

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 19-002

A RESOLUTION OF THE HOMER CITY COUNCIL APPROVING A LEASE ASSIGNMENT FROM LEE AND KIM LLC TO Y & C LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS FOR A NEW TWENTY YEAR LEASE WITH OPTIONS FOR TWO CONSECUTIVE FIVE YEAR RENEWALS FOR LOT 32, OF THE AMENDED PLAT OF THE HOMER SPIT, ACCORDING TO PLAT NO. 89-34, AT AN INITIAL ANNUAL RATE OF \$19,888.68.

WHEREAS, Lee and Kim LLC dba “Happy Face Restaurant” applied to transfer their 2014 City lease to Y & C LLC dba “Shogun Seafood & Steak BBQ Restaurant” as part of Y and C LLC’s purchase of Happy Face ; and

WHEREAS, Y & C LLC submitted a complete application pursuant Homer City Code (HCC) 18; and

WHEREAS, Y & C LLC has indicated in their lease application their intention of continuing the business previously listed in the lease between the City and Lee and Kim LLC without changes; and

WHEREAS, The City approved in Lee and Kim LLC’s 2014 lease with the proposed use of the property being a restaurant, gift shop, general store, with future allowable uses including a laundry/shower facility, and rental units; and

WHEREAS, Per HCC 18.08.110 the lease is in compliance and the past lease history has shown contractual obligations are satisfactorily met; and

WHEREAS, The lease assignment will be based on the City’s updated lease template which reflects the new and current code requirements; and

WHEREAS, Y & C LLC are aware that the initial annual rental rate of \$19,888.68 will change as a result of City Lot 32’s reappraisal in 2019 per HCC 18.08.100 ; and

WHEREAS, The City Administration and the Port and Harbor Advisory Commission on January 3rd, 2019 reviewed the application pursuant HCC 18.08.060 and recommend a new twenty year lease with options for two consecutive five-year renewals for Lot 32, of the amended plat of the Homer Spit, according to Plat No. 89-34; and

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44 WHEREAS, HCC 18.08.160 (4) states the Council shall approve or deny the request for
45 lease assignment via resolution.
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47 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves the
48 lease assignment of the Lee and Kim LLC Lease from Lee and Kim LLC to Y & C LLC, and
49 authorizes the City Manager to execute a new twenty year lease with options for two
50 consecutive five-year renewals for Lot 32, of the amended plat of the Homer Spit, according to
51 Plat No. 89-34, at an initial annual base rent of \$19,888.68 for the purpose of a restaurant, gift
52 shop, general store, with future allowable uses including a laundry/shower facility, and rental
53 units.
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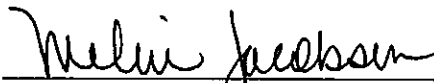
55 PASSED AND ADOPTED by the Homer City Council on this 14th day of January, 2019.
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57 CITY OF HOMER

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61 KEN CASTNER, MAYOR
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63 ATTEST:

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67 MELISSA JACOBSEN, MMC, CITY CLERK
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69 Fiscal Note: \$19,88.68 Annually

