

Presented by: Lands Committee
Introduced: 06/08/2009
Drafted by: J.W. Hartle

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2480

A Resolution Authorizing the Manager to Negotiate and Enter Into a Revocable License for the Use of 1.65 Acres of Lot A of Trust Land Survey 2007-01 and Lot 7, Block 68, Alaska Tidelands Survey No. 3, for Parking by State Employees in the Juneau Arts and Cultural Center Parking Lot.

WHEREAS, the City and Borough of Juneau (CBJ) has a revocable license with the State of Alaska, Department of Administration, for State use of 1.65 acres of Lot A of Trust Land Survey 2007-01 and Lot 7, Block 68, Alaska Tidelands Survey No. 3 (the property), a portion of the parking area for the Juneau Arts and Cultural Center (JACC) parking lot, which will expire on June 30, 2009; and

WHEREAS, numerous State of Alaska employees park on the property under the current parking license with the State of Alaska; and

WHEREAS, CBJ 53.09.260(a) authorizes the negotiated lease of CBJ land; and

WHEREAS, to accommodate the State of Alaska, Department of Administration, with continued state employee parking, the City and Borough will prepare a Revocable License for Land Use ("License" or "License Agreement") for parking in the JACC lot; and

WHEREAS, as required by CBJ 53.20.190, the terms and conditions governing all leases are incorporated into the License unless modified by resolution of the Assembly.

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

Section 1. Authorization. The Manager is authorized to negotiate and enter into a License Agreement, substantially similar to that attached as "Resolution 2480 - Exhibit A," for the use of the property, as generally shown on Exhibit C to the attached draft License Agreement, from the City and Borough as "Grantor" to the State of Alaska as "Licensee."

Section 2. Terms and Conditions. The Manager shall negotiate and include License terms and conditions sufficient to accomplish substantially the following:

(a) Purpose. During the term of the License, Licensee shall only use the license area for the following described uses and purposes: Personal vehicle parking. Four parking places directly adjacent to the JACC entrance will be dedicated exclusively to building tenant use

(b) Term. The License shall automatically expire one year from its effective date, unless it is extended as provided in the License Agreement.

(c) Renewal. The license may be extended for up to one one-year term upon timely notice and request for extension given by licensee and written acceptance thereof given by the grantor. If Licensee desires to secure an extension, it shall so notify the Grantor not less than 90 days prior to the date the License Agreement would otherwise expire. The Grantor within its sole discretion may accept or reject Licensee's request for an extension with any or no reason.

(d) Consideration.

- (1) Licensee shall pay the full initial annual payment to the Grantor in the amount of \$62,000 on or before September 1, 2009. Thereafter, payment will be due on or before July 1 of each License year.
- (2) With the exception of the initial payment, which is retroactive to the July 1 effective date of the license, annual rentals shall be paid in advance. In the case of a requested extension, the following year's rental shall be tendered with the request for an extension as set forth in the License Agreement.
- (3) In the case of extensions, annual rental payment may be adjusted annually. If the Grantor desires to adjust the annual rental payments as to any extension, it shall provide a schedule of annual rental payment for the next extension at the time Grantor gives its approval of the requested extension.

(e) Hold Harmless. The Licensee shall agree to indemnify, defend, and hold the Grantor harmless from any claim or liability for damages to property or injury to persons arising out of Licensee's use, occupancy, and/or maintenance of the property.

(f) Other Terms and Conditions. The City Manager may include other terms and conditions he deems to be in the public interest.

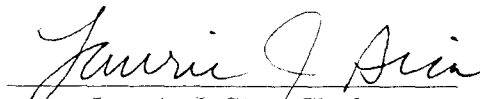
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Section 3. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 8th day of June, 2009.


Bruce Botelho, Mayor

Attest:


Laurie J. Sica, Clerk