

RESOLUTION NO. 4230

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

WHEREAS, the CITY currently leases certain property within Bender Park to Russell E. Van Dyke for use as a mobile home space pursuant to a lease agreement dated January 24, 2017 (the "Lease Agreement"), as approved by Resolution No. 4026;


AND WHEREAS, Russell E. Van Dyke intends to sell said mobile home to Mike Miller and Russell E. Van Dyke and Mike Miller 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 26th day of February, 2019.

By: 
John Hollowell, Mayor

Attest:


Lorrie Pearce, City Clerk

ASSIGNMENT OF LEASE AGREEMENT

This ASSIGNMENT, made and entered into this 26th day of February, 2019, by and between the City of Miles City, Montana, a Montana municipal corporation, of 17 S. 8th Street, Miles City, Montana 59301, hereinafter "CITY," Russell E. Van Dyke, of 907 Doeden Ave, Miles City, Montana, hereinafter "ASSIGNOR," and Mike Miller, of 712 Woodbury, 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 January 24, 2017 (the "Lease Agreement"), as approved by Resolution No. 4026

AND WHEREAS, ASSIGNOR intends to sell said mobile home to ASSIGNEE, and ASSIGNOR desires to assign his 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 Russell E. Van Dyke dated January 24, 2017, as approved by Resolution No. 4026, 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 he 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 1st 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:

Russell E. Van Dyke

ASSIGNEE:

Mike Miller