ANCHORAGE, ALASKA

AO No. 2023-116


WHEREAS, the Municipal Charter §10.02 requires the Assembly to enact an ordinance to “[c]onvey or lease, or authorize the conveyance or lease, of any interest in lands of the municipality.”; and

WHEREAS, a lease is defined as a “contract by which a rightful possessor of real property conveys the right to use and occupy that property in exchange for consideration, usu[ally] rent.”; and

WHEREAS, the Municipality of Anchorage (the Municipality) has entered into a contract with O’Malley Ice and Sport Center, LLC (O’Malley), which by its terms, provides for O’Malley to be the sole occupant and operator of the municipal facilities known as the Sullivan Arena, the Anderson Arena, and the Boeke Arena; and

WHEREAS, the terms of the contract require O’Malley to provide consideration to the Municipality in the form of 50% of whatever revenues it generates from its operation and occupation of the three Arenas; and

WHEREAS, the contract runs for a term of five (5) years, with O’Malley financially compensating the Municipality in an amount of up to one million, four hundred ninety-seven thousand and two dollars ($1,497,002) for the exclusive use of all the three Arenas; and

WHEREAS, the Assembly finds this contract conveys exclusive interest in public property to O’Malley for a certain period of time in return for financial consideration in the form of shared revenues, and as such, constitutes a lease of public property:

NOW THEREFORE, THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The Assembly hereby approves the five (5) year lease of the properties located at 1600 Gambell Street, 1741 West Northern Lights Boulevard, and

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1 Lease, BLACKS’S LAW DICTIONARY (7th ed. 1999).
2 See John D. Alamari & Joseph M. Perillo, THE LAW OF CONTRACTS § 3.13 (Hornbook 4th ed. 2000) “a contract that is in every respect a lease will be treated as a lease despite an express provision that it is . . . not a lease.” Id. citing M & I First Nat. Bank v. Episcopal Homes Engagement, 195 Wis.2d 485, 536 (App. 1995)
AO approving lease of the Sullivan, Anderson, and Boeke Arenas

Section 2. This Ordinance shall become effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this ______ day of ________________, 2023.

Chair of the Assembly

ATTEST:

Municipal Clerk