

RESOLUTION NO. 15-24

A RESOLUTION OF THE ALEUTIANS EAST BOROUGH, ALASKA, AMENDING THE LEASES ADL NO. 218167 AND ADL NO. 228276 TO APICDA JOINT VENTURES TO PROVIDE FOR A DECEMBER 31, 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 (Municipal Entitlements) 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 permitted 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 was approved by the Aleutians East Borough Assembly on September 10, 2014 assigning Mr. Gillis’s 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, on September 10, 2014 the Aleutians East Borough Assembly approved amendments to the leases extending them to June 30, 2015; and,

WHEREAS, the Aleutians East Borough Assembly has concluded that it would be in the Borough's best interests to negotiate a long-term lease with APICDA Joint Ventures; and,

WHEREAS, on March 3, 2015 the Aleutians East Borough Assembly authorized the Mayor to negotiate a long-term lease with APICDA Joint Ventures to include an expansion in the size of the lease; and

WHEREAS, the lease expansion will require a land survey to determine the legal description; and

WHEREAS, due to weather conditions the land survey might not be conducted until the summer of 2015; and

WHEREAS, the current leases expire June 30, 2015 and may not provide appropriate time to negotiate a long-term lease and obtain Assembly approval;

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

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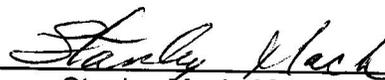
Section 1. Amendment of Lease Agreements. The Aleutians East Borough Assembly hereby authorizes the Mayor to sign the Agreements amending Lease ADL No. 218167 and Lease ADL No. 228276 to provide for an expiration date of December 31, 2015, attached as Appendix A and Appendix B.

Section 2. 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.

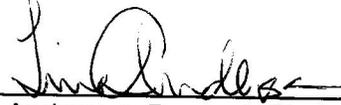
Section 3. Effective Date. This Resolution shall take effect immediately.

ADOPTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH, on this 28th day of May, 2015.

ALEUTIANS EAST BOROUGH, ALASKA


Stanley Mack, Mayor

ATTEST:


Tina Anderson, Borough Clerk