

Introduced by: Mayor
Date: 04/21/26
Hearing: 05/05/26
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2026-14**

**AN ORDINANCE AUTHORIZING A COMMUNICATIONS SITE LEASE
AGREEMENT WITH GCI COMMUNICATION CORP., IN BELUGA**

WHEREAS, in 2015, a temporary land use permit was issued to authorize GCI Communication Corp.'s (GCI) use of an approximately 1,600 square foot communication tower site on KPB-owned Parcel No. 21108503 in the Beluga area, now expired; and

WHEREAS, a long-term lease agreement is now required to continue operating the site and supporting GCI's communication needs in Beluga; and

WHEREAS, GCI has agreed to a five-year lease agreement with renewal options at a monthly rent of \$2,000 (\$24,000/annually); and

WHEREAS, leasing of this property furthers the following objectives of the 2019 Kenai Peninsula Borough (KPB) Comprehensive Plan:

1. Goal 2, Land Use Objective F: To actively manage Borough-owned lands to meet short and long-term regional goals; 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), the Assembly finds that entering into a Communication Tower Site Lease Agreement with GCI. on that Leased Premises more particularly described as follows is in the best interests of KPB:

A portion of the N½ of the E½ of the NE¼NW¼NE¼NW¼ of Section 9, Township 12 North, Range 10 West, Seward Meridian, Anchorage Recording District, Third Judicial District, State of Alaska, more particularly described as an approximately 1,600 square foot area, including the air space above such ground space, together with non-exclusive access beginning directly off of the Beluga Highway right-of-way and across an existing road and public utility easement. (Parcel No. 21108503)

Site Name: GCI Beluga

This finding is based upon the following facts:

1. The property will be used to continue use of an existing communication tower site for the benefit of GCI.
2. KPB will receive revenues and the benefit of reserved tower space for emergency and other communication 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 monthly rent will be Two-Thousand Dollars (\$2,000) for exclusive use of the Leased Premises for a five-year term with renewal options. On each anniversary of the effective date, rent will adjust annually by three percent (3%) over the prior year's rent amount.

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 GCI and for the purpose of operating, and maintaining an existing communication tower 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 GCI.
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 GCI.
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 tower site is compatible with the surrounding land uses.

SECTION 6. That GCI will have sixty (60) 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: