

**CITY OF KODIAK
ORDINANCE NUMBER 1421**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK AUTHORIZING
A LEASE BETWEEN THE CITY OF KODIAK AND ACS OF THE NORTHLAND, LLC,
FOR PILLAR MOUNTAIN COMMUNICATIONS SITE NO. 10**

WHEREAS, ARTICLE V-17 of the Charter of the City of Kodiak requires that all contracts which by their terms will not be fully executed within five (5) years and which cannot be terminated by the City with not more than one month's notice without penalty to be approved by ordinance; and

WHEREAS, the City owns property on Pillar Mountain known as Pillar Mountain Communication Lease Site No. 10; the City adopted Ordinance No. 1314 on January 23, 2014, for a five-year lease with ACS of the Northland, Inc. ("ACS"); and

WHEREAS, the lease that was adopted by Ordinance No. 1314 was amended by Ordinance No. 1347 due to self-insurance revisions within the lease; and

WHEREAS, ACS of the Northland, LLC ("ACS") desires to renew the lease Communication Lease Site No. 10, and ACS has requested that the City Council authorize the Lease Agreement – Pillar Mountain Communications Site No. 10 ("Lease") that now is before this meeting; and

WHEREAS, it is in the best interest of the City that the Lease be authorized; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kodiak, Alaska, as follows:

Section 1: The Council of the City of Kodiak hereby authorizes the Lease, Contract No. 253189, with ACS of the Northland for a term commencing July 1, 2021, and ending June 30, 2026, for the communications site described in the Lease, located on an unsubdivided portion of U.S. Survey 2538 A, Tract B on Pillar Mountain in the City of Kodiak.

Section 2: The form and content of the Lease between the City and ACS of the Northland is in all respects authorized, approved, and confirmed; and the City Manager hereby is authorized, empowered, and directed to execute and deliver the Lease to ACS of the Northland on behalf of the City, in substantially the form and content now before this meeting but with such changes, modifications, additions, and deletions therein as he shall deem necessary, desirable, or appropriate, the execution thereof to constitute conclusive evidence of approval of any and all changes, modifications, additions, or deletions therein from the form and content of said document now before this meeting, and from and after the execution and delivery of said document, the City Manager hereby is authorized, empowered, and directed to do all acts and things and to execute all documents as may be necessary to carry out and comply with the provisions of the Lease as executed.

Section 3: This ordinance shall be published in full within ten days after its passage.

Section 4: The Lease authorized by this ordinance is subject to the requirements of City Charter Section V-17. Therefore, if one or more referendum petitions with signatures are properly filed within one month after the passage and publication of this ordinance, this ordinance shall not go into effect until the petition or petitions are finally found to be illegal and/or insufficient, or, if any such petition is found legal and sufficient, until the ordinance is approved at an election by a majority of the qualified voters voting on the question. If no referendum petition with signatures is filed, this ordinance shall take effect one month after its passage and publication.



CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

First Reading: July 22, 2021

Second Reading: August 12, 2021

Effective Date: September 18, 2021