

Presented by: The Manager  
Introduced:  
Drafted by: A. G. Mead

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2016-33**

**An Ordinance Authorizing the Port Director to Lease Tracts B-1 and B-2, Alaska Tidelands Survey 1328, to Central Council Tlingit and Haida Indian Tribes of Alaska, d/b/a Tlingit & Haida Immersion Park, LLC.**

WHEREAS, since 2001, Docks and Harbors has managed the 1.21 acre property at 4400 Thane Road, formerly known as the Thane Ore House, and further described as Tracts B-1 and B-2, Alaska Tidelands Survey 1328, which became available to lease in 2015 after the prior lease was terminated; and

WHEREAS, in 2015, Docks and Harbors posted a Request for Proposal (RFP) to determine the best qualified to enter into negotiations with CBJ for a long term lease; and

WHEREAS, based on an appraisal conducted by Horan & Company setting the fee simple value of the property at \$86,000, Docks and Harbors set the annual lease rent at a minimum of 10 percent of the appraised value; and

WHEREAS, three proposals were received and the Central Council of Tlingit & Haida Indian Tribes of Alaska (CCTHITA) was determined to have submitted the highest scored proposal; and

WHEREAS, CCTHITA proposed creating a Tlingit & Haida Cultural Immersion Center and offered the minimum lease rent plus a \$1.00 per "participant rate" for all customers entering the Immersion Center; and

WHEREAS, at its June 14, 2016, meeting the Planning Commission approved a Conditional Use Permit for CCTHITA's Tlingit & Haida Cultural Immersion Center; and

WHEREAS, the proposed lease was approved by the Docks and Harbors Board at its meeting on August 18, 2016, and by the Assembly Lands Committee at its meeting on August 29, 2016; and

WHEREAS, the lease of ATS 1328 is entered into pursuant to the authority of CBJ Code Section 85.02.060(a)(5), CBJ Chapter 53.20, and 05 CBJAC 50.

1  
2 NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF  
3 JUNEAU, ALASKA:

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

5 **Section 2. Authorization to Lease.** The Port Director is authorized to negotiate  
6 and execute a lease agreement, in a form substantially similar to the lease attached as Exhibit  
7 A, with the Central Council Tlingit and Haida Indian Tribes of Alaska (CCTHITA or Lessee),  
8 for the property described as:

9 Description of property: Tracts B-1 and B-2, Alaska Tideland Survey 1328, ADL 103289  
10 located within Section 5, Township 42, range South, Range 68 East, Copper River  
11 Meridian according to the survey plat filed in the Juneau Recording District on January  
12 19, 1994 as plat #94-2.

13 Subject to all platted easements, covenants, conditions, reservations, and further subject to  
14 the Special Stipulations noted on Exhibit C and made a part of this lease agreement.

15 generally depicted on the map attached as Exhibit B.

16 **Section 3. Minimum Essential Terms and Conditions.**

17 (A) The leased property shall be used by Lessee for the Tlingit & Haida Immersion  
18 Park proposal submitted in RFP DH16-002.

19 (B) The lease shall be for a term of 35 years beginning on the date the lease is  
20 executed with one 35-year renewal option, subject to City and Borough approval.

21 (C) Lease Payments and Adjustments.

22 (1) The annual payment for the first five years of this lease shall be \$8,600 per year,  
23 payable in advance, plus the per participant rate proposed by the Lessee,  
24 beginning in year 2 of the lease.

25 (2) Adjustment. Beginning with the first year after the initial five-year period of the  
term, the Port Director will re-evaluate and adjust the annual lease payment for  
the Leased Premises for the next five-year period of this lease, and then every  
five years thereafter, pursuant to Appendix B, Section 3(2) of the lease, CBJ  
53.20.190(2), CBJ 85.02.060(a)(5), and the Docks and Harbors lease  
administration regulations, 05 CBJAC Chapter 50.

**Section 4. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Attest:

Kendell D. Koelsch, Mayor

Laurie J. Sica, Municipal Clerk