

CITY OF VALDEZ, ALASKA

RESOLUTION #22-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, AUTHORIZING A LEASE WITH HARRIS SAND AND GRAVEL FOR PARCEL B, ATS 10

WHEREAS, Harris Sand & Gravel has held a lease with the City of Valdez for Parcel B, ATS 10 for over two decades; and

WHEREAS, Harris Sand & Gravel's previous lease agreement expired and is in holdover on a month to month basis subject to all terms and conditions of the agreement; and

WHEREAS, Harris Sand & Gravel has applied to re-lease the property for a term for 21 years for a barge loading and unloading facility; and

WHEREAS, the property was previously thought to be zoned Light Industrial, but is in fact zoned Public Lands; and

WHEREAS, per the 2005 Property Management Policies and Procedures, a phase I environmental site assessment is required to be completed for all Light Industrial property at the cost of lessee; and

WHEREAS, Parcel B ATS 10 is located within an area of significant development hazard according to the 2021 Adopt Comprehensive Plan, as well as the tsunami inundation zone; and

WHEREAS, the Ports and Harbors Commission approved a recommendation to approve this lease on April 18, 2022; and

WHEREAS, the Planning and Zoning Commission approved a recommendation to approve this lease on April 27, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that:

Section 1. The City Council of the City of Valdez, Alaska authorizes a lease with Harris Sand & Gravel.

Section 2. This lease approval is conditional upon the approval of a rezone of the property from Public Lands to Light Industrial.

Section 3. The use of the lease shall be for operation and maintenance of a barge loading and unloading facility.

Section 4. The annual rental rate will be 10% of appraised value. The property will be reappraised every five years and the rent adjusted accordingly.

Section 5. All conditions of US Army Corps of Engineers (USACE) Permit POA-1998-00882-M1 must be adhered to throughout the term of the lease.

Section 6. Harris Sand & Gravel is required to pay port tariffs for freight moved through the lease location.

Section 7. Harris Sand & Gravel staff and contractors should only be on the site during active construction and site reclamation of the facility, during active docking of vessels, and loading and unloading of trucks and vessels.

Section 8. The lease agreement shall contain language allowing the City to be able to use the facility in the event of an emergency.

Section 9. All local, state, and federal permitting associated with the development must be obtained, and the conditions of such approvals must be complied with throughout the duration of the lease term, including required floodplain development permits.

Section 10. A phase I environmental site assessment is required to be completed prior to execution of the lease agreement at the cost of lessee.

Section 11. Harris Sand & Gravel is required to sign a written acknowledgement of the hazard area.

Section 12. In conformance with Valdez Municipal Code Section 4.08.160 this lease shall not become effective until public notice has been given for at least thirty days. This resolution shall be posted twice in a newspaper in the city and shall be posted on the official city bulletin board and two other public places in the city for thirty days prior to the effective date of the lease.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this 17th day of May, 2022.

CITY OF VALDEZ, ALASKA

Sharon Scheidt, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk