



## **KENAI PENINSULA BOROUGH**

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**JOHN J. WILLIAMS**  
BOROUGH MAYOR

### **MEMORANDUM**

**TO:** Grace Merkes, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:** John J. Williams, Borough Mayor  
Max Best, Planning Director

**FROM:** Marcus A. Mueller, Land Management Officer

**DATE:** October 2, 2008

**SUBJECT:** Ordinance 2008-31 Authorizing an Addendum of the Option to Lease Ladd Landing Between the Kenai Peninsula Borough and PacRim Coal, LP to Remove the Ninety Day Notice Requirement for Exercise of the Option

The administration, in working through the Option to Lease Ladd Landing, has identified that a 90-day notice requirement to exercise the lease option has no benefit to either party, and the deletion of the notice requirement will best serve the interests of the borough. The notice requirement has been an artificial time constraint that we have rubbed up against on more than one occasion. The administration is on track to deliver to the assembly a revised option which will make the language consistent with borough standards, will address modern management and regulatory issues, and will best serve the interests of the borough and its residents.

The attached ordinance authorizes the Mayor to enter into a 6<sup>th</sup> addendum to the Option to Lease Ladd Landing which simply deletes a 90-day notice requirement for the Optionee to exercise the option. This will allow the option to be exercised any time prior to expiration of the option or future extension of the option. Your consideration of the attached ordinance is appreciated.