

## RESOLUTION 21-34

### **A RESOLUTION OF THE ALEUTIANS EAST BOROUGH ASSEMBLY AUTHORIZING THE MAYOR TO ENTER INTO A SHORT-TERM SUBLEASE WITH THE MILITARY FOR USE OF THE COLD BAY SCHOOL BY NEGOTIATION AT LESS THAN FAIR MARKET VALUE**

**WHEREAS**, the United States Airforce (military) is interested in entering into a short-term sublease with the Borough for the Cold Bay School to conduct a military exercise in the spring of 2021; and

**WHEREAS**, the Borough has entered into a Lease Agreement No. ADA-07842 as Lessee with the DOT&PF for the following described property, located on the Cold Bay Airport within the Seward Meridian, Township 57 South, Range 89 West, Section 36, in the Aleutians Island Recording District, Third Judicial District, Alaska; Lot 1A, Block 10 consisting of 84,689.92 square feet of land, at the Cold Bay School; and

**WHEREAS**, the Borough owns the Cold Bay School located on the properties described above; and

**WHEREAS**, AEBMC Chapter 50.10 titled Real Property Acquisition and Disposal provides for the disposal of real property owned by the Borough; and

**WHEREAS**, pursuant to AEBMC Sect. 50.10.060, disposal of real property may be conducted, among other methods, by negotiation; and

**WHEREAS**, transfer of Borough property to another local government may be at less than the market value subject to Assembly approval per AEBMC Sec. 50.10.070; and

**WHEREAS**, on February 11, 2021, the Assembly approved Resolution 21-32 authorizing the Mayor to begin negotiations with the military for the Cold Bay School Short-Term sublease; and

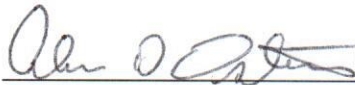
**WHEREAS**, the Assembly has determined that the lease of the property to the military is in the best interest of the Borough.

**NOW THEREFORE, BE IT RESOLVED**, the Mayor is authorized to negotiate and execute a Short-Term Sublease with the military for the Cold Bay School located on the Cold Bay Airport within the Seward Meridian, Township 57 South, Range 89 West, Section 36, in the Aleutians Island Recording District, Third Judicial District, Alaska; Lot 1A, Block 10 consisting of 84,689.92 square feet of land by negotiation with the military at less than fair market value; and

**NOW THEREFORE, BE IT FURTHER RESOLVED**, the sublease is subject to the following minimum essential terms and conditions:

- (a) The sublease shall be subject to the covenants, provisions, conditions, and base terms of the Lease Agreement ADA-07842, "Base Lease" between the State of Alaska, Department of Transportation and Public Facilities and the Borough;
- (b) The term of this sublease is contingent on the Borough's Base Lease extension with the State of Alaska;
- (c) The leased property shall be used by military for the purpose of a military exercise;
- (d) The sublease term will be determined during the negotiations with the military.
- (e) The sublease rents, fees, and charges will be determined during the negotiations.
- (f) The military shall be responsible for obtaining all necessary permits and approvals for its operations on the leased property;
- (g) The military shall, to the fullest extent of the law, indemnify, defend, and hold harmless both the Borough and the State of Alaska, their agents, elected officials, volunteers, and employees from and against any and all claims related to or arising out of military's use of the leased property; and
- (h) The sublease shall include all provisions of Borough Code of Ordinances not in conflict with this ordinance; and any other provisions that the Borough Mayor determines to be in the public interest.

**PASSED AND ADOPTED** by the Aleutians East Borough on this 11<sup>th</sup> day of February, 2021.



Alvin D. Osterback, Mayor

ATTEST:



Tina Anderson, Clerk