

**CITY OF HOMER
HOMER, ALASKA**

ERICKSON/SMITH

ORDINANCE 18-16(S)(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA REPEALING HOMER CITY CODE CHAPTER 18.08 AND THE HOMER PROPERTY MANAGEMENT POLICIES AND PROCEDURES MANUAL AND REENACTING CHAPTER 18.08 CODIFYING CERTAIN POLICIES FROM THE PROPERTY MANAGEMENT MANUAL, CLARIFYING HOMER'S LAND ALLOCATION PROCESS, EXPANDING LEASE REVIEW TO INCLUDE ADDITIONAL RECOMMENDATIONS BY APPROPRIATE COMMISSIONS, REMOVING THE LEASE COMMITTEE, REMOVING THE REQUIREMENT THAT ALL LEASES MAY BE INCREASED TO REFLECT INFLATION AS DETERMINED IN THE CONSUMER PRICE INDEX, AND EXPANDING COUNCIL'S ROLE BY REQUIRING IT'S APPROVAL PRIOR TO EXECUTION OF A LEASE, EARLY TERMINATION OF A LEASE OR TERMINATION OF LEASE NEGOTIATIONS.

WHEREAS, The City of Homer ("City") currently has a complex leasing policy that requires the City and applicants to comply with lengthy policies, procedures, and Homer City Code provisions as well as the terms of the request for proposal specific to a specific parcel; and

WHEREAS, It is in the City's best interest and the interest of lease applicants to streamline and simplify the leasing process by incorporating essential lease policy and procedures currently in the City's Property Management Policy and Procedures into the Homer City Code, the City's lease templates or specific lease agreements; and

WHEREAS, The City Council's approval of the essential terms of new long-term leases and not just the award of such leases increases Council's input and oversight, public input and transparency into the lease process; and

WHEREAS, The City Council's approval of the termination of negotiations or early termination of a lease for default also increases oversight, public input and transparency in the lease process.

NOW THEREFORE, The City of Homer Ordains:

1 Section 1: Chapter 18.08 “City Property Leases” is repealed and reenacted to read as
2 follows:

3
4 Chapter 18.08

5
6 CITY PROPERTY LEASES

7
8 Sections:

- 9
10 18.08.005 Purpose.
11 18.08.010 Definitions.
12 18.08.020 Land Allocation Plan - property available for lease.
13 18.08.030 Standardized leases.
14 18.08.040 Council approval of lease.
15 18.08.045 Lease applications.
16 18.08.050 Requests for proposals-competitive bidding process.
17 18.08.060 Criteria for evaluating and approving proposals.
18 18.08.065 Lease application and proposal documents.
19 18.08.070 Notice to award.
20 18.08.075 Lease rental rates.
21 18.08.080 Lease execution and final approval.
22 18.08.090 Development and use.
23 18.08.100 Appraisal.
24 18.08.110 Options to renew.
25 18.08.120 Improvements.
26 18.08.130 Lease renewal.
27 18.08.140 Sublease.
28 18.08.150 Early termination.
29 18.08.160 Assignments.
30 18.08.170 Insurance.
31 18.08.175 Exception – Leasing to government entities.
32 18.08.180 Assessments – Capital improvement projects.
33 18.08.190 Connection to utilities.
34 18.08.195 Processing and filing fees.

35
36 18.08.005 Purpose.

37
38 The purpose of this chapter is to ensure that the lease of City-owned property
39 maximizes the value of City assets and that the City awards leases that provide the
40 highest and best use of City-owned property. It is the policy of the City to lease its
41 property in a fair and nondiscriminatory way.
42

1 18.08.010 Definitions.

2
3 For the purpose of this chapter, the following words and phrases are defined as set forth
4 in this section:

5
6 “Applicant” means a person applying to lease or acquire an interest in City-owned real
7 property and includes bidders and proposers.

8
9 “Appraisal” means a valuation or estimation of value of property by an Alaska Certified
10 General Real Estate Appraiser or an otherwise qualified appraiser selected by the City
11 Manager.

12
13 “Assignment” means a transfer of a leasehold interest or rights to a leasehold interest,
14 in its entirety, in City-owned real property.

15
16 “City Manager” means the City of Homer Manager or his or her designee.

17
18 “Fair market rent” means the rental income that a public or private property would
19 most likely command in the open market, indicated by the current rents paid for
20 comparable space as of the date of the appraisal.

21
22 “Irregularities” means deviations from the request for proposal that are not substantive
23 in nature and/or typographical or scrivener errors that do not impact the integrity or
24 responsiveness of the proposal.

25
26 “Long-term lease” means a written agreement granting exclusive possession or use of
27 City-owned real property for more than one year.

28
29 “Short-term lease” means a written agreement granting exclusive possession or use of
30 City-owned real property for one year or less.

31
32 “Surveyor” means a registered professional land surveyor.

33
34 18.08.020 Land Allocation Plan-property available for lease.

- 35
36 a. Unless dedicated or reserved to another purpose, all real property including
37 tide, submerged or shore lands to which the City has a right, title and interest as
38 owner or lessee, or to which the City may become entitled, may be leased as
39 provided in this chapter. In the case of any conflict between this chapter and any
40 local, State or federal law governing the leasing of City tide and submerged
41 lands, the law governing the leasing of City tide and submerged lands shall
42 prevail.

- 1
2 b. The City administration shall maintain a list of all City-owned properties
3 authorized for lease by Council. This list shall be adopted annually and contain
4 the information required under this chapter. The list may be called the Land
5 Allocation Plan and will be made available to the public at the City Clerk's office.
6
7 c. Council shall adopt a Land Allocation Plan that identifies:
8
9 i. City-owned property available for lease;
10 ii. The property description, lease rate, preferred length of the lease term
11 for each available parcel; and
12 iii. Any requirements, preferences or restrictions regarding use and/or
13 development.
14
15 d. Council may identify property in the Land Allocation Plan that is subject to
16 competitive bidding. Property subject to competitive bidding in the Land
17 Allocation Plan need only identify the property description in the Land
18 Allocation Plan but all other terms required in subsection (c) of this section shall
19 be identified in the request for proposal for such properties.
20
21 e. Prior to the adoption of the Land Allocation Plan, Council shall hold a work
22 session. Commission members and City staff may provide recommendations to
23 Council during the work session regarding City-owned property available for
24 lease and the terms of such leases.
25
26 f. The City shall provide public notice of the adoption of the Land Allocation Plan
27 and the City-owned real property available for lease no more than 60 days after
28 its adoption.
29
30 g. All uses and activities on City-owned real property available for lease are subject
31 to all applicable local, state, and federal laws and regulations.
32
33 h. The Council may restrict specific City-owned properties to certain uses or
34 classes of use that serve the City's best interest.
35

36 18.08.030 Standardized leases.
37

- 38 a. The City Manager shall develop a standardized ground lease that contains
39 provisions generally applicable to the lease of City-owned property and a
40 standardized building lease that contains provisions generally applicable to the
41 lease of space in City-owned buildings. The standard lease documents shall be
42 reviewed by the City Attorney and approved by Council.

- 1
2 b. Lease terms may deviate from the standardized lease terms when the City
3 Manager determines such deviations are reasonable and necessary to protect
4 the City's best interests and Council approves the lease as required in HCC
5 18.08.040.

6
7 18.08.040 Council approval of leases.

- 8
9 a. All long-term leases for more than five years shall be approved by Council via
10 ordinance. All long-term leases for five years or less shall be approved by
11 Council via resolution.
12
13 b. The City Manager may execute short-term leases without Council approval
14 when the City Manager determines that a short-term lease is in the best interest
15 of the City and notifies the Council in writing of the short-term lease and its
16 essential terms.
17
18 c. Short-term leases are not required to go through the competitive bidding
19 process unless the short-term lease would result in the lease of City-owned
20 property to the same lessee for more than one consecutive year.
21
22 d. Except as expressly provided in this chapter, property leased by the City from a
23 third party that is available for sublease or the lease of space in City-owned
24 buildings located on real property owned by a third party is exempt from this
25 chapter.

26
27 18.08.045 Lease applications.

28
29 Except for property subject to competitive bidding under this chapter, persons
30 interested in leasing City property may submit a lease application to the City Clerk. The
31 City Manager shall consider all applications and determine if an application is complete
32 and meets the criteria identified in the Land Allocation Plan. When the City receives
33 more than one lease application for a parcel that meets the criteria established for that
34 parcel in the Land Allocation Plan, the City Manager shall evaluate the applications
35 using the criteria in HCC 18.08.060 and award the lease most advantageous to the City.
36 If both applicants are equally advantageous to the City, the City Manager shall award
37 the lease to the applicant who submitted a completed application first. Applicants may
38 be charged a fee for processing a lease application.

39
40 18.08.050 Requests for proposals-competitive bidding process.
41

- 1 a. The City Manager may issue a request for proposals to lease specific property
2 identified in the Land Allocation Plan at any time after posting the notice
3 required in HCC 18.08.020(d).
4
- 5 b. A request for proposal advertised by the City must identify the property
6 description of the property available for lease, the time frame for the submission
7 of requests for proposals, any preferred uses or industries, and the overall
8 criteria the City intends to use to score and rank proposals.
9
- 10 c. The City Manager must obtain approval from the Council before requesting
11 proposals to lease property not identified in the Land Allocation Plan as
12 property available for lease.
13

14 18.08.060 Criteria for evaluating and approving proposals and competing lease
15 applications.
16

- 17 a. The Criteria for evaluating proposals shall include, but is not limited to, the
18 following:
19
- 20 1. Compatibility with neighboring uses and consistency with applicable
21 land use regulations including the Comprehensive Plan;
22
 - 23 2. The development plan including all phases and timetables;
24
 - 25 3. The proposed capital investment;
26
 - 27 4. Experience of the applicant in the proposed business or venture;
28
 - 29 5. Financial capability or backing of the applicant including credit history,
30 prior lease history, assets that will be used to support the proposed
31 development;
32
 - 33 6. The number of employees anticipated;
34
 - 35 7. The proposed rental rate;
36
 - 37 8. Other financial impacts such as tax revenues, stimulation of related or
38 spin-off economic development, or the value of improvements left
39 behind upon termination of the lease;
40
 - 41 9. Other long term social economic development; and
42

- 1 c. Upon a determination that a proposal is the most advantageous to the City, the
2 City Manager shall recommend the proposal to Council for acceptance. If
3 Council approves the recommendation, the City Manager shall issue a Notice to
4 Award the lease to the successful proposer. The City Manager's
5 recommendation shall be presented to Council in a written memorandum
6 identifying the recommended winning proposer, the property description, the
7 essential terms of the proposed lease, and the reasons the City Manager
8 recommended the award.
9
- 10 d. The City Manager shall submit any recommendation for approval of a proposal
11 under this chapter for property located on the Homer Spit or in the Marine
12 Commercial or Marine Industrial zoning districts to the Port and Harbor Advisory
13 Commission for review and comment prior to recommending a proposal to
14 Council.
15
- 16 e. If the Council adopts the City Manager's recommendation, the City Manager
17 shall negotiate with the winning applicant and present a final lease to the
18 Council for approval. A Notice to Award is conditional upon the City Manager's
19 successful negotiation of a final written lease consistent with the terms upon
20 which the award was based.
21
- 22 f. The City Manager may, with Council approval, rescind a Notice to Award. A
23 Notice to Award becomes void on the date the City Manager provides written
24 notice to the proposer that the award has been rescinded.
25
- 26 g. The City Manager may rescind a Notice to Award at any time prior to the
27 execution of a lease if the proposer can no longer meet the terms of the
28 proposal.
29
- 30 h. If the City Manager rescinds a Notice to Award, the City Manager may negotiate
31 with the next most responsive proposer and submit a new recommendation for
32 award to Council and Council may approve the award of the proposal to that
33 recommended proposer. If negotiations with the next most responsive bidder
34 are unsuccessful, all bids must be rejected and a new request for proposal may
35 be issued.
36
- 37 i. The Council may approve other bidding or proposal procedures or exceptions
38 to these procedures via resolution.
39

40 18.08.075 Lease rental rates.
41

- 1 a. Except as otherwise provided in this section, all property shall be leased at no
2 less than “fair market rent.”
3
- 4 b. Payments of a higher than fair market rent resulting from a proposal or lease
5 application is generally in the public interest and will help to establish fair
6 market rent using current market forces.
7
- 8 c. The Council may establish a minimum rent or “asking price.” It may set a
9 minimum rent at an amount equal to or higher than the estimated “fair market
10 rent” if it finds that it is in public interest to do so. It may set uniform rental rates
11 for a class of similar properties that remain available for leasing after the
12 conclusion of a competitive lease offering.
13
- 14 d. Except as otherwise provided in this chapter, Council may approve a lease of
15 City land for less than fair market rent only if the motion approving the lease
16 contains a finding that the lease is for a valuable public purpose or use, and a
17 statement identifying such public purpose or use.
18
- 19 e. The lease shall provide for payment of interest or a late fee for rent past due,
20 and provide for recovery by the City of attorneys’ fees and costs to the maximum
21 extent allowed by law in the event the City is required to enforce the lease in
22 court, and such additional provisions pertaining to defaults and remedies as the
23 City Manager may determine to be in the City’s interest.
24
- 25 f. Lease amount to be adjusted annually based on the Anchorage Consumer Price
26 Index.
27

28 18.08.080 Lease execution and final approval.

- 29
- 30 a. After a Notice to Award a lease is approved by Council or a lease application is
31 approved by the City Manager, the City Manager is responsible for finalizing and
32 executing the lease agreement with the successful applicant or proposer. After
33 Council’s approval of the Notice to Award but before Council approval under
34 HCC 18.08.040, the City Manager may negotiate non-essential long-term lease
35 terms and make changes necessary to clarify the terms of the long-term lease or
36 correct clerical errors.
37
- 38 b. The City Manager has authority to negotiate all terms of short-term leases
39 subject to the provisions of this chapter.
40

- 1 c. After a lease is executed by both parties, the City Manager shall draft and the
2 City Clerk shall record a memorandum of lease. Lessee is responsible for the
3 recording fees.
4

5 18.08.090 Development and use.
6

- 7 a. All leases must require the lessee to comply with all applicable local, state, and
8 federal laws.
9
10 b. Except as provided otherwise in the lease agreement, an as-built survey
11 including elevations performed by a surveyor shall be provided to the City within
12 six months of completion of development on the leased property. Each
13 additional structure or significant improvement shall require an updated as-
14 built survey. All surveys are to be provided by lessees at their expense.
15
16 c. Except as provided otherwise in the lease agreement, at the time each as-built
17 survey is submitted, a statement of value including leaseholds and all
18 improvements shall be provided. The statement of value shall be either a letter
19 of opinion or appraisal completed by an appraiser.
20
21 d. All development requirements and performance standards contained in the
22 lease shall be strictly enforced and if not complied with or negotiated for
23 modification shall be cause for the lease to be terminated. Failure to enforce the
24 terms of the lease shall not constitute waiver of any such term.
25
26 e. The City may require a lease of City-owned property to be secured by any means
27 that meet the City's best interest, including without limitation, a security
28 deposit, surety bond or guaranty.
29

30 18.08.100 Appraisal.
31

- 32 a. An appraisal of the fair market rent of the property will be required before final
33 approval of a new lease or the transfer of a lease and within two years prior to
34 the renewal of a lease.
35
36 b. The requirement of an appraisal may be waived at the discretion of the City
37 Manager for short-term leases.
38
39 c. All leased properties shall be appraised every five years from the effective date
40 of the lease. The City may choose to have the property appraised at less than
41 five year intervals in order to appraise multiple properties at one time. An
42 increase in rental rates resulting from appraisals occurring in less than five years

1 from the last appraisal shall not be applied prior to date of appraisal permitted
2 under 18.08.100 or the effective date of the transfer or renewal of a lease.

- 3
- 4 d. Except as otherwise provided under this section or in a specific lease, lease rates
5 shall be increased on the anniversary of the lease effective date to reflect
6 property appraisal values. A lessee shall be notified of any increase in the
7 appraised value of the property at least 30 days before the increased rental rate
8 becomes effective.
- 9
- 10 e. In the event an appraisal reports a decrease in fair market rent, a lessee may
11 petition or the City Manager may recommend to Council a reduction in the lease
12 rate. Council may approve a reduction if it determines via resolution that such
13 reduction corresponds with the appraised fair market rent and is in the City's
14 best interest.
- 15
- 16 f. Each year, the City will select and retain an appraiser to appraise all leased City-
17 owned property due for appraisals in that year. The City will have sole discretion
18 to select the appraiser and bears the cost of the appraisal.

19
20 18.08.110 Options to renew.

- 21
- 22 a. Leases may contain no more than two options to renew and each option must
23 **not exceed** ~~be for~~ less than 25% of the length of the initial lease term.
- 24
- 25 b. A lessee may not exercise an option to renew unless the City Manager
26 determines that the lessee is in full compliance with the terms of the lease at the
27 time of renewal.
- 28
- 29 c. A lessee whose initial lease and all options have expired shall have no automatic
30 right of further renewal or extensions.

31
32 18.08.120 Improvements.

- 33
- 34 a. Except as otherwise provided in the lease agreement, construction of
35 improvements shall take place only after review and approval of the
36 construction plans by the City Manager and only after all applicable permits
37 have been secured and legal requirements met.
- 38
- 39 b. Improvements not included in the lease agreement or improvements that are
40 inconsistent with or deviate from those permitted in the lease agreement must
41 be approved by Council via resolution. Council shall only approve such
42 improvements upon recommendation by the City Manager and after review by

1 the Port and Harbor Commission, the Homer Advisory Planning Commission,
2 and any other commission determined to be appropriate by the City Manager.
3 Inconsistent improvements may be approved if the proposed changes to the
4 improvements serves the City's best interest and/or when changes are
5 necessary due to relevant changes in industry or the local economy
6

7 c. All improvements constructed upon leased property become the property of the
8 City upon termination of the lease unless otherwise provided in the lease
9 agreement or agreed to by the parties in writing.
10

11 d. Lessee shall be responsible for all taxes, including property taxes on the
12 leasehold interest in the real property and improvements and any sales tax on
13 rent payments.
14

15 18.08.130 Lease renewal.
16

17 a. Council, upon written recommendation by the City Manager may exempt the
18 renewal of a lease from competitive bidding if Council finds such exemption
19 serves the City's best interests.
20

21 b. A lessee seeking to enter into a new lease with the City exempted from
22 competitive bidding under this section must submit a lease application and a
23 written request for a new lease to the City Manager at least 12 months but no
24 more than 18 months prior to the expiration of the existing lease. The City
25 Manager shall notify Council of new lease requests under this section. The City
26 will review the application but is under no obligation to enter into a new lease.
27

28 c. If Council approves the new lease without a competitive process, it must do so
29 by resolution within six months of the date the lease application is filed with the
30 City.
31

32 d. Council shall consider the following factors when determining whether to
33 exempt a lease from competitive bidding under this subsection:
34

35 1. Lessee's past capital investment and binding commitment to future
36 capital investment;
37

38 2. Lessee's financial condition and prior lease history;
39

40 3. The number of persons employed and the prospect for future
41 employment;
42

- 1 4. Tax revenues and other financial benefits to the City anticipated in the
2 future if the lease is renewed;
- 3
- 4 5. Consistency of past use and intended future use with all applicable laws,
5 including land use codes and regulations, the Comprehensive Plan, and
6 Overall Economic Development Plan;
- 7
- 8 6. Other opportunities for use of the property that may provide greater
9 benefit to the City; and,
- 10
- 11 7. Other social, policy, and economic considerations as determined by
12 Council.
- 13

14 18.08.140 Sublease.

- 15
- 16 a. City property may be subleased if expressly permitted in the lease agreement
17 and approved in writing by Council.
- 18
- 19 b. Except as provided otherwise in the lease agreement, all subleases must be in
20 writing, executed by the parties, and approved by Council after a
21 recommendation is provided by the City Manager.
- 22
- 23 c. Approval must be granted prior to occupancy of the leased premises by a sub-
24 tenant.
- 25
- 26 d. Lessee shall be assessed additional rent equal to at least 10 percent of the
27 current rent for the subleased area upon approval of a sublease.
- 28
- 29 e. Subleasing shall not be used to transfer substantially all of a leasehold interest.
- 30
- 31 f. All subleases must comply with all applicable federal, state, and local laws.
- 32

33 18.08.150 Early termination.

34

35 Except as provided otherwise in the lease agreement, Council shall approve the
36 termination of a lease for failure to comply with the lease terms. The City Attorney shall
37 be consulted prior to termination of a long-term lease for failure to comply with lease
38 terms. The City Manager may only terminate a lease for failure to comply with the lease
39 terms after receiving Council approval to do so. The City Manager shall seek approval
40 to terminate under this section in executive session. The name of lessee and
41 description of the leased property shall not be included in any public notices or
42 documents circulated by the City unless and until Council approves termination of the

1 lease under this section. The City Manager shall notify a lessee in writing that Council
2 will be considering termination of the lease and provide the date, time, and place of the
3 meeting at which Council will consider such termination. Lessee may waive the right
4 to confidentiality under this section and request Council hold its discussion of
5 termination in public. This section shall not prevent the City from sending lessee, or
6 other parties with an interest in the lease, notifications and/or correspondence related
7 to the lease or lessee's compliance with its terms.

8
9 18.08.160 Assignment.

- 10
11 a. Except as provided in the lease agreement, Council must approve the
12 assignment of a lease to another party.
13
14 b. Except as otherwise provided in this section or the lease agreement, the City
15 Manager must make a determination that a lessee is in full compliance with a
16 lease before an assignment will be effective. The City Manager may, in his or her
17 sole discretion, consent to assignment of a lease where lessee is in full
18 compliance with the lease terms except for payments owed so long as assignor
19 and/or assignee agree in writing to pay the full amount owed within 90 days of
20 the assignment. An assignment shall not be effective and shall constitute
21 default by lessee if full payment is not received within 90 days of the assignment.
22
23 c. Except as otherwise provided in the lease agreement, if the lessee is in good
24 standing and eligible to assign the lease, the following procedures apply:
25
26 1. The lessee shall file a written request for assignment and a complete new
27 lease application to the City Manager;
28
29 2. The City Manager shall review the request and new lease application and
30 determine whether the proposed assignee is qualified under this chapter
31 and the assignment is in the City's best interests;
32
33 3. The City Manager shall make a recommendation on the assignment to
34 Council for final action; and
35
36 4. Council shall approve or deny the request for assignment via resolution.
37
38 5. Assignment of long-term leases on the Homer Spit or within the Marine
39 Commercial or Marine Industrial zoning districts shall be reviewed by the
40 Port and Harbor Advisory Commission prior to submission to Council for
41 approval. Except as otherwise provided in the lease agreement,

1 assignment of all other long-term leases shall be reviewed by the Homer
2 Advisory Planning Commission prior to Council approval.

- 3
- 4 d. Council may approve assignment of a lease to a bank or other financial
5 institution if it determines the assignment is in the best interest of the City and
6 The City Manager recommends approval.
- 7
- 8 e. Where a lessee intends to assign the lease as part of a sale of the business
9 located on the leased lot, the person who intends to purchase the business may
10 apply to extend the lease term to allow the continuation of the business and to
11 secure financing for the purchase of that business. Any significant changes in the
12 terms (use) of the existing lease must be reviewed by the Port and Harbor
13 Commission and approved by City Council by Resolution as an amendment to
14 the lease.

15

16 18.08.170 Insurance.

- 17
- 18 a. All lessees shall keep in force for the full term of the lease public liability
19 insurance in the amount of not less than \$1 Million coverage per occurrence for
20 bodily injury, including death, and property damage. The City shall be named as
21 an additional insured.
- 22
- 23 b. Lessees who intend to conduct activities which could potentially have
24 significant risk of environmental contamination shall also obtain not less than
25 \$2 Million in Environmental Impact insurance and/or Environmental Clean-up
26 Policy, or the equivalent subject to review and approval by the City Manager.
27 The City shall be named as an additional insured. The City will determine on a
28 case-by-case basis whether a lease of City property will involve a significant risk
29 of environmental contamination due to the use of the property, the presence of
30 hazardous materials, or the location of the property.
- 31
- 32 c. Certificates of Insurance showing the required insurance is in effect and
33 identifying the City as an additional insured shall be provided to the City at the
34 time a lease becomes effective and annually thereafter, and upon every change
35 in insurance provider or insurance coverage.
- 36
- 37 e. All insurance policies must be in effect for the duration of the lease term, or
38 longer if stated in the lease, and the City must be notified of any changes to
39 policies.
- 40
- 41 f. Insurance requirements that exceed those required in this section may be
42 imposed in the terms of a lease agreement.

