

RESOLUTION NO. 3653

A RESOLUTION AUTHORIZING THE ASSIGNMENT OF CERTAIN LEASES FROM KENNETH R. STABLER AND ALANE L. STABLER TO BORDER STEEL & RECYCLING, INC., A MONTANA CORPORATION.

WHEREAS, Kenneth R. Stabler and Alane L. Stabler are the lessees and tenants of certain real property located in the "Industrial Site" in Custer County, Montana, owned by the City of Miles City, described as follows:

Lots 9, 10, 11, 12, 14, 15, and 24 of Tract "E" of the Industrial Site west of Miles City, Montana;

AND WHEREAS the foregoing described real property are leased under two separate lease agreements, with Lots 14, 15, and 24 being leased under an agreement dated October 28, 2003, and approved by Resolution 2992; and with Lots 9, 10, 11 and 12 being leased under an agreement dated June 30, 2005, and approved by Resolution 3060;

AND WHEREAS each of the foregoing leases expired on June 30, 2013, and each lease contains an option to renew for an additional 10 year term, which expire on June 30, 2023, and the lessees, having exercised such option to renew, are entitled to lease the above described property until June 30, 2023;

AND WHEREAS the lessees wish to assign the leases described herein to Border Steel & Recycling Inc., a Montana corporation, of Glendive, Montana;

AND WHEREAS the lease agreements require the consent of the City of Miles City prior to the assignment of said leases;


AND WHEREAS the City of Miles City finds that the proposed assignee is reputable, and that the assignment of the leases should be allowed;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The City of Miles City hereby approves of the assignment of the above described leases from Kenneth R. Stabler and Alane L. Stabler to Border Steel & Recycling, a Montana Corporation, and authorizes the Mayor to execute the Assignment of Lease attached hereto as Exhibit "A."


2. The assignment attached hereto as Exhibit "A" shall not be effective until executed by all parties, and in the event the assignment is not fully executed, and until such time as the assignment is fully executed, Kenneth R. Stabler and Alane L. Stabler shall remain the responsible parties for the leasehold, as shall remain the lessees and tenants of said property.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,
MONTANA, THIS 10TH DAY OF DECEMBER, 2013.**

X 

C.A. Grenz, Mayor

ATTEST:


Lorrie Pearce, City Clerk