

COUNCIL AGENDA: FEBRUARY 5, 2013

SUBJECT: ASSIGN AIRPORT LEASE -- LOT 37

SOURCE: Finance Department

COMMENT: The Estate of Earnest Freeman and its executor, Connie E. Hulseley, current leaseholders of Lot 37, have decided to keep the hangar in the family and are requesting the transfer of the lease to Chris Freeman and Connie Hulseley of Springville, CA. The new owners are requesting Council authorization to assume the existing lease between the City of Porterville and the Estate commencing June 1, 2000, and expiring on May 31, 2015. A five-year option was exercised by the leaseholders in 2010. No further options remain.

RECOMMENDATION: That the City Council approve the assignment of the Lease Agreement for Airport Hangar Lot 37 between the City of Porterville and the Estate of Earnest Freeman to Chris Freeman and Connie Hulseley.

Attachments: Current Airport Map showing Lot 37
Assignment of Lease
Lessor's Consent to Assignment of Lease
Letter of Request

Dir. JWB Appropriated/Funded MA C/M J

Item No. 15

AIRPORT LEASE SITES



TAXIWAY

TAXIWAY

HANGAR ROAD

HOPE ROAD

THUNDERBOLT DR.

ADMIN.
BLD.

44A 44B 44C

40	41	42	43
36	37	38	39



45

45A 45B 45C 45D

35

47

A B C D E F

33

50

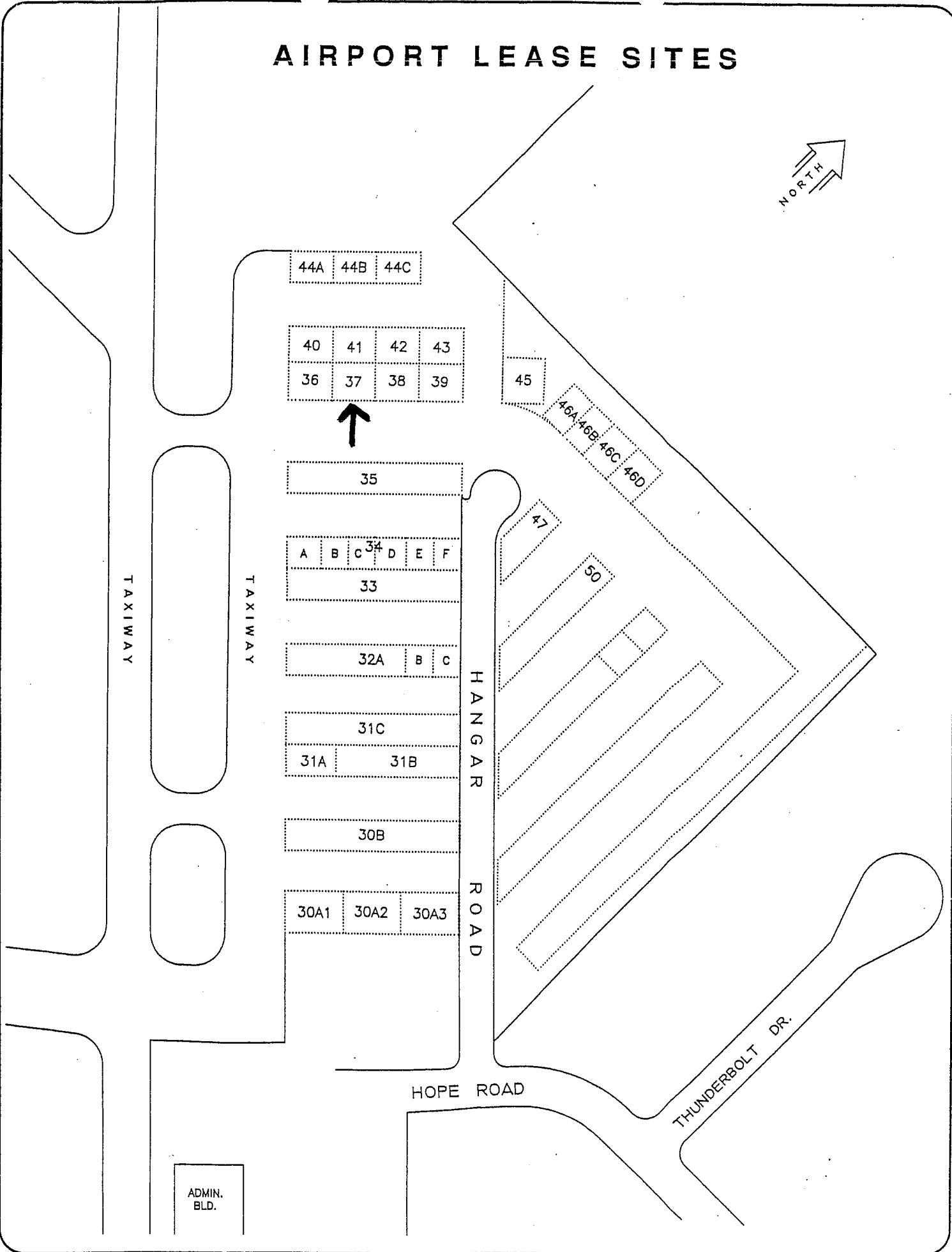
32A B C

31C

31A 31B

30B

30A1 30A2 30A3



**ASSIGNMENT OF LEASE
PORTERVILLE MUNICIPAL AIRPORT**

THIS AGREEMENT, made this 5th day of February, 2013 by and between the Estate of Earnest Freeman and its Executor, Connie E. Hulsey, 32874 Highway 190, Springville, CA 93265, owner of a hangar on Lot 37 at the Porterville Municipal Airport, as the Assignor, and Chris Freeman and Connie Hulsey, 32874 Highway 190, Springville, CA 93265, as the Assignees.

In consideration of the mutual covenants herein contained, each act to be performed hereunder, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Effective February 5, 2013, Assignor hereby assign, transfer and convey to Assignees all of his right, title and interest as Lessee, in, to and under a certain Lease Agreement dated June 1, 2000 (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Earnest Freeman original Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

An airport hangar known as No. 37, and containing a total area of approximately 4,200 square feet, and establishing an original Lease terminating May 31, 2015.

2. Effective February 5, 2013, Assignees hereby accept and assume all of the obligations, responsibilities and liabilities of Assignor under said Lease, and agrees to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignees understand and agree that Landlord makes no warranty or representation that either Assignor or Assignees would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignor and/or Assignees, except as provided in the Lease.

3. Upon execution of this Assignment of Lease and Landlord's consent hereto, the parties' Noticed Address shall be as set forth herein above. The parties further understand there is a \$150 assignment fee, payable to the City of Porterville, and the Assignees must provide proof of aircraft and hangar owner's liability insurance within thirty (30) days of Council approval.

4. Assignor hereby covenants said Lease as valid and existing and hereby warrant that Assignor is not in default as of the date of this Assignment.

5. This Assignment shall be binding upon and shall inure to the benefit of the respective parties, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of Lease as of the date first above written.

ASSIGNOR:
ESTATE OF EARNEST FREEMAN

By: Connie Hulsey, Executor
Connie Hulsey - Executor

ASSIGNEES:
CHRIS FREEMAN & CONNIE HULSEY

By: Chris Freeman

By: Connie Hulsey

**LESSOR'S CONSENT TO ASSIGNMENT OF LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT
AIRPORT HANGAR LOT NO. 37**

The City of Porterville, a municipal corporation of the State of California, being the Landlord under the Lease for Airport Hangar Lot No. 37, described in the foregoing Assignment, hereby consents to the foregoing Assignment of Lease upon the expressed condition, however, that there shall be no further assignment without the prior written consent of the Landlord.

Dated this 5th day of February, 2013.

CITY OF PORTERVILLE

BY:

Virginia R. Gurrola
MAYOR, CITY OF PORTERVILLE

"LESSOR"

ATTEST:

John Lollis, CITY CLERK

APPROVED AS TO FORM:

BY: _____
Julia Lew, City Attorney

12-19-12

To: Susan Hartman
Purchasing Agent/Airport Contracts Admin.

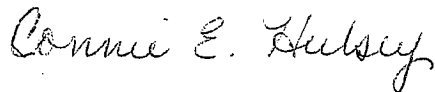
RE: Lot 37 lease/~~Estate~~ of Ernest Freeman

Dear Ms. Hartman:

It has been decided to ~~keep the hanger~~ in the family. Therefore, we would like to change the name from Ernest ~~Freeman~~ to "Chris Freeman and Connie Hulsey". Also, we would like to continue under ~~whatever~~ legacy/grandfather clause afforded under the original lease.

Thank you for you assistance in this matter.

Most respectfully yours,

A handwritten signature in cursive script that reads "Connie E. Hulsey".

Connie E. Hulsey
Executor – Ernest Freeman Estate