a set net site for a 5-year term.

Section 3. Rental Rate.

The Assembly determines that it is not cost efficient or practical to obtain an appraisal under Bor. Ord. 6.80.140 to determine the fair rental value of the Property. By the best estimate the Borough can obtain, the approximate fair rental value of the Property is \$1000 per year. Based upon the Borough's experience, the cost of obtaining an MAI appraisal of the Property would amount to a significant percentage of the annual rent. The foregoing rental rate was determined by examining rental rates charged by the Borough for similar tenants on similar properties, commercial lease rates in Borough communities.

Section 4. Authorization.

The Lake and Peninsula Borough Assembly authorizes the Manager to sign a lease and all other documents deemed necessary to finalize a lease in accordance with Chapter 6.80 of Lake and Peninsula Borough Code.

Section 5. Effective Date.

This ordinance shall become effective upon enactment by the Borough Assembly.

ENACTED by a duly constituted quorum of the Lake and Peninsula Borough Assembly this 17th day of September, 2013.

IT WITNESS THERETO:



Glen Alsworth Sr., Mayor

ATTEST:



Kate Conley, Borough Clerk

Introduced:	August 20, 2013
Public Hearing:	August 20, 2013
Enacted:	September 17, 2013
Ayes:	Alsworth, Alvarez, Kalmakoff, Olsen, Pope-Ravenmoon, Salmon
Nays:	none
Not Voting:	none
Absent:	Seybert