A RESOLUTION OF THE NORTHWEST ARCTIC BOROUGH ASSEMBLY APPROVING AN AMENDMENT AND PARTIAL RELINQUISHMENT TO THE KIVALINA SCHOOL LEASE WITH NANA REGIONAL CORPORATION, AND FOR RELATED PURPOSES.

WHEREAS: the Northwest Arctic Borough has been working with the Northwest Arctic Borough School District (School District) and NANA Regional Corporation ("NANA") to plan, fund, and construct a new school for Kivalina; and

WHEREAS: the Borough executed a ground lease agreement with NANA and the School District for the new Kivalina school, pursuant to NAB Assembly Resolution 20-19, as recorded in the Kotzebue Recording District under document number 2020-00031-09 (the "ground lease"); and

WHEREAS: the Borough received a request from OTZ Telephone Cooperative, Inc. ("OTZ") and NANA to amend the ground lease to address additional work needed for power and telecommunication services at the new school site, as well as for future community expansion; and

WHEREAS: in accordance with section 6 of the ground lease, NANA, as the lessor, has authorized and recommends the current lease be amended to allow OTZ to sublease a portion of the leased premises to accommodate a telecommunications site operated by OTZ; and

WHEREAS: the Borough seeks to amend the ground lease to allow a partial relinquishment of land through a partial sublease to OTZ for the necessary power and telecommunications work needed for the new school and for future community expansion; and

WHEREAS: pursuant to NABC Section 2.48.040(A), the lease has been approved as to form by the Borough Attorney; and

WHEREAS: approving this ground lease amendment, partial relinquishment, and sublease to OTZ is in the best interest of the Borough.

NOW THEREFORE BE IT RESOLVED: the Northwest Arctic Borough Assembly approves the execution of an amendment and partial relinquishment of the ground lease agreement with NANA Regional Corporation in order to allow a
partial sublease with OTZ for necessary power and telecommunications work in substantially the same form as accompanies this resolution.

PASSED AND ADOPTED THIS 25th DAY OF OCTOBER, 2022.

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Nathan Hadley, Jr., Assembly President

PASSED AND APPROVED THIS 25th DAY OF OCTOBER, 2022.

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Dickie Moto, Sr., Mayor

SIGNED AND ATTESTED TO THIS 25th DAY OF OCTOBER, 2022.

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Helena Hildreth, Borough Clerk

ATTEST:

RSN 22-64 – Kivalina School Sublease with OTZ