

RESOLUTION NO. 18 - 26

A RESOLUTION RELATING TO AUTHORIZING THE APPROVAL OF THE REASSIGNMENT OF A GROUND LEASE AT THE COMMERCE MUNICIPAL AIRPORT FROM J RUSSELL ARMSTRONG TO THE ARMSTRONG REVOCABLE LIVING TRUST; GRANTING AUTHORITY TO THE MAYOR TO EXECUTE SAID RESOLUTION AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE MAYOR'S SIGNATURE TO SAID RESOLUTION, AND AUTHORIZING CITY MANAGER TO EXECUTE ANY AND ALL OTHER INSTRUMENTS REQUISITE IN IMPLEMENTING SAID RESOLUTION AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE CITY MANAGER'S SIGNATURE TO THE AGREEMENT AND ANY AND ALL INSTRUMENTS REQUISITE IN IMPLEMENTING THIS RESOLUTION.

A regular meeting of the City Council of the City of Commerce, Texas, was held in Commerce, Texas, at City Hall, on the 18th day of September 2018, at 6:00 p.m.; a majority of council members being present and constituting a quorum, the following resolution was adopted:

WHEREAS, the City of Commerce currently has a ground lease agreement with J Russell Armstrong at the Commerce Municipal Airport;

AND WHEREAS, J Russell Armstrong has requested to reassign his ground lease to the Armstrong Revocable Living Trust;

AND WHEREAS, Section B, Subsection 10, of the ground lease agreement states that the Tenant may not assign the lease or sublease any portion of the premises without the Landlord's written consent;

AND WHEREAS, Section E, Subsection 10, of the ground lease agreement states that the lease may only be amended by an instrument in writing signed by both the Landlord and Tenant;

AND WHEREAS, Chapter 18, Article IV, Section 18-78 (f) (3), of the Commerce Code of Ordinances states that any assignment or subletting requires the written consent of the City Council;

AND WHEREAS, after careful deliberation by the City Council of the City of Commerce, it is deemed to be in the best interest and general welfare of the City of Commerce, that said agreement be approved;

AND WHEREAS, the proposed agreement between the Armstrong Revocable Living Trust and the City of Commerce, be approved and accepted and is hereby approved and accepted in all respects.

THEREFORE, BE IT RESOLVED, that the Mayor of the City of Commerce, Texas, be authorized and he is hereby authorized to execute this resolution;

BE IT FURTHER RESOLVED, that the City Secretary be authorized, and she is hereby authorized to attest to the signature of the Mayor to this resolution;

BE IT FURTHER RESOLVED, that the City Manager be authorized, and he is hereby authorized to execute the agreement and any and all instruments requisite in implementing said resolution;

BE IF FURTHER RESOLVED, that the City Secretary be authorized, and she is hereby authorized to attest to the signature of the City Manager to any and all instruments requisite in implementing this resolution;

PASSED BY THE GOVERNING BODY of the City of Commerce, Texas, at a regular meeting of the City Council of the City of Commerce, Texas, on the 18th day of September 2018.

ATTEST:

CITY OF COMMERCE, TEXAS

Molly Jacobsen, City Secretary

Wyman Williams, Mayor

(Seal)

APPROVED AS TO FORM:

Patricia Adams
City Attorney

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a resolution and that the same has not been repealed and is in full force and effect.

(Seal)

Molly Jacobsen, City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the _____ day of _____, 2018, to certify which witness my hand and seal of office.

Notary Public, State of Texas