

Introduced by: Mayor
Date: Dec. 5, 1989
Vote: ADOPTED
Action: UNANIMOUS

KENAI PENINSULA BOROUGH

RESOLUTION 89-132

APPROVING PACIFIC PROPERTIES' ASSIGNMENT OF REAL PROPERTY LEASE TO TESORO ALASKA PETROLEUM COMPANY.

WHEREAS, on January 4, 1974, the State of Alaska and Pacific Alaska LNG Company entered into a real property lease agreement designated as ADL No. 61493 (the "Lease"); and

WHEREAS, the Kenai Peninsula Borough and Pacific Properties, a California general partnership, have succeeded to the lessor's and lessee's interests, respectively, under the Lease; and

WHEREAS, the Kenai Peninsula Borough Assembly approved an amendment to the original Lease terms in January 1989 at the request of Pacific Properties to help facilitate assignment of the Lease in conjunction with the sale of the adjoining tracts by Pacific Properties; and

WHEREAS, Pacific Properties has now entered into a conditional sale agreement with Tesoro Alaska Petroleum Company for purchase of the adjoining tracts, which sale is contingent upon the assignment of the Lease to Tesoro Alaska Petroleum Company by the Kenai Peninsula Borough; and

WHEREAS, by approval of this assignment the Kenai Peninsula Borough can ensure that the leasehold property and the adjoining tracts will be maintained as one functional unit for potential industrial development;

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

Section 1. That the requested assignment of the Lease Agreement designated as ADL No. 61493, by Pacific Properties to Tesoro Alaska Petroleum Company, is approved subject to the confirmation of the proposed sale and the Mayor is authorized to execute such documents as necessary to accomplish this assignment such that Tesoro Alaska Petroleum Company will be bound and responsible as lessee under all of the terms of the Lease while Pacific Properties is freed of any further responsibilities thereunder.

Section 2. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 5th DAY OF December, 1989.

ATTEST:

Joanne Brundley
Borough Clerk
by Catherine J. DeKacee Deputy Borough Clerk
Jim Skogstad
Jim Skogstad, Assembly President