

RESOLUTION NO. 4133

A RESOLUTION AUTHORIZING THE ASSIGNMENT OF A CERTAIN LEASE AGREEMENT AND OPTION TO PURCHASE BETWEEN THE CITY OF MILES CITY AND UNITED PARTS AND SUPPLY, LLC, TO AILPORT PROPERTIES MONTANA, LLC, FOR THE LEASE AND PURCHASE OF PARCEL 1 OF THE ANDERSON TRACT, TRACT "E" OF THE INDUSTRIAL SITE WEST OF MILES CITY.

WHEREAS, the CITY currently leases certain property within the Industrial Site to United Parts and Supply, LLC, for the lease of Parcel 1 of the Anderson Tract, Tract "E" of the Industrial Site west of Miles city, Montana, containing approximately 55,432 square feet (1.27 acres) more or less;

AND WHEREAS, the CITY has granted to United Parts and Supply, LLC, an option to purchase said parcel; said option having been exercised, and being in the process of subdivision in order to complete said transaction;

AND WHEREAS, United Parts and Supply, LLC, intends to sell certain improvements upon said parcel, consisting of a large steel building, to Ailport Properties Montana, LLC, and both United Parts and Supply, LLC and Ailport Properties Montana, LLC, desire that the CITY approve assignment of said Lease Agreement and Option to Purchase to Ailport Properties Montana, LLC;


AND WHEREAS, an "Assignment of Lease Agreement and Option to Purchase" 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 and Option to Purchase" 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 27th day of February, 2018.

By: 
John Hollowell, Mayor

Attest: 
Lorrie Pearce, City Clerk

ASSIGNMENT OF LEASE AGREEMENT AND OPTION TO PURCHASE

This ASSIGNMENT, made and entered into this 27th day of February, 2018, by and between the City of Miles City, Montana, a Montana municipal corporation, of 17 S. 8th Street, Miles City, Montana 59301, hereinafter "CITY," United Parts and Supply, LLC, of 3407 Hwy 10 West, Miles City, Montana, hereinafter "ASSIGNOR," and Ailport Properties Montana, LLC, of PO Box 1048, Miles City, Montana, hereinafter "ASSIGNEE," Glennock, WY 82637

WHEREAS, the CITY currently leases certain property within the Industrial Site to ASSIGNOR pursuant to a lease agreement and option to purchase dated June 13, 2012 and renewed on June 13, 2017 (the "Lease Agreement and Option to Purchase"), for the following property: Parcel 1 of the Anderson Tract, Tract "E" of the Industrial Site west of Miles city, Montana, containing approximately 55,432 square feet (1.27 acres) more or less;

AND WHEREAS, ASSIGNOR intends to sell its improvements upon said leasehold to ASSIGNEE, and ASSIGNOR desires to assign its interest in said Lease Agreement and Option to Purchase with CITY to ASSIGNEE, which requires approval of CITY;

AND WHEREAS, ASSIGNEE has agreed to comply with all conditions of said Lease Agreement and Option to Purchase, and intends to proceed with completion of the purchase of the property pursuant to the option to purchase portion of said 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 and Option to Purchase between CITY and United Parts and Supply, LLC, as described above, to ASSIGNEE. ASSIGNEE has reviewed said Lease Agreement and Option to Purchase, agrees to be bound by all conditions of said Lease Agreement and Option to Purchase.

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:

UNITED PARTS AND SUPPLY, LLC

By: Douglas J. Christal

ASSIGNEE:

AIRPORT PROPERTIES MONTANA, LLC

By: AV Airport