

CITY OF VALDEZ, ALASKA

RESOLUTION #19-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, AUTHORIZING A LEASE WITH IN PROPERTIES, LLC FOR A 3,720 SQUARE FOOT PORTION OF LOT 2, BLOCK 2, MINERAL CREEK SUBDIVISION (BARNEY MEYRING PARK STRIP) ADJACENT TO LOT 12, BLOCK 15, MINERAL CREEK SUBDIVISION

WHEREAS, Willow Park (formerly known as Cottonwood Manor) was allowed to be developed without meeting the parking requirements in place at the time of construction; and

WHEREAS, Willow Park has 15 fewer parking spaces than are legally required by Valdez Municipal Code; and

WHEREAS, Valdez Municipal Code requires off-street parking associated with a use or structure to be located within 400 feet of said use or structure; and

WHEREAS, former Willow Park owners held a lease with the University of Alaska for parking on the lot across the street from the building to meet parking requirements; and

WHEREAS, the University of Alaska declined to renew the lease in the spring of 2008 as Prince William Sound Community College would be building on the site; and

WHEREAS, there are no other alternatives for off-street parking adjacent to the building except Barney Meyring Park Strip; and

WHEREAS, Chapter 4.08 of the Valdez Municipal Code provides for the lease of lands owned by the City of Valdez; and

WHEREAS, the Valdez Parks and Recreation Commission approved a recommendation to City Council to authorize a lease of the Barney Meyring Park Strip for additional parking on April 16<sup>th</sup>, 2008 to Summit Properties, LLC dba Cottonwood Manor; and

WHEREAS, the Valdez Planning and Zoning Commission approved a recommendation to City Council to authorize a lease of the Barney Meyring Park Strip for

additional parking on April 23<sup>rd</sup>, 2008 to Summit Properties, LLC dba Cottonwood Manor;  
and

WHEREAS, the Valdez City Council approved a lease with Summit Properties LLC dba Cottonwood Manor for additional parking on Lot 2, Block 2, Mineral Creek Subdivision (Barney Meyring Park Strip) on May 19<sup>th</sup>, 2008; and

WHEREAS, Valdez City Council approved the assignment of leasehold interest from Summit Properties, LLC dba Cottonwood Manor to Mr. Douglas Galipeau on September 15<sup>th</sup>, 2008; and

WHEREAS, Mr. Galipeau's lease for the additional parking expired on May 31<sup>st</sup>, 2018 and has been in "holdover" status, subject to all terms and conditions of the original lease on a month to month basis; and

WHEREAS, Mr. Galipeau sold Willow Park and wishes to revoke his rights to lease the additional parking site adjacent to his property; and

WHEREAS, on October 10, 2018, the Planning and Zoning Commission approved a recommendation to authorize this lease with the new owner of Willow Park, IN Properties, LLC, for an 3,720 square foot portion of Lot 2, Block 2, Mineral Creek Subdivision (Barney Meyring Park Strip) adjacent to Lot 12, Block 15, Mineral Creek Subdivision.

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

The City Manager or her designee is authorized to negotiate a new lease for a 3,720 square foot portion of Lot 2, Block 2, Mineral Creek Subdivision (Barney Meyring Park Strip) Adjacent to Lot 12, Block 15, Mineral Creek Subdivision with IN Properties, LLC with the following conditions:

Section 1. Parking area must be one lane deep with a 12' access aisle. 15 spaces are required in the parking area.

Section 2. Parking spaces must be north of the light pole and dumpster to allow for snow removal into park strip.

Section 3. IN Properties, LLC is responsible for snow removal within the leased area.

Section 4. IN Properties, LLC is responsible for providing the City with a \$1 million general liability insurance naming the City of Valdez as an additional insured.

Section 5. Spaces must be clearly marked with additional flagging during the winter months.

Section 6. Spaces are to be assigned to tenants and clearly marked as private parking.

Section 7. Barriers need to be installed at the west and north end of the parking spaces to prevent vehicles from driving onto the park strip or through the park strip to the next cul-de-sac.

Section 8. Parking spaces shall be used for parking operational and licensed vehicles only. No snow machines, 4-wheelers, boats, campers, non-running or unlicensed vehicles or storage containers shall be parked on the lease area.

Section 9. The site is required to be graded for proper drainage at the cost of the lessee.

Section 10. The initial term of this lease shall be for five years with five, five-year extension options.

Section 11. The rental rate for the first five years will be 10% of the appraised value. The property will be re-appraised every five years for the purpose of determining fair rental value and the rental rate adjusted accordingly. Pursuant to Valdez Municipal Code 4.08.100 IN Properties, LLC is responsible for the cost of appraisal for the purpose of determining fair rental value.

Section 12. The use of the property is for additional parking for the Willow Park Apartment Building located at Lot 12, Block 15, Mineral Creek Subdivision.

Section 13. 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 5<sup>th</sup> day of March, 2019:

CITY OF VALDEZ, ALASKA

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Jeremy O'Neil, Mayor

ATTEST:

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Sheri L. Pierce, MMC, City Clerk