



RESOLUTION NO. 13-10

A RESOLUTION OF THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH, ALASKA, SUPPORTING THE CONVEYANCE OF CERTAIN GRAVEL AND DREDGE MATERIAL TO THE CITY OF AKUTAN.

WHEREAS, AS 29.35.010(8) grants the Aleutians East Borough the authority to "acquire, manage, control, use, and dispose of real and personal property, whether the property is situated inside or outside the municipal boundaries"; and,

WHEREAS, the Aleutians East Borough has the authority to "exercise on a non-areawide basis the power to provide for economic development" pursuant to AEBMC 45.10.020(a), as authorized by AS 29.35.210(a); and,

WHEREAS, the exercise of the power to provide for economic development includes the provision of "financial and other forms of assistance to public and private groups for the conduct of activities intended to preserve or further the economic health or development of the borough" as well as all "such other similar or different activities as the Assembly determines to be intended for the preservation or expansion of the economy of the borough."; and,

WHEREAS, the Aleutians East Borough currently holds title to certain gravel and other dredge material accumulated as a result of the construction and grading of the Akutan Small Boat Harbor Project, and currently located on property belonging to the City of Akutan; and,

WHEREAS, the Aleutians East Borough Assembly has found that the conveyance to the City of Akutan of title to the aforementioned gravel and other dredge material for public use purposes will further the preservation and expansion of the borough's economy; and,

WHEREAS, the Aleutians East Borough Assembly has found that it is in the Borough's best interest to convey to the City of Akutan title to the aforementioned gravel and other dredge material; and

WHEREAS, the Aleutians East Borough Assembly acknowledges that the gravel and dredge material was extracted from a parcel of real property owned by the Borough that is encumbered by a covenant that runs with the land, and binds any

and all of the parcel's subsequent successors, heirs and assigns, which requires that fifty percent (50%) of the gross revenues resulting from the sale of any subsurface resource materials that the parcel's owner extracts from the parcel and subsequently conveys to any other party be paid to The Aleut Corporation; and

WHEREAS, the City of Akutan has received actual notice that it is legally obligated to pay fifty percent (50%) of all gross revenues derived from the commercial sale of the subject gravel and other dredge material to The Aleut Corporation created by the aforementioned covenant, should it decide to do so at some future date; and,

WHEREAS, the Aleutians East Borough's conveyance of the gravel and other dredge material to the City of Akutan is expressly conditioned on the City's use of the subject property for public, economic development purposes;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH, ALASKA, that:

Section 1. Description of the Property and Its Location

See Appendix A attached.

Section 2. Authorization. The Mayor is hereby authorized to negotiate and enter into a Purchase and Sale Agreement consistent with this Resolution.

Section 3. Severability. If any one or more of the provisions of this Resolution shall be declared by any court of competent jurisdiction to be contrary to law, then such provision shall be null and void and be deemed separable from the remaining provisions of this Resolution and shall in no way affect the validity of the other provisions of this Resolution, or any other Resolutions or Sales Agreements regarding the property described herein.

Section 4. Effective Date. This Resolution shall take effect immediately.

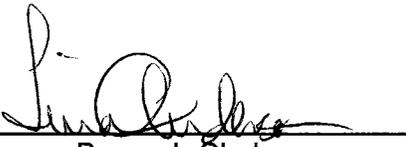
ADOPTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH, on this 4th day of October, 2012.

ALEUTIANS EAST BOROUGH, ALASKA



Stanley Mack, Mayor

ATTEST:



Tina Anderson, Borough Clerk