

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 21-02

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE CHAPTER 18.08 CITY PROPERTY
LEASES, SECTIONS 18.08.010 DEFINITIONS AND 18.08.140
SUBLEASE.

WHEREAS, An amendment to HCC code 18.08.140 Subleases and HCC 18.08.010 should
promote the purposes the City's leasing program provided in HCC 18.08.005 ; and

WHEREAS, It is the intention of the Council that the amendment to Title 18 will
maximize the value of City lease property and promote fair and nondiscriminatory lease
practices; and

WHEREAS, HCC 1.04.055 & 1.04.065 state that amendment to City code shall be enacted
through Ordinance or other official act of the City Council.

NOW, THEREFORE, The City of Homer Ordains:

Section 1. Homer City Code 18.08.140 Sublease, is amended by repealing subsection
(d) lines to read as follows:

18.08.140 Sublease.

- a. City property may be subleased if expressly permitted in the lease agreement approved in writing by Council.
- b. Except as provided otherwise in the lease agreement, all subleases must be in writing, executed by the parties, and approved by Council after a recommendation is provided by the City Manager **or their designee.**
- c. Approval must be granted prior to occupancy of the leased premises by a sub-tenant.
- ~~d. Lessee shall be assessed additional rent equal to at least 10 percent of the current rent for the subleased area upon approval of a sublease.~~
- d.** Subleasing shall not be used to transfer substantially all of a leasehold interest.
- e.** All subleases must comply with all applicable Federal, State, and local laws.

Section 2. Homer City Code 18.08.010 Definitions, is amended by adding the definition for
"sublease" to read as follows:

18.08.010 Definitions.

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

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

“Appraisal” means a valuation or estimation of value of property by an Alaska certified general real estate appraiser or an otherwise qualified appraiser selected by the City Manager.

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

“City Manager” means the City of Homer Manager or ~~his or her~~ **their** designee.

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

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

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

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

“Sublease” means a leasing by a tenant or lessee of part or all of a leased premises to another entity or entities with the original lessee retaining the rights and interest under the original lease.

“Surveyor” means a registered professional land surveyor.

Section 3. This ordinance is of a permanent and general character and shall be included in Homer City Code.

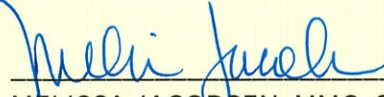
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 25th day of January, 2021.

CITY OF HOMER



KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK

YES: 6

NO: 0

ABSTAIN: 0

ABSENT: 0

First Reading: 1.11.21

Public Hearing: 1.25.21

Second Reading: 1.25.21

Effective Date: 1.26.21

