

Introduced by: Mayor
Date: 04/07/26
Hearing: 04/21/26
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2026-13**

AN ORDINANCE AUTHORIZING A PUBLIC PURPOSE NON-COMMERICAL COMMUNICATION SITE LEASE AGREEMENT WITH THE COOPER LANDING COMMUNITY CLUB, INC.

WHEREAS, since 1999, the Cooper Landing Community Club (CLCC) has maintained an approximately 7,000 square-foot satellite dish site within a portion of KPB-owned Parcel No. 11912509 in the Cooper Landing area; and

WHEREAS, the CLCC desires to continue operating a satellite dish on the property for an exclusive, historic use to provide the residents of Cooper Landing with news, weather, and other television programming; and

WHEREAS, the CLCC has agreed to a five-year lease agreement with renewal options at an annual rent of \$10.00 to provide a non-commercial public purpose communications from the site; and

WHEREAS, the Cooper Landing Advisory Planning Commission, at its regularly-scheduled meeting held on _____, 2026, recommended _____; and

WHEREAS, the KPB Planning Commission, at its regularly-scheduled meeting held on _____, 2026, recommended _____;

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

SECTION 1. That this is a non -code ordinance.

SECTION 2. That pursuant to KPB 17.10.100(I) and KPB 17.10.120(D), the Assembly finds that entering into a public purpose Non-Commercial Communication Site Lease Agreement with the Cooper Landing Community Club at less than fair market value on that Leased Premises more particularly described as follows is in the best interests of KPB:

A portion of Tract H, ASLS 2003-2, Plat No. 2005-10, Seward Recording District, Third Judicial District, State of Alaska, more particularly described as an approximately 7,000 square foot area, together with non-exclusive access beginning directly off of the Sterling Highway right-of-way and across the Old Sterling Highway easement to an existing road. (Parcel No. 11912509)

Site Name: Cooper Landing Community Club Satellite Dish

This finding is based upon the following facts:

1. The property will be used to continue use of an exclusive, historic communication site that will benefit of the residents of Cooper Landing.
2. KPB will receive the benefit of reserved tower space for emergency and other KPB related uses.

SECTION 3. That the Mayor is hereby authorized to negotiate and enter into a lease upon a portion of the property identified in Section 2, subject to all lease conditions required by this ordinance and the applicable provisions of KPB 17.10.

SECTION 4. That the annual rent will be Ten Dollars (\$10.00) for exclusive use of the Leased Premises for a five-year term with renewal options.

SECTION 5. Pursuant to KPB 17.10.230, the Assembly authorizes an exception to the requirements of 17.10.110, "Notice of Disposition", based upon the following facts:

1. Special circumstances or conditions exist.
 - a. The proposed lease is solely with the CLCC and for the purpose of operating and maintaining an existing communication site.
 - b. The notice requirement is intended to make the public aware of an opportunity to purchase KPB property, which is unnecessary since the intent of the disposal is to lease the property solely to the CLCC.
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 KPB property, which is not applicable to the lease of property solely to CLCC.
3. That the granting of this exception will not be detrimental to the public welfare or injurious to other property in the area.
 - a. The existing communication site is compatible with the surrounding land uses.

SECTION 6. That the CLCC will have ninety (90) days from the date of enactment of this ordinance to execute the lease agreement.

SECTION 7. That the Mayor is authorized to execute a lease agreement substantially in the form of the one accompanying this ordinance, and any documents necessary to effectuate this ordinance.

SECTION 8. That rent revenue from the lease shall be submitted to the KPB Finance Department and deposited into Land Management Account No. 250.00000.00000.36316.

SECTION 9. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances will not be affected.

SECTION 10. This ordinance shall become effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2026.

Ryan Tunseth, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent: