

Introduced by: Mayor
Date: 04/21/20
Hearing: 05/19/20
Action: Enacted as Amended
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2020-17**

**AN ORDINANCE AUTHORIZING A LEASE TO NEW CINGULAR WIRELESS PCS
LLC FOR APPROXIMATELY 1,600 SQUARE FEET OF BOROUGH LAND IN KENAI
FOR A COMMUNICATIONS SITE**

- WHEREAS**, New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, is seeking to expand cellular telephone service capacity in the Kenai area; and
- WHEREAS**, New Cingular Wireless PCS, LLC, has researched the Kenai area to determine feasible sites for a new communication tower; and
- WHEREAS**, New Cingular Wireless PCS, LLC, has determined that a 1,600 square-foot site on land owned by the borough to the west of the Kaleidoscope Elementary School campus is the most desirable site to meet its requirements; and
- WHEREAS**, the 1,600 square-foot site is located within the 20-acre KPB-owned parcel #043-010-14, legally described as S1/2SE1/4NW1/4, Section 31, T. 6N., R. 11W., S.M., Kenai recording district, Third Judicial District, State of Alaska; and
- WHEREAS**, KPB-owned parcel #043-010-14 is classified government; and
- WHEREAS**, the 10-acre campus of Kaleidoscope Elementary is located within the eastern half of parcel #043-010-14; and
- WHEREAS**, the location of the communication tower site is approximately 400 feet west of the Kaleidoscope Elementary campus; and
- WHEREAS**, New Cingular Wireless PCS, LLC, proposes a market value lease; and
- WHEREAS**, leasing of this land furthers the Kenai Peninsula Borough Comprehensive Plan Goal 2, Focus Area: Land Use and Changing Environment, Objectives F; and
- WHEREAS**, the lease area is subject to land use zoning by the City of Kenai; and
- WHEREAS**, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of May 11, 2020 recommended approval with certain amendments by majority vote;

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

SECTION 1. That the Assembly finds that leasing this land to New Cingular Wireless PCS, LLC, for a communication tower site would benefit the public and borough by improving communication capabilities. This finding is based on the following facts:


1. The borough will receive a market value rent for the term of the lease, including a percentage of any subleases.
2. The land will be used to provide a new cellular tower site that will benefit communication network users including public safety providers.

SECTION 2. 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 New Cingular Wireless, LLC, subject to all lease conditions required by this ordinance and the applicable provisions of KPB 17.10, Borough Land and Resources.

SECTION 3. The mayor is authorized to sign any documents necessary to effectuate this ordinance.


SECTION 4. This ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 19TH DAY OF MAY, 2020.

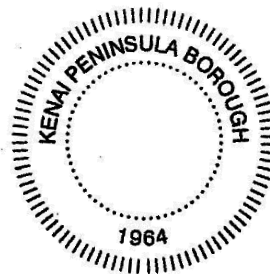


Kelly Cooper, Assembly President

ATTEST:



Johni Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper
No: None
Absent: None