

CITY OF VALDEZ, ALASKA

RESOLUTION #19-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, AUTHORIZING A LEASE WITH THE VALDEZ COMMUNITY GARDENS FOR A .69 ACRE PORTION OF MEDICAL PARK SUBDIVISION FOR THE OPERATION OF THE KAREN DAVEY STEWART MEMORIAL COMMUNITY GARDEN

WHEREAS, on November 17, 2015 the Parks & Recreation Commission approved a recommendation supporting the use of this property for a community garden; and

WHEREAS, on November 24, 2015 the Planning & Zoning Commission approved a recommendation supporting the use of this property for a community garden; and

WHEREAS, to be consistent with zoning requirements the Planning & Zoning Commission approved Conditional Use Permit 16-01 for the Karen Davey Stewart Memorial Community Garden on March 23, 2016; and

WHEREAS, on May 16, 2016, City Council passed Resolution 16-19 approving a three year term land use permit for a portion of Medical Park Subdivision with the Valdez Community Gardens (Karen Davey Stewart Memorial Community Garden); and

WHEREAS, Conditional Use Permit 16-01 expired on May 16, 2019; and

WHEREAS, the Valdez Community Garden's Land Use Permit expired on May 16, 2019, and the Valdez Community Gardens wishes to continue to lease the property; and

WHEREAS, to be consistent with zoning requirements, the Planning & Zoning Commission approved Conditional Use Permit 19-04 for the Karen Davey Stewart Memorial Community Garden on June 26th, 2019; and

WHEREAS, on July 10th, 2019 the Planning and Zoning Commission approved a recommendation to authorize a new lease with the Valdez Community Garden for the operation of the community garden at a .69 acre portion of Medical Park Subdivision; and

WHEREAS, on August 6th, 2019 the Valdez City Council expressed interest in a clause being included in the lease agreement that provided for the termination of the lease by the City at any time with thirty (30) days written notice to Lessee.

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

Section 1. The City Manager or their designee is authorized to negotiate a new lease for a .69 acre portion of Medical Park Subdivision with the Valdez Community Gardens (Karen Davey Stewart Memorial Community Garden)

Section 2. The term of this lease will be for five years. This lease can be terminated by the City of Valdez at any time for any reason with a maximum of thirty (30) days written notice to Lessee.

Section 3. The rental fee shall be \$5.00 annually.

Section 4. The use of the property is for the maintenance and operation of the Valdez Community Garden

Section 5. 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 posed 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 September, 2019.

CITY OF VALDEZ, ALASKA

Jeremy O'Neil, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk