



CITY OF UTQIAGVIK

Farthest North Incorporated City

Introduced by:	Asisaun Toovak, Mayor
Date:	February 29, 2024
Public Hearing:	
Action:	
Vote:	

CITY OF UTQIAGVIK, ALASKA

ORDINANCE #02-2024

AN ORDINANCE APPROVING AN AMENDED AND RESTATED GROUND LEASE WITH THAI CORNER, EXTENDING THE INITIAL TERM OF THE GROUND LEASE, AND INCREASING THE RENT AND SECURITY DEPOSIT

WHEREAS the City of Utqiagvik (the “City”) leases land to Porntipa Boonta d/b/a Thai Corner (“Tenant”), pursuant to that certain Ground Lease dated November 2, 2023 (the “Current Ground Lease”), attached as Exhibit A to this Ordinance, as approved under Ordinance #5-2023;

WHEREAS the City Council and Tenant desire to amend the Current Ground Lease to increase the initial term from 2 years to 5 years, increase the monthly rent from \$950 to \$1,600, and increase the security deposit from \$950 to \$1,600; and

WHEREAS the terms and conditions of the proposed amended and restated Ground Lease (the “Amended and Restated Ground Lease”) are attached as Exhibit B to this Ordinance.

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

SECTION 1. Classification. This ordinance is not permanent or general in nature and shall not be placed in the City of Utqiagvik Code of Ordinances (the “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 Amended and Restated 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 and 13.12.030(A) and (B), and 13.12.050 of the Code, the City Council hereby: (1) finds that the rent charged to Tenant under the Amended and Restated Ground Lease is the fair rental value and current market value of the leased land, in view of the extended initial term requested by Tenant; (2) authorizes the terms and conditions of the Amended and Restated Ground Lease provided for in Exhibit B to supersede and replace the Current Ground Lease; and (3) authorizes the Mayor to execute the Amended and Restated 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 Amended and Restated Ground Lease with Tenant.

ENACTED THIS 28th DAY OF MARCH, 2024, by a vote of ___ in favor and ___ opposed.

Asisaun Toovak, Mayor

ATTEST:

Mary V. Patkotak, City Clerk

**Exhibit A
Residential Lease Agreement**

[Attached]