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October 14, 2024

Members of the Assembly & Sitka Planning Department:

I am the attorney for Sound Development, LLC (SDL). SDL is hereby requesting an Amendment the Purchase Agreement between the City and Borough of Sitka and Sound Development, LLC dated September 11, 2013 (PSA), for Parcels A, B, C & D (SDL response to Benchland Request for Proposal ("RFP") issued December 4, 2012).

Article #8 of such PSA currently has the following deed restriction:

8. **Utilities.** SDL is prohibited from selling any lots in Block 8 and 9 of Whitcomb Heights Subdivision prior to the installation of all electrical, sewer and water utilities and the acceptance of them by CBS. The Emmons and Cushing Street right of way shall also be constructed and accepted by CBS for maintenance prior to any sale. SDL may, with approval of CBS sell multiple lots, in aggregate, if a bond or any other financial guarantee is provided prior to the installation and acceptance of roads and utilities. CBS will not arbitrarily withhold acceptance of road and utilities for maintenance.

SDL requests that Article # 8 be amended to allow the following:

1. Lot 15, Block 8, Whitcomb Heights Subdivision, Plat 83-17 may be sold to by Sound Development to Tlingit and Haida Tribes of Alaska, without prior installation of utility and right of way. (See attached letter of intention of purchase for installation of cellular tower.)
2. The installation of all utilities and right of way may be completed in two stages. Stage 1 - lots along Emmons Street from Kramer Avenue to Cushing Street. This will include lots 16 through 23 of Block 8 and lots 6 through 12 of Block 9. The remainder of Emmons Street and the cul-de-sac will be surfaced with gravel for use. After Stage 1, such lots may be sold. Stage 2 - the remainder of Emmons Street and all of Cushing Street. (See Attached Survey 2418, as highlighted).

The Tlingit and Haida Tribes intended use for the property does not require electrical, water or sewer utilities. Rather, a prompt sale and its installation of a cellular tower at such location will bring widespread community benefit. The two-stage process for utilities and right

of way is sought for financing purposes and to swiftly bring those lots to the sales market, without the unnecessary delay of waiting on the entire subdivision.

Sincerely,

A handwritten signature in black ink, appearing to read 'BS', with a long horizontal flourish extending to the right.

Brita Speck, Esq.

cc: Sound Development, LLC



Central Council of the Tlingit & Haida Indian Tribes of Alaska

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TlingitandHaida.gov

10/11/2024

Steven Eisenbeisz, Mayor
City & Borough of Sitka Alaska
100 Lincoln St.
Sitka, AK 99835

Dear Mayor Eisenbeisz:

I am writing on behalf of Tlingit & Haida's Tidal Network, a wireless internet service provider dedicated to expanding broadband access and promoting digital equity across Southeast Alaska's rural communities. Our mission is to enhance digital infrastructure and capabilities, creating opportunities for economic growth, education, and communication in remote and underserved areas.

The tribe is interested in purchasing Lot 15, Block 8, Whitcomb Heights Subdivision, Plat 83-17, and respectfully requests a waiver of the requirement to install all utilities before building. The property's elevation and location make it ideal for frequency transmission, which will significantly enhance our network's performance and coverage for the Sitka community.

Aquiring this land will enable us to expand internet access, strengthen communication systems, and contribute to the overall economic development of the community. We are confident that this will provide lasting benefits to residents by offering reliable and accessible services that meet the needs of the community.

Thank you for your consideration. We would be happy to provide further details or discuss how this land supports our mission.

If you have any questions, please contact us directly at tidalmgnt@tingitandhaida.gov.

Sincerely,

Richard Peterson

President

Cc: Amy Ainslie, Planning and Community Development Director
