

CITY OF KODIAK
ORDINANCE NUMBER 1439

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK AUTHORIZING A LEASE BETWEEN THE CITY OF KODIAK AND NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) FOR OFFICE AND WAREHOUSE SPACE ON PIER II

WHEREAS, the City owns a warehouse building on Pier II that contains office, shop, and restroom, and adjacent parking space (the "Premises"); and

WHEREAS, under a U.S. Government Lease for Real Property dated March 1, 2009 (the "Lease"), the City leased 5,547 square feet of office and warehouse space on Pier II to the U S Department of Commerce National Oceanic and Atmospheric Administration ("NOAA"); and

WHEREAS, the Council adopted Ordinance No. 1388 on August 8, 2019 authorizing a fourth amendment to the NOAA lease for warehouse space on Pier II; and

WHEREAS, in 2023 NOAA requested a 5,400 square feet lease with office and warehouse space on Pier II with new terms and a duration of 20 years; and

WHEREAS, the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, desires to re-lease the Premises in connection with its berthing of the research vessel Oscar Dyson at Pier II; and

WHEREAS, the Council finds that the leasing of the Premises to the United States would be in the best interests of the public.

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

Section 1: Classification. This is a non-code ordinance.

Section 2: Exception to Kodiak City Code Provisions Pertaining to Leases of Property.

The City Council recognizes that Chapters 18.12 and 18.20 of the Kodiak City Code contain provisions requiring that leases of tidelands and city property be offered at public auction after public notice and provisions requiring an appraisal of the property proposed to be leased. The Council hereby excepts the lease from all such provisions. The use of city property under a lease is only an incidental component of the lease whose primary purpose is establishing terms and conditions of the use and operation of Pier II as a port facility of the City. The Council further finds that there is only a very small number of potential users of Pier II and that it is not in the public interest to open the variety of terms and conditions in the lease to public auction.

Section 3: Approval of Lease No. 259147. The City Council hereby approves the Lease No. 259147 in the form attached to this ordinance and authorizes the city manager and the

harbor master to take all steps necessary to finalize and sign the Lease.

Section 4: Effective Date. As provided in Section V-17 of the Charter of the City of Kodiak, 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

Pat Moran

MAYOR

ATTEST:

Michelle Shroyer-Nelson

CITY CLERK

First Reading: September 28, 2023

Second Reading: October 12, 2023

Effective Date: November 17, 2023