

Introduced by: Mayor  
Date: 07/12/05  
Hearing: 08/16/05  
Action: Enacted as Amended  
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH  
ORDINANCE 2005-33**

**AN ORDINANCE AUTHORIZING THE TSALTESHI TRAILS ASSOCIATION LEASE  
TO BE AMENDED TO ADD ADDITIONAL LAND ADJACENT TO SKYVIEW HIGH  
SCHOOL TO DEVELOP NEW TRAILS AND ADDRESS RETENTION OF FACILITY  
IMPROVEMENTS**

**WHEREAS**, the Tsalteshi Trails Association (TTA) manages the Tsalteshi Trail System located adjacent to the Skyview High School pursuant to a lease authorized by KPB Assembly Ordinance 99-19; and

**WHEREAS**, TTA desires to expand the trail system on land that is not described in Ordinance 99-19; and

**WHEREAS**, the trail expansion will be incorporated into the existing trails and will be utilized during the 2006 Arctic Winter Games; and

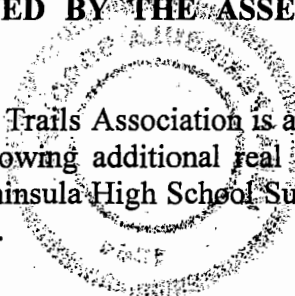
**WHEREAS**, the KPB has entered into a contract with TTA for construction of trail lighting and signs for the Tsalteshi Trails adjacent to Skyview High School; and

**WHEREAS**, the TTA lease needs to be amended to specify that the trail lighting and signs are part of the real property and remain in place at termination of the lease and to clarify that TTA will be solely responsible for all maintenance and utility costs associated with improvements placed on the property; and

**WHEREAS**, the KPB Planning Commission at its regularly scheduled meeting of August 8, 2005 recommended enactment by unanimous consent;

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

**SECTION 1.** That the lease to the Tsalteshi Trails Association is amended by authorizing trails to be constructed on the following additional real property: NW¼NW¼NE¼ excluding Tract 1, Central Peninsula High School Subdivision Amended, Section 12, T4N, R11W, S.M., Alaska.



**SECTION 2.** That a lease amendment is authorized deleting paragraph 21 Removal or Reversion of Improvements Upon Termination of Lease and paragraph 22 Rental for Improvements or Chattels not Removed in their entirety and adding a new paragraph 21:

**21. Reversion of Improvements Upon Termination of Lease**

At the KPB's sole option improvements made to the land to include trails, lighting and signage may become part of the real property and shall remain in place upon termination of the lease. Equipment such as snow machines is considered personal property and may be retained by the LESSEE or its successor in interest.

**SECTION 3.** That pursuant to the Tsalteshi Trails Association Maintenance, Management and Development Plan for 1999-2009 Trail Lease Application and the Kenai Peninsula Borough Real Property Lease with the Tsalteshi Trail Association, the Tsalteshi Trail Association will be solely responsible for all maintenance and utility costs associated with improvements placed on the property.

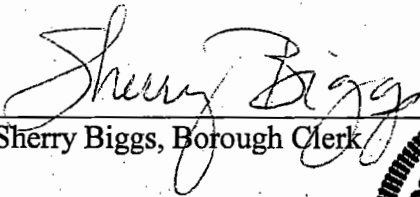
**SECTION 4.** The mayor is authorized to negotiate and execute a lease amendment substantially similar to the one attached to this ordinance.

**SECTION 5.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF AUGUST, 2005.**

  
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Gary Superman, Assembly President

ATTEST:

  
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Sherry Biggs, Borough Clerk

