



CITY OF UTQIAGVIK

“Farthest North Incorporated City”

INTRODUCED BY:	Asisaun Toovak, Mayor
DATE OF INTRODUCTION:	March 28, 2024
DATE OF PUBLIC HEARING:	April 18, 2024
ACTION:	
VOTE:	

CITY OF UTQIAGVIK, ALASKA

ORDINANCE #03-2024

AN ORDINANCE OF THE CITY OF UTQIAGVIK TERMINATING THE CITY’S GROUND LEASE AGREEMENT WITH POLYSHORE AND APPROVING THE TERMINATION AGREEMENT

WHEREAS, the City of Utqiagvik (the “City”) owns the real property described as Townsite Barrow Plat 87-8, Block 16C, Lot 10, Utqiagvik, Alaska (the “Property”);

WHEREAS, under the Ground Lease dated November 2, 2023 (the “Lease”), attached hereto as **Exhibit A**, the City leased approximately 600 square feet on the Property to Talagu Ale Jr. and Jessica Poulima Ale, d/b/a Polyshore (“Tenant”), for parking and operation of Tenant’s food truck (the “Leased Premises”);

WHEREAS, Tenant never moved onto the Leased Premises, never paid rent or the security deposit, and notified Landlord via telephone on or about January 31, 2024, of Tenant’s intent to terminate the Lease and utilize another location in town;

WHEREAS, the City desires to immediately terminate the Lease pursuant to the Termination of Ground Lease attached hereto as **Exhibit B** (the “Termination Agreement”);

WHEREAS, under the Termination Agreement, Tenant shall release, discharge, and waive any claims against the City in consideration for the City waiving the right to collect an early termination fee; and

WHEREAS, the City Council desires to approve the Termination Agreement, and authorize the Mayor to execute the Termination Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Lease between the City and Tenant is terminated;



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BE IT FURTHER RESOLVED in accordance with Code Section 2.04.010, the City hereby authorizes and approves the terms and conditions of the Termination Agreement attached as **Exhibit B**;

BE IT FURTHER RESOLVED that the City Council grants to the Mayor the authorization to execute the Termination Agreement on behalf of the City, and further authorizes the Mayor to take any action, including, without limitation, any negotiated modifications necessary for the execution of the Termination Agreement, along with any other documents and actions necessary or desirable to effectuate the intent of this Resolution and of the Termination Agreement; and

BE IT FURTHER RESOLVED that this Ordinance shall become effective immediately upon adoption, and shall have retroactive effect back to the first date that the Mayor began to negotiate the terms and conditions of the Termination Agreement.

RESOLVED THIS 23rd DAY OF MAY 2024, by a vote of _ in favor and _ opposed.

Asisaun Toovak, Mayor

ATTEST:

Mary V. Patkotak, City Clerk