NHR
8/07/14
Item No. 15

AN ORDINANCE 2014-08-07-0531

AUTHORIZING ASSIGNMENT AND ASSUMPTION OF A LEASE AGREEMENT FROM SAN ANTONIO AIR CHARTER, INC. TO STINSON JET CENTER, LLC AT STINSON MUNICIPAL AIRPORT.

* * * * * *

WHEREAS, an Original Lease agreement was executed on July 1, 2004 between the City and Check Six Aviation, Inc. pursuant to Ordinance No. 99269 dated June 3, 2004, for lease of 21,222 square feet of hangar space, 689 square feet of building space, 9,337 square feet of parking area, and 99,415 square feet of ground space at Stinson Municipal Airport; and

WHEREAS, on July 7, 2007, Check Six Aviation, Inc. assigned the Original Lease to Sky Safety, Inc. as approved by City Ordinance No. 2007-06-28-0782 dated June 28, 2007, with Sky Safety, Inc. assigning the Original Lease to San Antonio Piper, Inc. as approved by City Ordinance No. 2010-01-21-0053 dated January 21, 2010; and

WHEREAS, San Antonio Piper, Inc. now operates under the name San Antonio Air Charter, Inc., and has requested the City's consent to the assignment to and assumption by Stinson Jet Center, LLC, as assignee, of the rights and obligations under the Original Lease, as amended; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or her designee is hereby authorized to consent to the Assignment and Assumption Agreement as between San Antonio Air Charter, Inc. and Stinson Jet Center, LLC of the lease agreement, a copy of which Assignment and Assumption Agreement is set out in **Exhibit 1.**

SECTION 2. This Ordinance shall take effect immediately upon receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED and APPROVED this 7th day of August, 2014.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Robert F. Greenblum, City Attorney

Agenda Item:	**15 (in consent vote: 6, 7, 8, 9, 12, 13, 15, 16, 17A, 17B, 17C, 17D, 18, 19, 21, 22, 23, 24, 25, 26, 27)**
Date:	08/07/2014
Time:	11:34:24 AM
Vote Type:	Motion to Approve
Description:	An Ordinance consenting to the assignment and assumption of the lease agreement from San Antonio Air Charter, Inc. to Stinson Jet Center, LLC, at the Stinson Municipal Airport. [Ed Belmares, Assistant City Manager; Frank Miller, Director, Aviation]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy Taylor	Mayor		x				
Diego Bernal	District 1		x				
	District 2	x					
Rebecca Viagran	District 3		x				x
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5		x				
Ray Lopez	District 6	x					
	District 7	x					
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

EXHIBIT 1

ASSIGNMENT AND ASSUMPTION AGREEMENT

This Assignment and Assumption Agreement (the "Agreement") is to be effective as of _____ (the "Effective Date") and is entered into between San Antonio Air Charter, Inc., a Texas Corporation formerly known as San Antonio Piper, Inc. (hereinafter called "Assignor"), and Stinson Jet Center, LLC, a Texas Limited Liability Company (hereinafter called "Assignee"), and consented to by the City of San Antonio, a Texas Municipal Corporation, (hereafter called "City") acting by and through its City Manager pursuant to Ordinance Number _____, passed and approved by the San Antonio City Council on _____.

WITNESSETH

WHEREAS, an "Original Lease" agreement was executed on July 1, 2004 between the City and Check Six Aviation, Inc. pursuant to Ordinance No. 99269 dated June 3, 2004;

WHEREAS, on July 7, 2007, Check Six Aviation, Inc. assigned the Original Lease to Sky Safety, Inc. as approved by City Ordinance No. 2007-06-28-0782 dated June 28, 2007;

WHEREAS, Sky Safety, Inc. assigned the Original Lease to San Antonio Piper, Inc. as approved by City Ordinance No. 2010-01-21-0053 dated January 21, 2010;

WHEREAS, San Antonio Piper, Inc. now operates under the name San Antonio Air Charter, Inc.;

WHEREAS, San Antonio Air Charter, Inc. (Assignor) has requested the City's consent to the Assignment of Assignor's rights and obligations under the previous agreement, as amended, to Stinson Jet Center LLC (Assignee); and

WHEREAS, the City is willing to consent to this request of Assignor to assign its rights under the Agreement, as amended, to Assignee;

NOW THEREFORE, in consideration of the terms, covenants and promises, agreements, and demises herein contained, and for other good and valuable consideration, each to the other given, the sufficiency and receipt of which are hereby acknowledged, the parties hereto agree as follows:

1. Assignor hereby conveys, transfers, and assigns and delivers to Assignee, its successors and assigns, all of Assignor's rights, title, and interest in and to the Lease Agreement, effective hereinafter set forth.

2. In consideration therefore, Assignee hereby accepts, assumes, takes over, and succeeds to all of the Assignor's rights, duties, interests, liabilities, and obligations under the Agreement. Assignee agrees to indemnify and hold harmless the City with respect to any and all such duties, liabilities, or obligations.

3. Assignor warrants to Assignee that it is not in material breach of the Lease Agreement and hereby agrees, for itself and its successors and assigns, to indemnify and hold harmless Assignee from any loss, damage, environmental damage, claim,

cost, or expense arising from the failure of Assignor, its successors or assigns, to perform any of the terms, conditions, covenants, and obligations of the Lease Agreement, provided such indemnity shall apply only to failure accruing prior to the Effective Date of this Assignment.

4. The City consents to the Assignment of the rights and obligations of San Antonio Air Charter, Inc., Assignor, to Stinson Jet Center LLC, Assignee, and authorizes the City Manager or her designee to consent to this Assignment and Assumption Agreement.

5. The Effective Date of this Agreement shall be _____.

IN WITNESS WHEREOF, Assignor and Assignee have executed and delivered this Agreement as of the Effective Date.

EXECUTED THIS THE _____ day of _____, 2014.

ASSIGNOR:
San Antonio Air Charter, Inc.

JR Bean
Signature

J.R. Bean, President
Printed Name and Title

ASSIGNEE:
Stinson Jet Center LLC

JR Bean
Signature

J.R. Bean, Manager
Printed Name and Title

CONSENT GRANTED: City of San Antonio

_____
Signature

_____
Printed Name and Title

APPROVED:

_____
Signature

_____
City Attorney

_____
Date Approved