

Introduced by:	Mayor
Date:	07/09/24
Action:	Adopted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2024-031**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE
AGREEMENT WITH THE USDA FOREST SERVICE FOR THE COOPER
MOUNTAIN COMMUNICATIONS SITE TO SUPPORT EMERGENCY
MANAGEMENT COMMUNICATION EQUIPMENT**

WHEREAS, the Kenai Peninsula Borough (“KPB”) owns and operates communication equipment located at the Cooper Mountain Communication Site; and

WHEREAS, the land encompassing the Cooper Mountain Communications Site is owned by the USDA Forest Service within the Seward Ranger District; and

WHEREAS, KPB’s use at the site is authorized under a Communications Use Lease which expired on December 31, 2023; and

WHEREAS, entering into a new lease agreement with the United States of America for continued use of the site is appropriate and serves the public best interest; and

WHEREAS, pursuant to KPB 17.10.040, assembly approval of the acquisition of interests in lands shall be by resolution upon receipt of a planning commission recommendation; and

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of June 24, 2024, recommended approval by unanimous consent;

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

SECTION 1. That KPB is authorized to lease the real property located in the Seward Recording District, Third Judicial District, State of Alaska, and more particularly described as follows:

That portion of Section 04, Township 04 North, Range 03 West, Seward Meridian, as depicted in the Cooper Mountain Communications Site Management Plan dated 03/13/2024 for the construction, operation, maintenance, and termination of a public safety radio repeater communications facility.

SECTION 2. That the purpose of the acquisition is to support the Office of Emergency Management's operation of the communication equipment currently located upon the leasehold, along with other KPB interests.

SECTION 3. That the lease will expire on 12/31/2053. Lease payments will be waived pursuant to 36 CFR 251.57, which authorizes the waiver of lease fees when equitable and in the public interest and the holder is a local government. The substantive terms and conditions of the lease will be in accordance with those of the accompanying lease agreement.

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

SECTION 5. That the Mayor is authorized to execute all documents for the lease agreement substantially similar to the lease agreement submitted with this resolution, and to make all agreements deemed necessary in accordance with this resolution.

SECTION 6. That this resolution takes effect immediately.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 9TH DAY JULY 2024.

Brent Johnson

Brent Johnson, Assembly President

ATTEST:

Michele Turner

Michele Turner, CMC, Borough Clerk



Yes: Cooper, Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson
No: None
Absent: None