

Presented by: The Manager
Presented: 02/27/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-09

An Ordinance Authorizing the Manager to Lease a 1.50 Acre Parcel of Land near 100520 Crazy Horse Drive at a Reduced Rate to Provide for the Southeast Alaska Food Bank Food Warehouse Expansion.

WHEREAS, the Southeast Alaska Food Bank (“Food Bank”), a non-profit organization, provides a food distribution system for service groups assisting the needy and homeless throughout Southeast Alaska; and

WHEREAS, the Food Bank has been operating on City and Borough of Juneau (CBJ) property at the same location under an existing lease since 2005, and expanded its leased area from .25 acres to .50 acres in 2015; and

WHEREAS, the Food Bank requests to lease an additional 1.0 acre for the purpose of increasing its food storage capacity and to help make it more sustainable for the future by building a new warehouse; and

WHEREAS, the Food Bank will be responsible for obtaining all the necessary permits including those needed for filling any wetlands at this location; and

WHEREAS, CBJ 53.09.270(b) authorizes the lease of City and Borough of Juneau land “to a private, nonprofit corporation at less than the market value provided the disposal is approved by the assembly by ordinance, and the interest in land or resource is to be used solely for the purpose of providing a service to the public which is supplemental to a governmental service...”; and

WHEREAS, the Manager has determined that the annual market value for the entire 1.5 acres is \$1,600 per month of which \$800 is for the additional 1.0 acre; and

WHEREAS, the Lands Committee, at its meeting on January 17, 2023, passed a motion of support for the proposed lease to Southeast Alaska Food Bank.

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. The Manager is authorized to lease a fraction of U.S. Survey 1041, comprising 1.50 acre, more or less, to Southeast Alaska Food Bank. The final lease shall be subject to the following essential terms and conditions:

(A) **Term.** The lease term shall be for a period of ten years, but may be terminated by the CBJ if, for any period or periods totaling more than 18 months, the property is not used for the authorized purpose, or as otherwise authorized by the lease agreement.

(B) **Renewal Options.** The lease term shall be renewable for two additional ten-year terms. If the lease is terminated prior to the complete lease term, a new ordinance is required to lease the property.

(C) **Adjustment of Rental.** The rent shall not be adjusted during the lease term unless authorized by ordinance.

(D) **Use of Premises.** The leased premises shall be solely used for a non-profit food warehouse to serve the needy and homeless.

(E) **Hold Harmless.** The lease agreement shall provide that Southeast Alaska Food Bank indemnify, defend and hold harmless the City and Borough of Juneau, its officers, volunteers, and employees for any claim related to or arising out of Southeast Alaska Food Bank's use, operation, or maintenance of the leased premises.

(F) **Rent.** Pursuant to CBJ 53.09.270(b), rent shall be \$1.00 per year for the entire 1.50 acres, an amount less than the fair market value. The Assembly finds that the proposed use is for the purpose of providing a service to the public which is supplemental to a governmental service or is in lieu of a service which could or should reasonably be provided by the State or the City and Borough.

(G) **Other terms and conditions.** The Manager may include other lease terms and conditions as the Manager determines to be in the public interest.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 20th day of March, 2023.



Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk

