

## **THIRD AMENDMENT TO THE OPERATING AGREEMENT FOR SOUTH PENINSULA HOSPITAL, INC.**

This Third Amendment to the Operating Agreement for South Peninsula Hospital, Inc. is by and between South Peninsula Hospital, Inc. ("SPHI"), an Alaska nonprofit corporation, 4300 Bartlett, Homer, Alaska 99603, and the Kenai Peninsula Borough, an Alaska municipal corporation, 144 N. Binkley, Soldotna, Alaska 99669, ("Borough"), collectively referred to as the parties.

WHEREAS, effective January 1, 2020, the parties entered into an operating agreement for South Peninsula Hospital (the "Operating Agreement"); and

WHEREAS, Exhibit A of the Operating Agreement describes the property leased to SPHI; and

WHEREAS, in Ordinance 2022-19-17 the Borough assembly authorized the purchase of residential property at 3964 Bartlett Street, Homer, Alaska, for SPHI purposes and authorized the mayor to amend the operating agreement to include this additional property; and

WHEREAS, it would be appropriate to list the above referenced acquired property in the Operating Agreement to clarify that the property is also leased to and will be operated by SPHI; and

WHEREAS, Ordinance 2020-19-17 authorized the first amendment to the Operating Agreement; and

WHEREAS, Ordinance 2021-19-20 authorized the second amendment to the Operating Agreement;

NOW THEREFORE, in consideration of the mutual covenants contained herein the parties agree as follows:

1. That Exhibit A of the Operating Agreement is hereby amended to read as follows:

## **EXHIBIT A**

### **DESCRIPTION OF MEDICAL FACILITIES**

The Borough leases the following described property to SPHI for the term of this Agreement and any extension thereof:

- a. The South Peninsula Hospital and its grounds, located at 4300 Bartlett Street, Homer, Alaska, owned by the City of Homer, more particularly described as:

Tract A-2, South Peninsula Hospital Subdivision 2008 Addition, filed under Plat No. 2008-92, Homer Recording District, Third Judicial District, State of Alaska.

- b. The hospital parking lot property and buildings owned by the Borough, more particularly described as:

Lots 3, 4, 5 and 6, Block 7; Lot 4, Block 8, Lot 6, Block 9, Fairview Subdivision Plat No. HM 56-2936 Volume 8, Page 196, Homer Recording District, Third Judicial District, State of Alaska.

- c. The following leased property located at 4251 Bartlett Street, Homer, Alaska, owned by Mark Halpin and B. Isabel Halpin subject to the terms and conditions of the lease, more particularly described as:

L2-A Block 8 Fairview Subdivision Halpin Addition, according to Plat No. 2009-43, Homer Recording District, Third Judicial District, State of Alaska,

- d. 4,904 sq. ft. of office space located at 4136 Bartlett Street, Homer, Alaska 99603 subject to the terms and conditions of the lease, more particularly described as:

Lot 2-A, Block 5, Fairview Subdivision No. 11, as shown on Plat No. 85-28, Homer Recording District, Third Judicial District, State of Alaska.

e. Approximately 1,500 square feet of the office space owned by Westwing LLC located at 4117 Bartlett Street, Homer, Alaska 99603 subject to the terms and conditions of the lease, more particularly described as:

Lot 4, Block 10, Fairview Subdivision, as shown on Plat No. 56-2936, Homer Recording District, Third Judicial District, State of Alaska.

f. 3,780 square feet of office space and 3,225 square feet of basement office space both within the Kachemak Bay Professional Building, 4201 Bartlett Street, Homer, Alaska 99603 subject to the terms and conditions of the lease more particularly described as:

Lot 1-A Block 9, Fairview Subdivision 2003 Addition, as shown on Plat No. 2004-101, Homer Recording District, Third Judicial District, State of Alaska.

g. Office space owned by the Kenai Peninsula Borough located at 348 Cityview Avenue, Homer, Alaska 99603, more particularly described as:

Lot 4, Block 8, Fairview Sub., Section 18, T6N, R13W, Seward Meridian, Plat 1956-2936, Homer Recording District, Third Judicial District, State of Alaska.

h. Office space owned by the Kenai Peninsula Borough located at 347 Cityview Avenue, Homer, Alaska 99603, more particularly described as:

Lot 6, Block 9, Fairview Sub., Section 18, T6N, R13W, Seward Meridian, Plat 1956-2936, Homer Recording District, Third Judicial District, State of Alaska.

i. Office building owned by the Kenai Peninsula Borough located at 4135 Hohe Street, Homer, Alaska 99603, more particularly described as:

Lot 1 Block 5 Fairview Subdivision, as shown on Plat No. 56-2936, Homer Recording District, Third Judicial District, State of Alaska.

j. Office building owned by the Kenai Peninsula Borough located at 203 Pioneer Avenue, Suite 1, Homer, Alaska 99603, more particularly described as:

Tract A, Chamberlain & Watson Sub Plat of Tract A, Section 19, T6S, R13W, S.M., Plat 075063, Homer Recording District, Third Judicial District, State of Alaska.

k. .17 acre lot and a 2,404 square foot, six-bedroom residential building owned by the Kenai Peninsula Borough located at 3964 Bartlett Street, Homer, Alaska 99603, more particularly described as:

Lot Twenty-Seven-C One (27-C1) Bunnell's Subdivision Fortin Replat, according to Plat No. 2006-65, in the Homer Recording District, Third Judicial District, State of Alaska. (Parcel No. 175-133-42)

l. Such other Borough-owned or leased facilities, if any, as are authorized by the Borough pursuant to this Agreement for SPHI to sublease and operate pursuant to this Agreement.

2. All remaining terms and conditions of the Operating Agreement shall remain in full force and effect.

KENAI PENINSULA BOROUGH

SOUTH PENINSULA HOSPITAL, INC.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Kelly Cooper  
SPHI Board President

ATTEST:

ATTEST:

\_\_\_\_\_  
Johni Blankenship, MMC  
Borough Clerk

\_\_\_\_\_  
Board Secretary

Approved as to Form and  
Legal Sufficiency:

\_\_\_\_\_  
Sean Kelley, Borough Attorney

ACKNOWLEDGMENTS

STATE OF ALASKA        )  
  )  
THIRD JUDICIAL DISTRICT )

ss.

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2022 by \_\_\_\_\_, of the Kenai Peninsula Borough, an Alaska municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: \_\_\_\_\_

STATE OF ALASKA        )  
  )  
THIRD JUDICIAL DISTRICT )

ss.

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2022 by Kelly Cooper, President, South Peninsula Hospital, Inc., an Alaska nonprofit corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: \_\_\_\_\_