



RESOLUTION NO. 15-04

A RESOLUTION OF THE ALEUTIANS EAST BOROUGH, ALASKA, AUTHORIZING THE ASSIGNMENT OF LEASES ADL NO. 218167 AND ADL NO. 228276 TO APICDA JOINT VENTURES, AND AMENDING THOSE LEASES TO PROVIDE FOR A JUNE 30, 2015 EXPIRATION DATE.

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 State of Alaska, Department of Natural Resources granted Lease ADL No. 218167 to Melvin B. Gillis on June 9, 1989; and,

WHEREAS, the State of Alaska, Department of Natural Resources granted Lease ADL No. 228276 to Melvin B. Gillis on August 16, 2004; and,

WHEREAS, the Aleutians East Borough selected the parcels that are the subjects of these leases as part of its General Land Grant Entitlement pursuant to A.S. 29.65 et seq., was subsequently transferred title to those parcels by the State of Alaska, and thus acquired as part of that transfer Lease ADL No. 218167 and Lease ADL No. 228276; and,

WHEREAS, the leases permit Mr. Gillis to assign his rights and obligations under these leases to a third party, subject to the Borough’s approval; and,

WHEREAS, an Agreement has come before the Aleutians East Borough Assembly in which Mr. Gillis seeks to assign his interests under the leases to APICDA Joint Ventures; and,

WHEREAS, APICDA Joint Ventures has purchased from Mr. Gillis all the improvements located on the properties that are subject to the leases, for the purpose of expanding its recreational business activities in the Borough; and,

WHEREAS, APICDA Joint Ventures has requested that the Borough grant it a long-term lease in the properties that are the subjects of Lease ADL No. 218167 and Lease No. 228276; and,

WHEREAS, the Aleutians East Borough Assembly has concluded that approving the proposed assignment may further the preservation and expansion of the Borough's economy, and would be in the Borough's best interests; and,

WHEREAS, the Aleutians East Borough Assembly has concluded that it would be in the Borough's best interests to amend the leases to provide that they do not expire in 2014 as originally contemplated, but instead expire on June 30, 2015, so that the Borough may negotiate a long-term lease with APICDA Joint Ventures;

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

Section 1. Description of the Properties and their Locations.

See Appendix A attached.

Section 2. Approval of Assignments. The Aleutians East Borough Assembly hereby approves the assignments of Lease ADL No. 218167 and Lease ADL No. 228276, and authorizes the Mayor to sign the Agreement executed between Melvin B. Gillis and APICDA Joint Ventures, attached as Appendix B.

Section 3. Amendment of Lease Agreements. The Aleutians East Borough Assembly hereby authorizes the Mayor to sign the Agreements amending Lease ADL No. 218167 and Lease ADL No. 228276 to provide for an expiration date of June 30, 2015, attached as Appendix C and Appendix D.

Section 4. 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 provisions 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 Lease Agreements regarding the properties described herein.

Section 5. Effective Date. This Resolution shall take effect immediately.

ADOPTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH, on this 10th day of September, 2014.

ALEUTIANS EAST BOROUGH, ALASKA



Stanley Mack, Mayor

ATTEST:



Tina Anderson, Borough Clerk