

Introduced by: Mayor  
Date: 10/14/08  
Hearing: 11/18/08  
Action: Enacted as Amended  
Vote: 6 Yes, 1 No, 2 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2008-31**

**AN ORDINANCE AUTHORIZING THE MAYOR TO WAIVE THE 90-DAY NOTICE  
REQUIREMENT FOR EXERCISING THE OPTION TO LEASE LADD LANDING  
BETWEEN THE KENAI PENINSULA BOROUGH AND PACRIM COAL, LP**

**WHEREAS,** the borough entered into the “Option to Lease Ladd Landing” on March 10, 1987, pursuant to Ordinance 87-05; and

**WHEREAS,** the Option has subsequently been extended and amended as authorized by Ordinance 92-03, Ordinance 97-20, Ordinance 2002-09, Ordinance 2007-09, and Ordinance 2007-40 (hereinafter collectively the “Option”); and

**WHEREAS,** in order to allow an additional 90 days to negotiate a new option and lease, the administration recommends waiving the 90-day notice requirement in Section 3.1 of the current option; and

**WHEREAS,** the 90-day notice requirement in Section 3.1 of the current Option has no practical application, and deleting it would provide both parties the best opportunity to evaluate the Option; and

**WHEREAS,** the KPB Planning Commission at its regularly scheduled meeting of October 27, 2008 recommended enactment by unanimous consent;

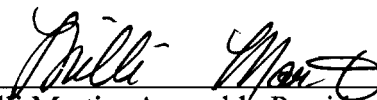
**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the Mayor is authorized to execute an agreement for a one-time waiver of the 90-day notice requirement contained in the “Option to Lease Ladd Landing” originally dated March 10, 1987, as amended and extended, with PacRim Coal, LP. The authorization would waive the 90-day notice requirement from Section 3.1 of the current version of the Option on a one-time basis.


**SECTION 2.** That the mayor is authorized to sign any documents necessary to effectuate this ordinance.

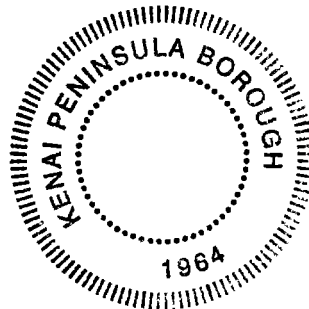
**SECTION 3.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF NOVEMBER, 2008.**

  
Milla Martin, Assembly President

ATTEST:

  
Johni Blankenship, Borough Clerk



Yes: Knopp, Long, Pierce, Smalley, Sprague, Superman

No: Martin

Absent: Fischer, Smith