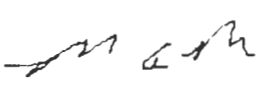
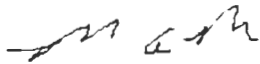


Kenai Peninsula Borough
Planning Department – Land Management Division

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor CP
Marcus Mueller, Acting Planning Director 

FROM: Marcus Mueller, Land Management Officer 

DATE: October 1, 2020

RE: Amendment to Ordinance 2020-41, Authorizing Five Communications Site Lease Agreements at Certain Locations with SPITwSPOTS, Inc. (Mayor) (Hearing on 10/13/20)

This amendment is submitted following a title search which revealed that the borough does not possess clear title to the parcel in Tyonek.

[Please note the bold underlined language is new and the bold strikeout language in brackets is to be deleted.]

- Amend the title, as follows:

AN ORDINANCE AUTHORIZING **[FIVE] FOUR** COMMUNICATIONS SITE LEASE AGREEMENTS AT CERTAIN LOCATIONS WITH SPITWSPOTS, INC.

- Amend the first whereas clause, as follows:

WHEREAS, SPITwSPOTS, Inc. is proposing to install communication towers and related equipment at borough owned or managed locations in the rural communities of Ninilchik, Nikolaevsk, Coho ~~[,]~~ **and** Bear Creek ~~[and Tyonek]~~; and

- Amend Section 1 (C), (D) and (E), as follows:

C) Tract D, Alaska State Land Survey 2005-6, Plat No. 2010-05, Kenai Recording District (Parcel 133-010-39); **and**,

D) Lot 1A, Bear Creek Fire Station 2013 Replat, Plat No. 2013-05, Seward Recording District, State of Alaska (Parcel 144-012-42); ~~[and,]~~

~~[E) Tebughna School, within Section 1, T11N, R11W, Seward Meridian, Alaska, Anchorage Recording District (Parcel 211-151-52), subject to concurrence by the Native Village of Tyonek.]~~

➤ Amend Section 5, as follows:

SECTION 5. SPITwSPOTS, Inc. shall have ~~[90]~~ **15** days from the date of enactment of this ordinance to execute the lease agreement(s).

➤ Amend Section 6, as follows:

SECTION 6. That rent revenue from the subject lease shall be submitted to the borough finance department and deposited as follows:

Nikolaevsk Site Agreement: Anchor Point Fire & Emergency Service Area account 209.00000.00000.36316.

Ninilchik Site Agreement: Land Trust account 250.00000.00000.36316.

Cohoe Site Agreement: Land Trust account 250.00000.00000.36316.

Bear Creek Site Agreement: Bear Creek Fire Service Area account 207.00000.00000.36316.

~~[Tyonek Site Agreement: Land Trust account 250.00000.00000.36316.]~~

The draft communication site lease agreements for the four proposed site locations in the areas of Ninilchik, Nikolaevsk, Cohoe and Bear Creek are attached for your reference.

Your consideration of this amendment is appreciated.