

## SUBSTITUTE ORDINANCE 1099

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA, AMENDING CORDOVA MUNICIPAL CODE 5.22.040 AND ENACTING CORDOVA MUNICIPAL CODE 5.22.090 K TO CLARIFY PROCEDURES FOR LEASING CITY-OWNED SCHOOL BUILDINGS

**WHEREAS**, City Council is in the process of adopting Substitute Ordinance 1098 which clarifies leases of city-owned school buildings and refers to said leases as being written in accordance with 5.22 of Cordova Municipal Code; and

**WHEREAS**, on first reading of Substitute Ordinance 1098, the City Council decided that it would be prudent to amend 5.22 soon to coincide with the added language of 3.36.090 in Substitute Ordinance 1098.

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

Section 1. Cordova Municipal Code section 5.22.040 is amended as follows:

5.22.040 - Application to lease or purchase.

A. **A written application** ~~A person shall apply to the city manager in writing to lease or purchase an interest in city real property on a form approved by the city manager~~ **shall be submitted to:**

**1. The city manager, except as provided in 2 of this subsection.**

**2. The school board for space within city school buildings. The school board has authority to negotiate proposed lease terms and forward to the city manager a resolution with its recommendation regarding the application.**

**B.** The application shall include the following information:

1. The name of the applicant, and any other names under which the applicant does business;
2. The name of each affiliate (as defined in AS 10.06.990(2) or its successor) of the applicant;
3. The applicant's mailing address and the address of the applicant's registered office in the state, if applicable;
4. The use or purpose for which the applicant proposes to lease or purchase the property, including the following:
  - a. An application for a lease with a term exceeding one year for a commercial or industrial purpose shall include a development plan for the property providing for the development of a permanent commercial

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or industrial facility, which plan shall include the number of persons to be employed on the premises during the term of the lease, and any additional information required by the city manager or school board, the city planner or the planning commission.

b. An application for a lease with a term not exceeding one year for a commercial or industrial purpose shall include a development plan for the property providing the information required by the city manager or school board, the city planner or the planning commission.

c. Any other application shall state the use, value and nature of any improvements the applicant proposes to construct on the property, and any additional information required by the city manager or school board, the city planner or the planning commission;

5. Evidence that the applicant meets the applicable qualifications in subsection CB of this section; and

6. Any other information required by the city manager or school board.

CB. The city manager shall forward an application for further review only if the applicant:

1. Is not delinquent in the payment of any obligation to the city;

2. Has not previously breached or defaulted in the performance of a material contractual or legal obligation to the city, unless the breach or default has been remedied or cured;

3. If a natural person, is at least nineteen years of age;

4. If a natural person, is a citizen of the United States, or has declared the intent to become a citizen; and

5. If not a natural person, is authorized to transact business in the state of Alaska and in the city under all applicable laws.

DC. The city manager shall refer an application from a qualified applicant to the city planner. If the city planner finds that the real property is available for lease or purchase, the city planner shall schedule the application for review by the planning commission not later than its next regular meeting.

ED. The planning commission shall review the application, and recommend to the city council whether the city should accept the application, offer the real property interest for disposal by one of the competitive procedures in Section 5.22.060, or decline to dispose of the real property interest.

**FE.** The city council shall review the application and the recommendation of the planning commission, and determine in its sole discretion whether to accept the application, offer the real property interest for disposal by one of the competitive procedures in Section 5.22.060, or decline to dispose of the real property interest.

Section 2. Cordova Municipal Code section 5.22.040(K) is enacted to read as follows:

**K. A lease of space within a city school building shall provide that payments received for rent shall be made payable to the school district and assigned to a special revenue fund designated by the city council in consultation with the school board.**

Section 3. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published in the Cordova Times, a newspaper of general circulation in the City, within ten (10) days after its passage.

1<sup>st</sup> reading: October 17, 2012

2<sup>nd</sup> reading and public hearing: November 7, 2012

**PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF NOVEMBER 2012.**

  
\_\_\_\_\_  
James Kallander, Mayor

ATTEST:

  
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Susan Bourgeois, City Clerk

