



ORDINANCE SERIAL NO. 08-01

AN ORDINANCE APPROVING A THIRTY (30)-YEAR LEASE OF BOROUGH LANDS NEAR FALSE PASS, ALASKA, TO THE ALEUTIAN PRIBILOF ISLAND COMMUNITY DEVELOPMENT ASSOCIATION (APICDA), FOR THE PURPOSE OF ALLOWING A SEWER OUTFALL LINE SERVICING AN ONSHORE, MULTI-SPECIES FISH PROCESSING FACILITY TO REACH ITS POINT OF DISCHARGE, FOR THE SUM OF \$100.00 PER YEAR.

WHEREAS, the Aleutians East Borough Assembly is authorized under Borough Code Section 50.10.050(a) to dispose of all interests in real property except those acquired or developed for or dedicated or devoted to a governmental purpose; and

WHEREAS, Borough Code Section 50.10.050(b) requires that all such disposal of an interest in real property must be authorized by ordinance; and

WHEREAS, Section 50.10.050(b)(9) allows for the Assembly to dispose of an interest in real property for less than market value if the Assembly finds there are public benefits to be derived from such disposal; and

WHEREAS, granting this lease will allow Bering Pacific Seafoods to build an outfall line servicing its onshore, multi-species processing facility in False Pass, and that processing facility will serve the common goal of promoting economic stability in the community of False Pass, to the benefit of the residents of False Pass and of the Aleutians East Borough generally; and

WHEREAS, the terms and conditions contained in the draft lease which accompanies this Ordinance, including a thirty (30)-year lease term with the possibility of two (2), renewals of ten (10) years each, and a lease rate of one hundred dollars (\$100.00) per year, are fair and equitable and it is to the advantage of the Aleutians East Borough to enter into a lease containing terms and conditions substantially similar to those in the draft lease which accompanies this Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:

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

Section 2. **Finding.** The Assembly of the Aleutians East Borough hereby finds that sufficient facts exist to determine that substantial public benefits will be derived from this lease, and therefore the real property involved should be disposed of for less than market value.

Section 3. **Authorization.** Immediately upon adoption, the administration of the Aleutians East Borough is authorized to enter into a lease of the property described herein to APICDA, under terms and conditions substantially similar to those in the draft lease attached hereto.

Section 4. **Effectiveness.** This ordinance shall become effective upon adoption.

INTRODUCED: July 2, 2007
ADOPTED: August 24, 2007


Stanley Mack, Mayor
Date: 8/24/07

ATTEST:



Tina Anderson, Borough Clerk

Date: 8/24/07