1
2 18.08.175 Exception-leasing to government entities.
3

- 4 a. Except as otherwise prohibited by law, leases to federal or state government
5 entities or political subdivisions or agencies of the State of Alaska or the United
6 States may be exempted from this chapter upon a finding by Council that it is in
7 the City's best interest to do so.
8
9 b. The City may lease real property to the United States, the State of Alaska, a
10 political subdivision of the State, or an agency of any of these entities, for less
11 than fair market rent if Council determines it is in the City's best interest to do
12 so.
13

14 18.08.180 Assessments – Capital improvement projects.
15

- 16 a. Lessees of City property shall pay all real property special assessments levied
17 and assessed against the property to the full extent of installments billed during
18 the lease term.
19
20 b. In the event the City completes a capital improvement project which directly
21 benefits the leasehold property and no local improvement district is formed to
22 pay the cost of that project, the City may, in its sole discretion, impose, and the
23 lessee shall pay as additional rent, the leasehold property's proportionate share
24 of the cost of the project. The amount of additional rent imposed annually by
25 the City under this subsection shall not exceed the amount which would have
26 been payable annually by the lessee if a local improvement district had been
27 formed which provided for installment payments on a schedule and bearing
28 interest at rates typical of other local improvement districts of the City for that
29 type of capital improvement.
30

31 18.08.190 Connection to utilities.
32

33 Lessees of City real property shall connect to City utilities and bear all costs of
34 connections and adhere to all applicable local, State and Federal regulations.
35 Connections to newly installed City utilities shall be made as soon as possible after
36 completion.
37

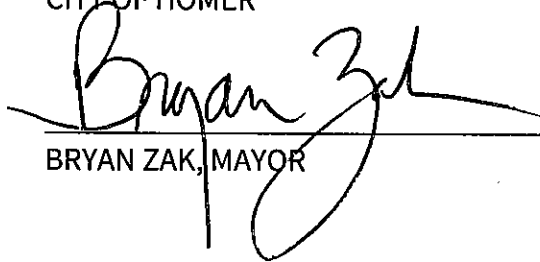
38 18.08.195 Processing and filing fees.
39

40 Fees for lease applications, lease, subleases and assignments, and other related fees
41 shall be established by Council by resolution. Failure to pay fees owed may result in the
42 rejection of a lease application or denial of lease renewal, assignment or sublease.

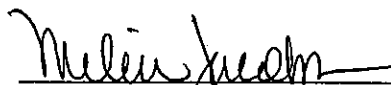
Section 2: This ordinance is of a permanent and general character and shall be included in the Homer City Code.

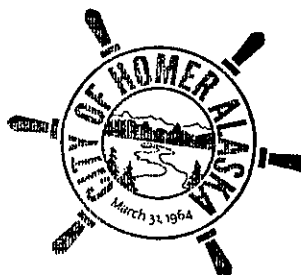
ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS 25th day of June, 2018.

CITY OF HOMER


BRYAN ZAK, MAYOR

ATTEST:


MELISSA JACOBSEN, MMC, CITY CLERK



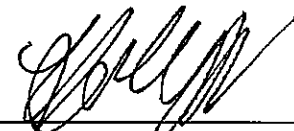
YES: 6
NO: 0
ABSTAIN: 0
ABSENT: 0

First Reading: 3-27-18
Public Hearing: 4-9-18, 5-14-18, 6-25-18
Second Reading: 6-25-18
Effective Date: 6-26-18

Reviewed and approved as to form:


Katie Koester, City Manager

Date: 6.28.18


Holly Wells, City Attorney

Date: 7.6.18