

**CITY AND BOROUGH OF YAKUTAT, ALASKA
RESOLUTION 20-342**

A RESOLUTION APPROVING THE DIRECT SALE OF STANDING TIMBER TO YAK TIMBER, INC.

WHEREAS, the Borough owns real property containing standing timber, located near or adjacent to the Yakutat Landfill; and

WHEREAS, the standing timber needs to be cleared from the area in order to allow for necessary future expansion of the Landfill; and

WHEREAS, the real property on which the timber is standing is referred to as Unit 1 within Yak Timber, Inc.'s Detailed Plan of Operations, located within Section 29, T27S, R34E, C.R.M., and constitutes approximately 54 acres; and

WHEREAS, the Borough had conducted a timber cruise for the area to locate and estimate the quantity of timber, and that cruise demonstrated that the property contains approximately 600 mbf of timber; and

WHEREAS, it is not likely that the volume or value of Borough timber in Unit 1 is sufficient, on its own, to attract companies into the area to log; and

WHEREAS, Yak Timber, Inc. is currently conducting other logging operations in the area, and the Borough Assembly, pursuant to Ordinance 19-659, previously authorized the Borough Manager to negotiate directly with Yak Timber, Inc. for the sale of the timber; and

WHEREAS, Yak Timber, Inc. has offered to purchase the standing timber for the purchase price of Six Thousand Dollars and No Cents (\$6,000.00); and

WHEREAS, the Borough Planning and Zoning Commission has considered this proposed direct sale, and provided its recommendation to the Borough Assembly; and

WHEREAS, the Borough Assembly considers it advantageous to sell the timber by direct sale under CCBY 7.16.065, without competitive bidding; and

WHEREAS, the Borough Assembly finds that the proposed sale price represents a full and fair value for the timber .

THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF YAKUTAT, ALASKA as follows:

SECTION 1: The direct sale to Yak Timber Inc. (YTI) of the standing timber located in Unit 1 of the following real property is hereby approved. This conveyance is determined to be advantageous to the Borough:

Township 27, Range 34, Meridian C.R.M., portion of Section 29, containing approximately 54 acres (as more fully demonstrated on the Vicinity Map attached to YTI's Plan of Operations, a copy of which is attached hereto).

SECTION 2: The purchase price for the standing timber is \$10.00 per mbf, for a total of Six Thousand Dollars and No Cents (\$6,000.00), payable to the Borough by YTI prior to commencement of YTI's activities on the property.

SECTION 3: This is a one-time timber harvest only, operations must be conducted in full accordance with the Detailed Plan of Operations, and YTI's clearcutting and timber removal operations must be fully completed by November 30, 2020. It is YTI's sole responsibility to properly site its operations and ensure that timber is cut only from the property herein referenced.

SECTION 4: The timber is sold "as is, where is", in its current condition. The Borough expressly makes no representations regarding, and disclaims any liability for, the timber including without limitation the quantity, quality, condition and location of the timber.

SECTION 5: Upon receipt of the full purchase price, the Borough Manager is authorized to execute, on behalf of the Borough, contract documents in form approved by the Borough Attorney.

PASSED AND APPROVED THIS _____ DAY OF _____ 2020.

Cindy Bremner, Mayor

ATTEST:

Alfredo Munoz Jr., Borough Clerk

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