

Introduced by: Mayor
Date: 04/05/05
Hearing: 05/03/05
Action: Enacted as Amended
Vote: 6 Yes, 3 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2005-18**

**AN ORDINANCE AUTHORIZING NEGOTIATED LEASES OF SPACE AT THE
KENAI RIVER CENTER BUILDING WITH THE STATE OF ALASKA,
DEPARTMENT OF NATURAL RESOURCES, AND THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

WHEREAS, federal appropriations have provided for the construction and operation of the borough's Kenai River Center; and

WHEREAS, the Kenai River Center is designed to increase coordination and communication between permitting agencies in order to streamline the permitting process for landowners, improve protection of the Kenai Peninsula's natural resources, and serve as a source of information and education for landowners and others concerned with resource management; and

WHEREAS, the Kenai Peninsula Borough (KPB) Planning Department, the Alaska Department of Natural Resources Office of Habitat Management and Permitting, and the U.S. Environmental Protection Agency occupy the Kenai River Center; and

WHEREAS, the Kenai Watershed Forum employs the River Center's Education and Outreach Coordinator; whom is funded through an EPA grant, and is housed in a common area of the River Center.

WHEREAS, the Kenai River Center has been operating under an Agreement with the Department of Fish and Game dated 1996 and other informal agreements; and

WHEREAS, the Kenai Peninsula Borough, the Alaska Department of Natural Resources, and the U.S. Environmental Protection Agency desire to continue to utilize the Kenai River Center for its designed purpose; and

WHEREAS, entering into lease agreements with the State of Alaska, Department of Natural Resources and the U.S. Environmental Protection Agency would provide for the continued use of space by each agency and would protect the interests of each party; and

WHEREAS, federal appropriations are no longer available to support the operation and maintenance of the Kenai River Center; and

WHEREAS, establishing a shared services agreement would allow the occupants to equitably share certain operation, maintenance and long-term costs and would provide for the most economical continuation of services; and

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of April 11, 2005, recommended enactment by unanimous consent;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the mayor is hereby authorized, pursuant to KPB 17.10.100(D) to enter leases, in substantially the form as the two attached for approval, of a negotiable square footage of office space to the State of Alaska, Department of Natural Resources, and of a negotiable square footage of office space to the United States Environmental Protection Agency, within the following described real property situated in the Kenai Recording District, Third Judicial District, State of Alaska, and described as follows:

A free-standing building known as the Kenai River Center Building, situated on Lot 1, Soldotna Airport Kenai River Center Subdivision, Plat KN 98-38 located on Funny River Road in the City of Soldotna, Alaska.

SECTION 2. That each lease shall grant the lessee full use and enjoyment of proportionately allocated shared use areas along with available staff and visitor parking, with all respective appurtenances unto the lessee for the duration of the lease. Shared use areas shall include all common areas and facilities such as storage and locker areas, fenced parking, conference rooms and meeting rooms. Shared Use Areas may also include primary work areas for any of the following types of personnel employed by lessee or employed by another member of the Kenai River Center: administrative support, education and outreach, temporary, part time, or volunteer.

SECTION 3. That this lease is authorized pursuant to KPB 17.10.100(D), and the provisions of KPB 17.10.140(A) are inapplicable.

SECTION 4. That each lease be for an initial term of 5 years, renewable for two additional 5 year terms.

SECTION 5. That the annual rent for each lease shall be \$1.00 per annum for the duration of the lease.

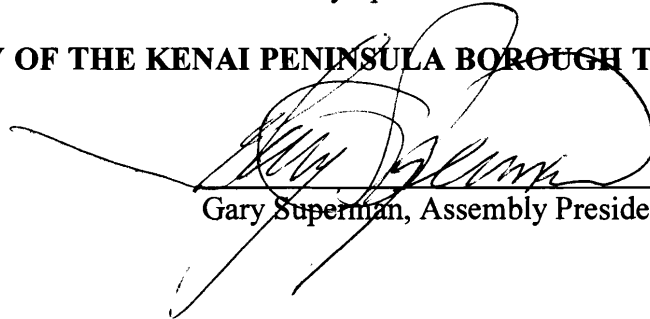
SECTION 6. That each lease shall be subject to a shared services agreement between the Kenai Peninsula Borough, the State of Alaska, Department of Natural Resources, and the U.S. Environmental Protection Agency, in substantially the form as the one attached hereto, which allocates space to each party and which allocates costs to each party for shared operation, maintenance and projected long-term

maintenance costs of the Kenai River Center premises proportionately to the space allocations.

SECTION 7. The mayor is authorized to negotiate and sign any documents necessary to effectuate this ordinance.

SECTION 8. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF MAY, 2005.



Gary Superman, Assembly President

ATTEST:



Sherry Biggs, Borough Clerk

