NORTHWEST ARCTIC BOROUGH ASSEMBLY
RESOLUTION 23-48

A RESOLUTION OF THE NORTHWEST ARCTIC
BOROUGH ASSEMBLY APPROVING A LEASE AGREEMENT
WITH THE CITY OF KIVALINA FOR A COMMUNITY
PLAYGROUND AND BASKETBALL COURT, AND
RELATED PURPOSES.

WHEREAS: the Commission has received a request from the City of
Kivalina and the Native Village of Kivalina in support of a 30-year public use lease
agreement with the City of Kivalina to lease a portion of land located at the old
school site for the construction and maintenance of a new community playground;
and

WHEREAS: the community of Kivalina is in need of a playground close to
the current village location, as indicated in the attached Exhibit A; and

WHEREAS: on April 4, 2023, the Kivalina City Council and the Kivalina
IRA Council both passed resolutions, attached as Exhibit B, to support a project to
allow the City of Kivalina to operate and maintain a new playground and basketball
area located at the old school site for the benefit of the community; and

WHEREAS: the City of Kivalina has worked with CRW Engineering to
develop options for playground equipment, consider alternative site locations, and
assess the community preference regarding equipment and location; and

WHEREAS: the collaborative community process determined the site
location and the selected equipment, sizes, and appurtenances for procurement and
design to move forward for anticipated construction in 2023; and

WHEREAS: the Borough seeks to enter into a 30-year public use lease
agreement with the City of Kivalina to lease a portion of land located at the old
school site for the construction and maintenance of a new community playground;
and

WHEREAS: pursuant to NABC 2.52.060, the Borough has determined a
public use lease at a rate below fair market value is permissible as the City of
Kivalina is a state political subdivision and the associated project furthers a public
interest for public use; and
WHEREAS: pursuant to NABC 2.52.010, all requests for lease of Borough property shall be submitted to the Borough Planning Commission for review and comment prior to Assembly action; and

WHEREAS: the Planning Commission approved the lease and recommended approval by the Assembly on August 18, 2023; and

WHEREAS: pursuant to NABC Sections 2.52.020 and 050, the proposed 30-year lease exceeds 5 years and requires Assembly approval through resolution; and

WHEREAS: approving this lease is in the best interest of the Borough and the residents of Kivalina.

NOW THEREFORE BE IT RESOLVED: the Northwest Arctic Borough Assembly hereby approves execution of a 30-year public use lease agreement with the City of Kivalina to lease a portion of land located at the old school site for the construction and maintenance of a new community playground in substantially the same form as accompanies this Resolution.

PASSED AND ADOPTED THIS 21st DAY OF AUGUST 2023.

[Signature]
Nathan Hadley, Jr., Assembly President

PASSED AND APPROVED THIS 21st DAY OF AUGUST 2023.

[Signature]
Dickie Moto, Sr., Mayor

SIGNED AND ATTESTED TO THIS 8th DAY OF AUGUST 2023.

[Signature]
Stella Atoruk, Borough Clerk

ATTEST:

NAB RSN 23-48 – City of Kivalina - Playground Lease
RESOLUTION 23-01

A RESOLUTION OF THE CITY COUNCIL OF KIVALINA IN SUPPORT OF CRW ENGINEERING GROUP, INC. TO ACCEPT THE KIVALINA PLAYGROUND AREA EQUIPMENT FOR PROCUREMENT AND CONSTRUCTION DESIGN.

Whereas, the City Council is the Municipal Governing Body of the City of Kivalina, and

Whereas, it is the role of the City Council to take measures to provide for the safety and welfare of Kivalina residents, and

Whereas, the City of Kivalina will be the Lessee of an area to operate and maintain a new playground and basketball area on a leased area within the old school property for the benefit of the community members;

Whereas, the City Council has worked with CRW Engineering to develop options for playground equipment, offered possible locations for the site, and allowed CRW to present to the community for the preference on equipment and location within the community; and

Whereas, the selected equipment, sizes, and appurtenances are acceptable for procurement and to move forward in design for anticipated construction in 2023. The selected equipment will include a playground set of equipment as shown in the attached Exhibit A.

Whereas, The City of Kivalina agrees with the proposed project outlined in information presented, dated March 2023 and authorize the equipment procurement.

CERTIFICATION

PASSED AND APPROVED BY ROLL CALL VOTE OF THE KIVALINA CITY COUNCIL ON THIS 24th DAY OF April, 2023 WITH A VOTE OF 5 YEA, 0 NAY, 0 ABSTAIN, and 0 NOT PRESENT.

Austin Swan, Sr., Mayor

ATTEST: Marilyn Swan, City Clerk
Resolution 23-03
Kivalina Playground

WHEREAS, The Native Village of Kivalina is a federally recognized tribe established pursuant to the Indian Reorganization Act passed in 1934 and amended in 1936; and

WHEREAS, The Kivalina IRA Council is the governing body for the Native Village of Kivalina: and

WHEREAS, The Native Village of Kivalina supports a new playground and basketball area on a leased area within the old school property for the benefit of the community members;

WHEREAS, The Native Village of Kivalina worked with CRW Engineering to develop options for playground equipment, offered possible locations for the site, and allowed CRW to present to the community for the preference on equipment and location within the community; and

WHEREAS, the selected equipment, sizes, and appurtenances are acceptable for procurement and to move forward in design for anticipated construction in 2023. The selected equipment will include a playground set of equipment as shown in the attached Exhibit A.

WHEREAS, The Native Village of Kivalina agrees with the proposed project outlined in information presented, dated March 2023 and authorize the equipment procurement.

NOW THEREFORE BE IT RESOLVED THAT,

This resolution was duly considered at a meeting of the Tribal Council in Kivalina, Alaska on this 4th day of April 2023, at which a quorum of Council Members were in attendance, with 7 votes in favor, 0 votes against, and 0 votes abstaining.

[Signatures]

President

Secretary