

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 20-116

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, APPROVING AN AMENDMENT TO EXTEND THE PROPERTY IMPROVEMENT CONSTRUCTION TIMELINE ON THE COPPER RIVER SEAFOODS LEASE FOR A PORTION OF LOT 13B, CITY OF HOMER PORT INDUSTRIAL SUBDIVISION NO.2, ACCORDING TO PLAT NO. 80-92, CONTAINING 15,300 SQ FT, ALSO KNOWN AS KPB PARCEL # 18103425.

WHEREAS, Copper River Seafoods entered into a 20 year lease with the City on May 16 2019 where they stated that they wished to build a new 42' by 47' office structure with a construction timeline beginning September 1 2020 and with a completion date of Dec 31 of 2020; and

WHEREAS, On October 13 2020 the City received a letter from Copper River Seafoods stating that, due to Covid-19 challenges, they are requesting an amendment to the proposed property development timeline listed in Exhibit D of the lease; and

WHEREAS, This requested amendment would alter Exhibit D of the lease to extend the property development construction timeline to a start date of February 1 2022 and with a completion date of Dec 31 2022; and

WHEREAS, Article 6.04 Extensions of Time for Completion of Required Improvements, of the lease states that Landlord shall grant an extension for the time to Complete the Required Improvements for a period of time equal to the duration of an Excusable Delay; and

WHEREAS, "Excusable Delay" is defined per the lease as any delay due to strikes, acts of God, inability to obtain labor or materials, orders of governmental authority, enemy action, civil commotion, fire, unusual inclement weather, unavoidable casualty or similar causes beyond the reasonable control of Tenant; and

WHEREAS, On October 28 2020, the Port and Harbor Advisory Commission discussed the proposed change and , with unanimous consent, moved to recommend that Council approve the Copper River Seafoods proposed lease amendment; and

WHEREAS, HCC 18.08.160(e) States that any significant changes in the terms (use) of the existing lease must be reviewed by the Port and Harbor Commission and approved by City Council by resolution as an amendment to the lease; and

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45 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves the
46 amendment of the Copper River Seafoods lease extending the property improvement
47 construction timeline to a new start date of February 1 2022 and a new completion date of
48 December 31 2022 for a portion of Lot 13B, City of Homer Port Industrial Subdivision No. 2,
49 according to Plat No. 80-92, containing 15,300 square feet, Also known as KBP Parcel
50 #18103425 ,and authorizes the City manager to execute the appropriate documents.

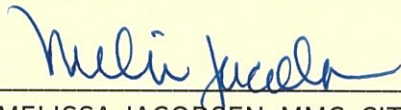
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52 PASSED AND ADOPTED by the Homer City Council on this 9th day of November, 2020.

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54 CITY OF HOMER

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58 KEN CASTNER, MAYOR

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60 ATTEST:

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64 MELISSA JACOBSEN, MMC, CITY CLERK

