

Introduced by: Mayor
Date: 08/04/20
Action: Adopted
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2020-055**

**A RESOLUTION AUTHORIZING THE SUBLEASE OF REAL PROPERTY LOCATED
AT 72470 CLUTTS AVENUE IN ANCHOR POINT FOR A MAINTENANCE AND
STORAGE FACILITY FOR THE ANCHOR POINT FIRE AND EMERGENCY
MEDICAL SERVICE AREA**

WHEREAS, Anchor Point Fire and Emergency Medical Service Area (APFEMSA) currently provides emergency response to the Anchor Point area; and

WHEREAS, APFEMSA requires garage space to house Ladder No. 1 fire engine and other equipment to support emergency response services; and

WHEREAS, APFEMSA has identified real property available for lease that includes a 2,160 square-foot garage building with a parking pad and suitable access adjacent to the current Anchor Point Fire Station; and

WHEREAS, APFEMSA has sufficient funds budgeted in FY21 to pay rent through June 30, 2021 in Account Nos. 209.51410.43810, Rents and Operating Leases, and 209.51410.43610, Utilities; and

WHEREAS, at its special meeting of July 20, 2020, the Anchor Point Fire and Emergency Medical Service Area Board recommended unanimous approval;

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

SECTION 1. That the mayor is authorized to enter into a sublease of real property with Clark Management, Inc., more particularly described as follows:

A 2,160 square-foot garage building with paved parking pad, gravel yard, and ingress/egress located at 72470 Clutts Avenue, Anchor Point, Alaska.

Situated on T4S R15W SEC 34 SEWARD MERIDIAN HM 0600045 SPRUCE ACRES SUB LOT 20, Homer Recording District, Third Judicial District, State of Alaska.

SECTION 2. The purpose of the acquisition is to provide housing and maintenance space for Ladder No. 1 and other emergency response equipment.

SECTION 3. The initial term of the sublease for five years commencing August 15, 2020 and shall continue automatically thereafter until terminated by 90-days written notice by either party. Lease payments shall be \$2,000.00 per month for the first two years of the sublease term and then increase annually by 2 percent thereafter. The terms and conditions of the sublease shall be in accordance with the sublease agreement and this resolution.

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

SECTION 5. That expenditures for the lease will be charged to account number 209.51410.43810.

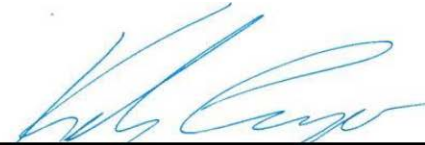
SECTION 6. Pursuant to KPB 17.10.230, the assembly may authorize an exception to the requirements of KPB Chapter 17.10.040(A), which requires that the assembly receive recommendation from the planning commission, based on the following facts:

1. That special circumstances exist.
 - a. APFEMSA has an immediate need to house its Ladder No. 1 engine.
 - b. The next available planning commission meeting is August 10, 2020 and would delay obtaining a storage area by a month.
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 requirement is intended to provide the assembly with a recommendation from the planning commission. Due to meeting schedules and immediate need, the assembly finds a delay would cause undue hardship for the service area and recognizes that the APFEMSA board has recommended approval.
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 exception will serve the public interest by helping to protect an asset for emergency response services.

SECTION 7. That the mayor is authorized to execute all documents for a sublease agreement substantially similar to the lease agreement submitted with this resolution, and to make all agreements deemed necessary in accordance with this resolution.

SECTION 8. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4TH DAY AUGUST, 2020.

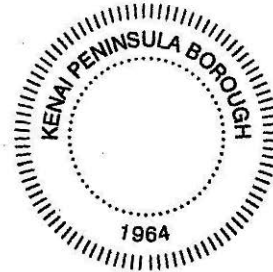


Kelly Cooper, Assembly President

ATTEST:



Johni Blankenship, MMC, Borough Clerk



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