

## CITY AND BOROUGH OF SITKA

### ORDINANCE NO. 2021-38

#### AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING THE TIDELANDS LEASE BETWEEN THE CITY AND BOROUGH OF SITKA AND SITKA SOUND SCIENCE CENTER BY ADDING TIDELANDS ADJACENT TO 834 LINCOLN STREET TO THE LEASE AREA AND ADJUSTING THE LEASE RENT

**1. CLASSIFICATION.** This ordinance is not of a permanent nature and is not intended to become a part of the Sitka General Code.

**2. SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

**3. PURPOSE.** The purpose of this ordinance is to amend the tidelands lease between the City and Borough of Sitka ("CBS") and the Sitka Sound Science Center ("SSSC"), dated September 11, 1985, (the "Lease") (copy attached), for tidelands located in ATS 15. The lease currently encompasses 31,216 square feet of municipally owned tidelands. This amendment will add 5,265 square feet of municipally owned tidelands located adjacent to 834 Lincoln Street to the lease area. The intent and purpose of the amendment is to expand the lease area such that it encompasses the actual tidelands area used by SSSC and its predecessors. The lease rent will be adjusted consistent with the expanded lease area.


**4. ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka.

- A. The Lease between CBS and SSSC will be amended as follows:
  - 1) 5,265 square feet of municipally owned tidelands adjacent to 834 Lincoln Street will be added to the lease area.
  - 2) The annual rent, as previously adjusted under section 2(b) of the Lease, will be adjusted to account for the expanded lease area, in the amount of \$1,077.53, plus applicable sales tax, for a total annual rent of \$7,466.26, plus applicable sales tax.
  - 3) All other terms and condition of the Lease will remain in full force and effect during the term of the Lease which expires on September 10, 2035.
- B. The Assembly finds that the requirement to competitively bid leases of municipal real property as provided in Sitka General Code ("SGC") 18.12.010(E) is inappropriate to the amendment of the Lease, and is hereby waived, due to the nature of the property and the possible unjust results with regard to the existing lessee, SSSC.
- C. The Assembly further finds that the tideland lease requirements, as provided in the SGC Chapter 18.16, with respect to the lease preference rights, notification, and lease price, among other requirements, have been satisfied.
- D. The Administrator is authorized to execute an instrument amending the Lease consistent with the terms of this ordinance, SGC Chapter 18.16 that governs municipal tideland leases, and existing municipal policies.

- D. The Administrator is authorized to execute an instrument amending the Lease consistent with the terms of this ordinance, SGC Chapter 18.16 that governs municipal tideland leases, and existing municipal policies.

**5. EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska, this 9<sup>th</sup> day of November, 2021.

  
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Steven Eisenbeisz, Mayor

ATTEST:

  
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Jessica Earnshaw  
Acting Municipal Clerk

1<sup>st</sup> reading 10/26/2021

2<sup>nd</sup> and final reading 11/9/2021