

Presented by: The Manager
Presented: 06/14/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-25

An Ordinance Authorizing the Manager to Lease a Fraction of Block E, South Lena Subdivision, Located at 16150 Merganser Road, to Vertical Bridge Holdings LLC, for a Communications Tower and Facility.

WHEREAS, Vertical Bridge Holdings LLC has applied for a lease totaling approximately 10,000 square feet of land entirely within Block E, South Lena Subdivision, located at 16150 Merganser Road, as generally depicted in the attached Exhibit "A"; and

WHEREAS, the purpose of the lease is to allow for the construction, operation, and maintenance of a communications tower and facility; and

WHEREAS, the Planning Commission, at its regular public meeting on April 14, 2020, adopted the analysis and findings in the Notice of Decision (NOD) and approved the special use permit for this tower, which was affirmed on appeal; and

WHEREAS, at the June 1, 2020 and May 10, 2021 meetings, the Assembly Lands, Housing, and Economic Development Committee passed a motion of support to lease property to Vertical Bridge Holdings LLC at 16150 Merganser Road for fair market value.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Authorization to Execute Lease and Provide for Access/Utility Corridor to Lease Site. The Manager is authorized to execute a lease to Vertical Bridge Holdings LLC, Inc., for approximately 10,000 square feet within Block E, South Lena Subdivision, and provide for a twenty thousand two hundred ninety-eight (20,298) square foot non-exclusive access and utility easement, twenty (20) feet wide, ten (10) feet each side of the centerline, located within Block E, South Lena Subdivision, all as generally depicted in Exhibit "A".

Section 3. Essential Terms and Conditions. The lease will include, at a minimum, the following terms and conditions:

- (a) The lease term shall be for a period of five years, plus six five-year renewal periods.

- (b) The use of the lease site shall be for the sole purpose of constructing, maintaining, and operating a communications tower/facility.
- (c) Rent shall be established according to the following schedule:
 - (1) One Thousand Three Hundred Dollars (\$1,300.00) per month as base rent, which includes the first sublease;
 - (2) Plus 35% of rent charged in any sublease;
 - (3) Any sublease after the first, which is included in the base rent, shall be calculated and payable on a monthly basis;
 - (4) In addition, there shall be an automatic 3% annual escalation of the base rent charged.
- (d) In addition to the above, during the lease and lease renewal periods, rent shall be subject to adjustment every five years to reflect changes in the market rent.
- (e) Lessee shall ensure all equipment and activities on the leased premises operate in a manner which will not cause unreasonable interference with the operations of the City and Borough or other authorized users in the vicinity of the leased premises.
- (f) Lessee shall comply with all applicable federal, state, and local laws, and regulations in maintaining, operating, and leasing its communications tower/facility on the leased premises.
- (g) Lessee shall indemnify, defend, and hold harmless the City and Borough and its officers, agents, and employees from any claims related to or arising out of Lessee's development, use, operation, or maintenance of the lease or any improvements on the lease.

Section 4. Other Terms. The Manager may include other lease terms he or she determines to be in the public interest.

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 12th day of July, 2021.

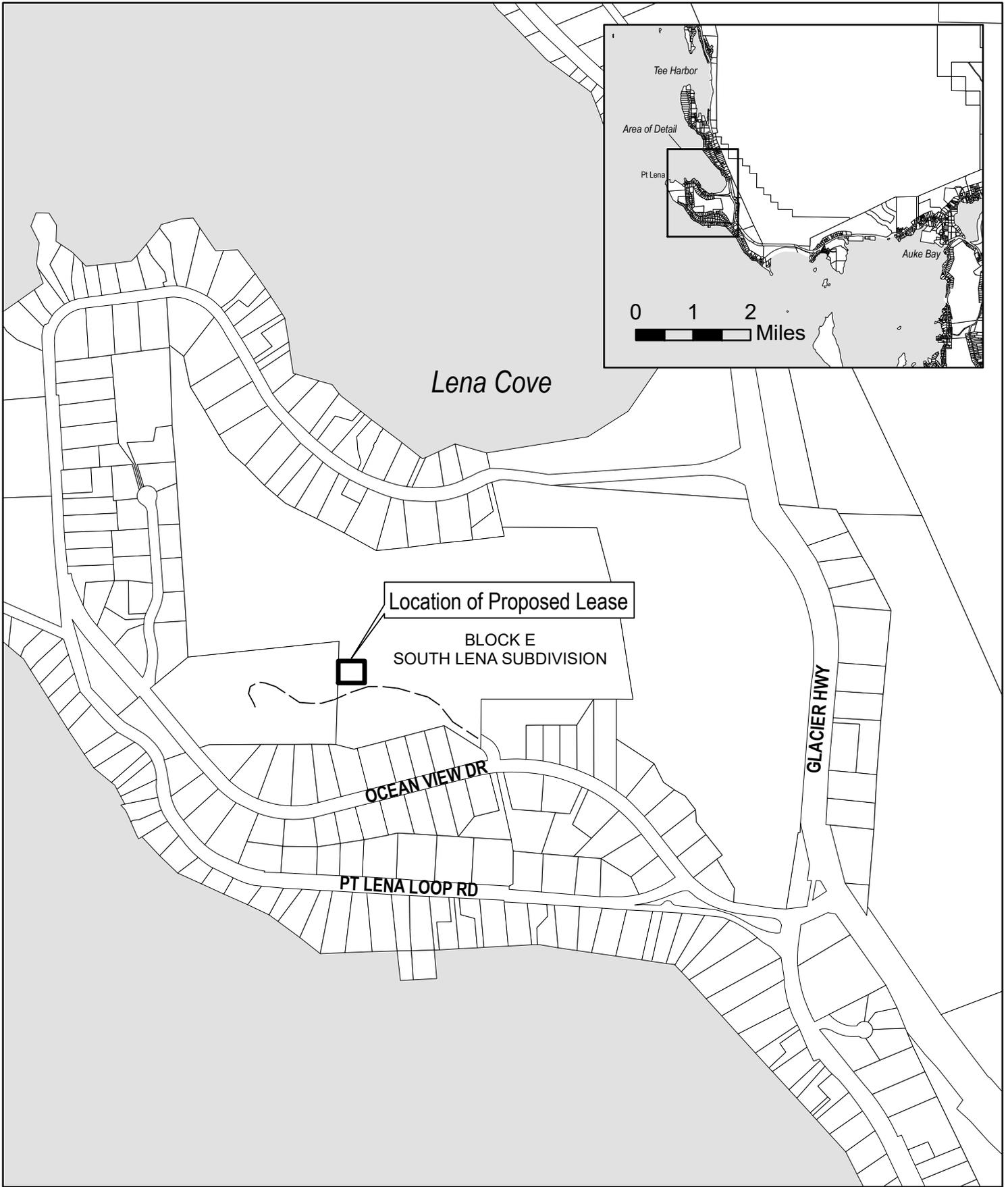


Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk



GIS project source: P:\quinn\Projects\LAW\vertical_bridge_holdings.mxd

Exhibit A

Ordinance No. 2021-25

