

**CITY OF CORDOVA, ALASKA
ORDINANCE 1076**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,
APPROVING A LEASE AGREEMENT BETWEEN COPPER VALLEY WIRELESS,
INC., AND THE CITY OF CORDOVA FOR LAND AND EASEMENT.**

WHEREAS, the City of Cordova, Alaska ("City") leases property described as up to 1000 square feet at the top of the Ski Hill adjacent to other communication structures and further depicted on the drawing attached as Exhibit A of Attachment A to this Ordinance and an easement for that certain real property located within ADL 57396 of USS 1765 of Township 15 South, Range 3 West, Section 22, Copper River Meridian, Alaska, depicted on the drawing attached as Exhibit B of Attachment A to this Ordinance (hereafter referred to collectively as "Property"); and

WHEREAS, The State of Alaska Department of Natural Resources has entered into a long term lease with the City granting the City the use and enjoyment of the Property and other property adjacent to it and the City exercises the management of all such property through its Agent, the Sheridan Alpine Association; and

WHEREAS, Copper Valley Wireless, Inc. ("Copper Valley") previously contracted with the Sheridan Alpine Association to lease the Property for the construction, operation and maintenance of an electric and telephone line; and

WHEREAS, the State of Alaska recently notified the City that any agreement to lease the Property to Copper Valley should be between the City and Copper Valley and not between Copper Valley and the Sheridan Alpine Association; and

WHEREAS, it is in the City's best interest to enter into a lease agreement with Copper Valley permitting Copper Valley to construct, operate, and maintain an electric and telephone line on top of Ski Hill under the terms and conditions provided for in the Agreement attached hereto as Attachment A, including but not limited to rental payments to the City in the amount of \$2200 per month for the first five years of the lease with an increase in rent every year over the remaining fifteen years of the lease;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cordova, Alaska, that:

Section 1. The form and content of the Agreement attached hereto as Attachment A are in all respects authorized, approved and confirmed, and the City Manager hereby is authorized, empowered and directed to execute and deliver to the counterparty the Agreement on behalf of the City, in substantially the form and content now before this meeting but with such changes, modifications, additions and deletions therein as he shall deem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of approval of any and all changes, modifications, additions or deletions therein from the form and content of the Agreement, and from and after the execution and delivery of the Agreement, the City Manager

hereby is authorized, empowered and directed to do all acts and things and to execute all documents as may be necessary to carry out and comply with the provisions of the Agreement as executed.


Section 2. The Agreement authorized by this ordinance is subject to the requirements of City Charter Section 5-17. Therefore, if one or more referendum petitions with signatures are properly filed within one month after the passage and publication of this ordinance, this ordinance shall not go into effect until the petition or petitions are finally found to be illegal and/or insufficient, or, if any such petition is found legal and sufficient, until the ordinance is approved at an election by a majority of the qualified voters voting on the question. If no referendum petition with signatures is filed, this ordinance shall go into effect one month after its passage and publication.

1st reading: November 3, 2010

2nd reading and public hearing: November 08, 2010

PASSED AND APPROVED THIS 8th DAY OF NOVEMBER, 2010




James Kallander, Mayor

ATTEST:


Susan Bourgeois, City Clerk