



# CITY OF UTQIAġVIK

*Farthest North Incorporated City*

Introduced by:	Mayor Asisaun Toovak
Date:	October 26, 2023
Public Hearing:	
Action:	
Vote:	

## **CITY OF UTQIAġVIK, ALASKA**

### **ORDINANCE #8-2023**

#### **AN ORDINANCE APPROVING A LEASE OF CITY LAND TO TALAGU ALE JR. AND JESSICA POULIMA ALE d/b/a POLYSHORE**

**WHEREAS** the City of Utqiaġvik (“City”) owns the real property located at Townsite Barrow Plat 87-8, Block 16C, Lot 10, Utqiaġvik, Alaska (“the Property”);

**WHEREAS** Talagu Ale Jr. and Jessica Poulima Ale d/b/a Polyshore (“Polyshore”) desire to operate on the Property a fully encased food service establishment vehicle (the “Food Truck”) from which Polyshore, standing within the frame of the Food Truck, prepares, cooks, sells or serves food or beverages to patrons (the “Business”);

**WHEREAS** Tenant desires to lease from Landlord approximately 600 square feet to park and operate its Food Truck in the southern corner of the Property as depicted by the blue square in Exhibit A (the “Leased Premises”);

**WHEREAS** the terms and conditions of the proposed ground lease agreement between the City and Tenant for the Leased Premises are attached as Exhibit B to this Ordinance (the “Ground Lease”); and

**WHEREAS** the rent to be charged to Tenant for the Leased Premises contemplated in the Ground Lease is the fair rental value and current market value of the Property.

**BE IT ORDAINED** by the City Council of Utqiaġvik, Alaska, that:

**SECTION 1. Classification.** This ordinance is not permanent or general in nature and shall not be placed in the City of Utqiaġvik Code of Ordinances (“Code”).

**SECTION 2. Inapplicability of Code Provisions.** The requirement for an appraisal in Sections 13.12.020(A) of the Code, and the requirement for a lease auction in Section 13.12.060 of the Code shall not apply to this Ground Lease as the parcel has been assessed by a tax assessor during the year in which the property is being leased, consistent with Section 13.12.020(B) of the Code.

**SECTION 3. Council Approval.** In accordance with Sections 13.12.010, 13.12.030(A) and (B), and 13.12.050 of the Code, (1) the City Council finds that the Ground Lease charges a fair rental value, based upon the pro-rata percentage that the Leased Premises compromises the Property and current

market values, and (2) the City Council hereby authorizes the terms and conditions of the Ground Lease and authorizes the Mayor to execute the Ground Lease.

**SECTION 4. Effective Date.** This ordinance shall become effective immediately upon adoption and shall have retroactive effect back to the first date that the City administration began to negotiate the terms and conditions of the Ground Lease with Tenant.

**ENACTED THIS 26<sup>th</sup> DAY OF October, 2023, by a vote of \_\_\_ in favor and \_\_\_ opposed.**

\_\_\_\_\_  
Asisaun Toovak, Mayor

ATTEST:

\_\_\_\_\_  
Mary V. Patkotak, City Clerk

**Exhibit A  
Property Diagram**



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**Exhibit B  
Ground Lease Agreement**

**[Attach]**