

## **POSSIBLE MOTION**

**I MOVE TO** approve Amendment No. 2 to the Payment for Services Agreement between Sitka Tribe of Alaska and the City and Borough of Sitka and direct the Mayor to sign the amendment.

**AMENDMENT NO. 2  
TO  
PAYMENT FOR SERVICES AGREEMENT  
BETWEEN  
THE SITKA TRIBE OF ALASKA  
AND  
THE CITY AND BOROUGH OF SITKA, ALASKA**

The Sitka Tribe of Alaska ("Tribe") and the City and Borough of Sitka, Alaska ("City") entered into a Payment for Services Agreement ("Agreement") on September 28, 2001. The Agreement provides at section (A)(4) of Article III, that at an annual meeting, held pursuant to Section (C)(1) of Article II of the Memorandum of Understanding between the parties entered into on July 11, 1998, the parties shall revise and amend the Agreement under circumstances of acquisition or sale by the Tribe of real property in fee simple. Such an annual meeting was held on September 26, 2019, at which the parties acknowledged the acquisition by the Tribe of real property in fee simple, by Warranty Deed dated February 15, 2019, and recorded February 20, 2019, in the Sitka Recording District, said real property located at 204 Siginaka Way, Sitka, Alaska, and more particularly described in "Attachment A" attached hereto and incorporated herein by reference (the "Property"), and further acknowledged the need to revise and amend the Agreement by written amendment for said acquisition by the Tribe of the Property.

By this instrument ("Amendment No. 2"), the parties hereby revise and amend the Agreement to include the Property. As contemplated by the Agreement, the parties apply the framework for determination as to the amount of payment for services by (1) properly placing the Property in category (1)(b) of Article III(A) of the Agreement, because it receives substantial public services from the City and is used predominantly as the land-base for provision of tribal governmental services and, accordingly, (2) establishing that the Tribe shall pay the City an annual nominal payment of One Dollar (\$1.00) on the Property for services provided by the City.

This Amendment No. 2 has been approved by the City Assembly at its regular meeting of December 23, 2019 and becomes effective upon signature of the parties as of the last written date below.

**SITKA TRIBE OF ALASKA**

**CITY AND BOROUGH OF SITKA, ALASKA**

\_\_\_\_\_  
By: Kathy Hope Erickson  
Its: Tribal Council Chairperson

\_\_\_\_\_  
By: Gary L. Paxton  
Its: Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTEST**

\_\_\_\_\_  
Sara Peterson MMC  
Municipal Clerk

Date: \_\_\_\_\_

## **Attachment A**

The “property” at 204 Siginaka Way contains the following two parcels of real property:

### **Parcel I:**

Lot 2, K & R SUBDIVISION III, according to the official plat thereof filed under Plat Number 89-12, Records of the Sitka Recording District, First Judicial District, State of Alaska TOGETHER WITH an easement for ingress, egress and parking as set forth on document recorded June 2, 1994 in Book 109 at Page 679, and amended in document recorded June 7, 1994 in book 109, Page 764.

AND an easement for use of sidewalk and stairs as set forth on document recorded July 6, 2000 in Book 142 at page 425

### **Parcel II:**

Block Nine (9), Replat No. 1, Dan Moller Subdivision, according to the plat thereof filed October 5, 1959 as Plat No. 10, Sitka Recording District, First Judicial District, State of Alaska.