

**RESOLUTION NO. 4119**

**A RESOLUTION AUTHORIZING THE ASSIGNMENT OF A CERTAIN LEASE AGREEMENT BETWEEN THE CITY OF MILES CITY AND LINDA L. LARSEN, INDIVIDUALLY AND AS TRUSTEE OF THE LYDIA STRATFORD TRUST FBO DIANA STRATFORD, TO CENTER AG SUPPLY, LLC FOR THE LEASE OF CERTAIN INDUSTRIAL SITE PROPERTY.**

WHEREAS, the CITY currently leases certain property within the Industrial Site west of Miles City, to Linda L. Larsen, individually and as Trustee of the Lydia Stratford Trust FBO Diana Stratford as approved by Resolution No. 4118, described as: Lot 2 and the east half of Lot 3 of Tract "E" of the Industrial Site West of Miles City, Montana, containing approximately 40,500 square feet, more or less;


AND WHEREAS, Linda L. Larsen, individually and as Trustee of the Lydia Stratford Trust FBO Diana Stratford intends to sell certain improvements upon said leasehold to Center Ag Supply, LLC ("Purchaser"), and the parties desire that the CITY approve the assignment of said lease to Purchaser;


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 26<sup>th</sup> day of December, 2017.

By:   
John Hollowell, Mayor

Attest:   
Lorrie Pearce, City Clerk

**ASSIGNMENT OF LEASE AGREEMENT**

This ASSIGNMENT, made and entered into this 26<sup>th</sup> day of December 2017, 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," Linda L. Larsen individually and as Trustee of the Lydia Stratford Trust FBO Diana Stratford, of 2001 Plaza Drive, Billings, Montana, hereinafter "ASSIGNOR," and Center Ag Supply, LLC, of P.O. Box 1094, Miles City, Montana, hereinafter "ASSIGNEE,"

**WHEREAS**, the CITY currently leases certain property within the Industrial Site to ASSIGNOR for use as a agricultural supply business pursuant to a certain Lease Agreement approved by Resolution No. 4118, for the following real property: Lot 2 and the east half of Lot 3 of Tract "E" of the Industrial Site West of Miles City, Montana, containing approximately 40,500 square feet, more or less;

**AND WHEREAS**, ASSIGNOR intends to sell certain improvements upon said leasehold 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;


**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 Linda L. Larsen individually and as Trustee of the Lydia Stratford Trust FBO Diana Stratford dated December 26, 2017, as approved by Resolution No. 4118, to ASSIGNEE, contingent upon ASSIGNEE purchasing the improvements which are situated upon the leasehold from ASSIGNOR. ASSIGNEE agrees to be bound by all conditions of said Lease Agreement.

**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

Exhibit "A"

**ASSIGNOR:**

Linda L. Larsen, Lessee  
Linda L. Larsen, Lessee

AND

**ASSIGNOR:**

Linda L. Larsen, Trustee  
Lydia Stratford Trust FBO Diana Stratford  
By Linda L. Larsen, Trustee

**ASSIGNEE:**

**Center Ag Supply, LLC**

Jeremy Hoff  
By: member