

Presented by: Lands Committee
Introduced: 05/19/2003
Drafted by: Steve Gilbertson/
J.R. Corso

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2213

A Resolution Authorizing the Manager to Lease a Half-acre Site on Mendenhall Peninsula to Capital Community Broadcasting for the Purpose of Installing Communication Antennas.

WHEREAS, Capital Community Broadcasting (KTOO), a non-profit organization, provides public television and radio for the enjoyment of Juneau and other Southeast Alaska residents, and

WHEREAS, KTOO has for many years broadcast from a Mendenhall Peninsula tower owned by the Federal Aviation Administration, and

WHEREAS, the FAA has asked KTOO and other users to relocate from that tower site, and

WHEREAS, the City and Borough owns nearby property suitable for communication purposes, and

WHEREAS, KTOO has applied to lease a 100 ft x 200 ft area and make the site available to other communication users, and

WHEREAS, CBJ 53.09.610(b) authorizes the lease of City land at less than market value to a private, non-profit corporation, and

WHEREAS, the Assembly Lands Committee reviewed this proposal at its April 28, 2003 meeting and recommended approval of the lease with certain conditions, and

WHEREAS, the Planning Commission reviewed this proposal at its May 12, 2003 meeting and recommended approval of the lease.

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NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Authorization to Lease. The Manager is authorized to lease a fraction of Lot 1, U.S. Survey 3817, comprising of 0.46 acres, to Capital Community Broadcasting, Inc., for the purpose of constructing, maintaining and operating communication towers.

Section 2. Rent. Rent shall be \$1.00 per year. The Assembly finds that the proposed use is for the purpose of providing a service to the public which is supplemental to a government service or in lieu of a service which could be provided by the City.

Section 3. Terms and Conditions. The lease is subject to the following terms and conditions:

1. The lease term shall be limited to 35 years.
2. The use of the site shall be limited to public broadcasting purposes.
3. Any co-location of commercial uses on the site shall be subject to approval of the City and the lease rate shall be at fair market value.
4. If substantial construction of the facility is not started within two years, the lease will terminate, at the discretion of the City Manager.
5. If the site is no longer needed for communication purposes, the lease will be terminated.
6. The City shall have the right to co-locate its own communication facilities on the site without charge.
7. FAA guidelines on lighting and interference shall be adhered to.

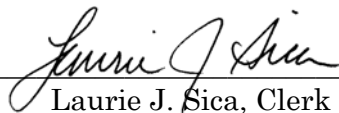
Section 4. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 19th day of May, 2003.



Sally Smith, Mayor

Attest:



Laurie J. Sica, Clerk

Vote: Unanimous / Absent: Johnson