

**RESOLUTION NO. 4026**

**A RESOLUTION AUTHORIZING THE ASSIGNMENT OF A CERTAIN LEASE AGREEMENT BETWEEN THE CITY OF MILES CITY AND BRENDA BAUGATZ TO RUSSELL E. VAN DYKE FOR THE LEASE OF MOBILE HOME SPACE IN BENDER PARK.**

**WHEREAS**, the CITY currently leases certain property within Bender Park to Brenda Baugatz for use as a mobile home space pursuant to a lease agreement dated November 1, 2001 (the "Lease Agreement"), as approved by Resolution No. 2924;

**AND WHEREAS**, Brenda Baugatz intends to sell said mobile home to Russell E. Van Dyke, and Brenda Baugatz and Russell E. Van Dyke desire that the CITY approve assignment of said Lease Agreement;

**AND WHEREAS**, an "Assignment of Lease Agreement" between the parties has been prepared and presented to the City Council for approval.

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

That the "Assignment of Lease Agreement" attached hereto as Exhibit "A," and made a part hereof, is hereby approved by the City Council of the City of Miles City.

**PASSED AND ADOPTED BY A 2/3 VOTE** of the City Council this 24<sup>th</sup> day of January, 2017.

By:   
John Hollowell, Mayor

**Attest:**

  
Lorrie Pearce, City Clerk

**ASSIGNMENT OF LEASE AGREEMENT**

This ASSIGNMENT, made and entered into this 25<sup>th</sup> day of October, 2016, by and between the City of Miles City, Montana, a Montana municipal corporation, of 17 S. 8<sup>th</sup> Street, Miles City, Montana 59301, hereinafter "CITY," Brenda Baugatz, of 1500 N. Montana, Miles City, Montana, hereinafter "ASSIGNOR," and Russell E. Van Dyke, of \_\_\_\_\_, Miles City, Montana, hereinafter "ASSIGNEE,"

**WHEREAS**, the CITY currently leases certain property within Bender Park to ASSIGNOR for use as a mobile home space pursuant to a lease agreement dated November 1, 2001 (the "Lease Agreement"), as approved by Resolution No. 2924;

**AND WHEREAS**, ASSIGNOR intends to sell said mobile home to ASSIGNEE, and ASSIGNOR desires to assign her interest in said Lease Agreement with CITY to ASSIGNEE, which requires approval of CITY;

**AND WHEREAS**, ASSIGNEE has agreed to comply with all conditions of said Lease Agreement, and such additional conditions required by CITY as are set forth in this Assignment;

**NOW, THEREFORE**, the parties hereto mutually covenant and agree as follows:

**ASSIGNMENT**

The ASSIGNOR hereby assigns, and the CITY hereby approves, the Lease Agreement between CITY and Brenda Baugatz dated November 1, 2001, as approved by Resolution No. 2924, to ASSIGNEE, contingent upon ASSIGNEE purchasing the mobile home which is situated upon the leasehold from ASSIGNOR. ASSIGNEE agrees to be bound by all conditions of said Lease Agreement, to include the requirement that ASSIGNEE report any unusual or illegal activities which she observes within the Bender Park area.

**ADDITIONAL CONDITIONS AND TERMS**

ASSIGNEE agrees to pay monthly rent in the amount of \$150.00, payable in advance, on the 1<sup>st</sup> day of each month, as well as a security deposit in the amount of \$150.00, which is to be held by the CITY until such time as ASSIGNEE vacates the property.

ASSIGNEE may sublease the property to a tenant, however, such sublease shall not relieve ASSIGNEE of any obligations under the Lease Agreement.

The leasehold area for this lease is depicted in the attached Exhibit "A." The maintenance area for this lease is depicted in the attached Exhibit "B."

ASSIGNEE agrees to be responsible for and pay all unpaid rent for the property which accrued during ASSIGNOR'S period of tenancy.


All other provisions of the Lease Agreement shall remain unchanged.

Exhibit "A"

**IN WITNESS WHEREOF**, the parties hereto have executed this ASSIGNMENT OF LEASE AGREEMENT the date and year first hereinabove written.

**CITY OF MILES CITY:**


By:   
John Hollowell, Mayor

**Attest:**  
  
Lorrie Pearce, City Clerk

**ASSIGNOR:**

x   
Brenda Baugatz

**ASSIGNEE:**

  
Russell E. Van Dyke

**EXHIBIT "A"**  
**LEASED AREA**



**EXHIBIT "B"**  
**MAINTENANCE AREA**

