

**CITY OF KODIAK
ORDINANCE NUMBER 1435**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK
AUTHORIZING A LEASE BETWEEN THE CITY OF KODIAK AND VERTICAL
BRIDGE DEVELOPMENT, LLC FOR NEAR ISLAND COMMUNICATION SITE
LOCATED ON U.S. SURVEY 4947**

WHEREAS, the City of Kodiak ("City") owns 5625 square foot portion of USS 4947 on Near Island; and

WHEREAS, Lessee made an initial application for lease of real property on February 10, 2022 and a revised application on September 29, 2022; and

WHEREAS, the City Council reviewed the initial and revised applications from Vertical Bridge Development to lease land on April 12, 2022, April 13, 2023, May 16, 2023; and

WHEREAS, Lessor and Lessee desire to commence Lessee's occupancy of the Site and formalize the relationship with a lease agreement; and

WHEREAS, Vertical Bridge Development LLC desires to lease the communications site, and has requested that the City Council authorize the Site Lease Agreement No. 255382 ("Lease"); and

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

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

Section 1: Notwithstanding anything to the contrary in Kodiak City Code Chapter 18.20, the Council of the City of Kodiak hereby authorizes the Lease No. 255382 with Vertical Bridge Development, LLC for a term commencing September 2, 2023, and ending June 30, 2028, with renewal option of the communications site described in the Lease, located on U.S. Survey 4947 on Near Island in the City of Kodiak.

Section 2: The form and content of the Lease between the City and Vertical Bridge Development, LLC hereby are in all respects authorized, approved and confirmed, and the City Manager hereby is authorized, empowered and directed to execute and deliver the Lease to Vertical Bridge 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: 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 go into effect one month after its passage and publication.

CITY OF KODIAK



MAYOR

ATTEST:



CITY CLERK

First Reading: June 22, 2023
Second Reading: July 27, 2023
Effective Date: September 2, 2023

