

Adopted Amendment

HAINES BOROUGH, ALASKA
ORDINANCE No. 21-05-585

An Ordinance of the Haines Borough approving the lease application for the lease of an area not-to-exceed 20'X70' of Haines Borough parcel C-LTR-04-2700 and authorization for the Borough Manager to negotiate a lease for Assembly approval.

WHEREAS, Vertical Bridge Development, LLC has applied to lease a 20' x 70' parcel to erect a 150' Self-support communications tower; and

WHEREAS, Haines Borough Code ("HBC") HBC 14.16.040, requires that each lease application filed be forwarded to the Planning Commission for its review and recommendation to the assembly; and

WHEREAS, Vertical Bridge Development, LLC's lease application was considered by the Planning Commission on May 13, 2021 and the Planning Commission found that parcel 2700 was appropriate for the intended use and they recommend the approval of the lease; and

WHEREAS, HBC 14.16.040 also requires the Assembly to approve or disapprove of the application within 30 days of its submittal to it by the Planning Commission; and

WHEREAS, HBC 14.16.040 also provides that upon approval of the lease application, "the application will be sent to the assessor for the assessor's estimate of the costs required to handle the application, including but not limited to one or more of the following: survey, appraisal, and advertising of the proposed lease of the area under application"; and

WHEREAS, Haines Borough Code ("HBC") 14.16.090 provides that, "No land shall be leased for an annual rent less than \$500.00 or 10 percent of the appraised value of the land and any improvements thereon owned by the borough, whichever is more"; and

WHEREAS, HBC 14.16.160 provides that upon authorization by the assembly by non-code ordinance, the manager may commence negotiations for the lease of Borough land; and

WHEREAS, the resulting shall contain the essential terms outlined in HBC 14.16.180, and the negotiations will be for the purpose of determining the area and value of the lease premises; and

WHEREAS, the final lease terms are subject to approval by the assembly by ordinance,

NOW, THEREFORE, BE IT ENACTED, by the Haines Borough Assembly, that it is hereby determined to be for a public purpose and in the public interest of the Haines Borough to approve the lease application of Vertical Bridge Development, LLC to lease a 20' x 70' parcel to erect a 150' self-support communications tower on parcel C-LTR-04-2700; and to refer the application to the assessor for an estimate of costs; and to authorize the Borough Manager to negotiate a lease with Vertical Bridge Development, LLC.

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

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

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Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 22nd DAY OF JUNE, 2021 AND AMENDED DECEMBER 22, 2021.

ATTEST:


Alekka Fullerton, CMC, Borough Clerk


Douglas Olerud, Mayor



Date Introduced:	05/25/21
Date of First Public Hearing:	06/08/21
Date of Second Public Hearing:	06/22/21