

GOVERNMENT HILL COMMUNITY COUNCIL

RESOLUTION #2022-03

**ASKING THE ALASKA RAILROAD CORPORATION TO DENY ADOTPF's
REQUEST FOR A CHANGE OF USE ON LEASE #9999 PERTAINING TO 500 W.
HOLLYWOOD DR. (FORMERLY THE 2-GO TESORO STORE)**

WHEREAS, the building located at 500 Hollywood Drive in the Government Hill neighborhood has operated as a convenience store for at least 25 years, most recently as a 2-Go-Tesoro convenience store; and

WHEREAS, the store has been heavily used by residents of the Government Hill neighborhood, particularly residents of nearby high-density residential apartments, and by the personnel of Joint Base Richardson-Elmendorf to purchase food, and, in the past, to purchase gasoline; and

WHEREAS, there is no comparable store nearby where residents can buy a variety of food items without a car; and

WHEREAS, in 2014 ADOTPF asked the landowner Alaska Railroad Corporation to assume the lease for the 500 Hollywood Drive lot as right of way for the Knik Arm Crossing Project; and

WHEREAS, when it made the request ADOTPF assured the Board of Directors of the Alaska Railroad Corporation that it would "continue the existing use and occupancy as a gas station and convenience store until such time as the land subject to the lease is required for the proposed Knik Arm Bridge Road Improvements...."; and,

WHEREAS in November of 2014 the Alaska Railroad Corporation agreed to allow ADOTPF to acquire the lease; and

WHEREAS, in Article 4, Lessee's Covenants, paragraph 4.01, Lease Reference # 9999, ADOTPF specifically promised for the term of the lease, to "use the Leased Premises for no other purpose other than Gas Station/Convenience Store....Any change in use will require prior written approval of Lessor"; and

WHEREAS, this particular provision was included in the lease by the landowner Alaska Railroad Corporation because it understood that continuing the convenience store at that location was important to the neighborhood; and

WHEREAS, the lease document was signed on 11/19/14 by longtime ADOTPF employee Judy Dougherty and extends through 2040; and

WHEREAS, on June 29, 2016, ADOTPF advised the Federal Highway Administration that it intended to close efforts to advance the Knik Arm Crossing Bridge project; and

WHEREAS, on September 8, 2016 the Federal Highway Administration agreed to process the necessary documentation to close out the Knik Arm Crossing project; and

WHEREAS, the Knik Arm Crossing project is no longer an active or viable transportation project; and

WHEREAS, reviving the Knik Arm Crossing project will be neither feasible nor affordable for the foreseeable future; and

WHEREAS, effective in July of 2022 ADOTPF evicted the longtime convenience store tenant from 500 W Hollywood, surrounded the lot with chain link fence and jersey barriers and boarded up the building; and

WHEREAS, ADOTPF's actions violated and continue to violate the lease term requiring it to operate a convenience store at 500 W Hollywood; and

WHEREAS, on October 5, 2002 ADOTPF asked the Alaska Railroad Corporation to change the lease after the fact to escape its contractual obligation to operate a convenience store on the lot and it wants permission to demolish the structure on the lot; and

WHEREAS, the mothballed building and lot are located at the entrance to our neighborhood and at the cross-road of our business district, creating an unfortunate and unacceptable first impression of decay and abandonment at the entrance to our neighborhood; and

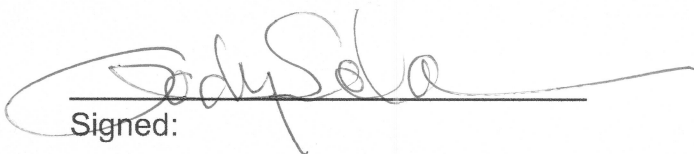
WHEREAS, the Government Hill Community Council (GHCC) desires that the property be continued in use as a convenience store as required by the lease and for the benefit of residents who relied on that store for food and other needs; and

WHEREAS, the lease requirement to operate a convenience store is a reasonable and valid provision, entered into knowingly and voluntarily by ADOTPF for the benefit of Government Hill and enforceable in a court of law; and

BE IT THEREFORE RESOLVED, that GHCC requests the Alaska Railroad Corporation to deny the ADOTPF's change of use application for Lease 9999; (pertaining to Lot 1A, Block 6, East Government Hill Subdivision of the Alaska Railroad, referred to here as the lot at 500 W Hollywood Dr.) and require ADOTPF to comply with its existing contractual obligations.

PASSED unanimously this day of October 13, 2022, by action of the Government Hill Community Council Executive Committee.

Yea_8_ Nay__0__ Abstain_0_


Signed: _____

Jody Sola, President
Government Hill Community Council