

**TOWN OF ADDISON, TEXAS**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS AUTHORIZING THE CITY MANAGER TO TERMINATE THAT CERTAIN GROUND LEASE EXECUTED ON MARCH 1, 1984 BETWEEN THE TOWN OF ADDISON, TEXAS, ADDISON AIRPORT OF TEXAS, INC. AND COMMORTGAGE, INC., AND BY VIRTUE OF VARIOUS ASSIGNMENTS AND MODIFICATIONS TO SAID GROUND LEASE, THE ESTATE OF JOSE ORTIZ AVILA, SUCCESSOR IN INTEREST TO THE GROUND LEASE, AND AUTHORIZING THE CITY MANAGER TO TAKE ANY ACTION NECESSARY TO OBTAIN CLEAR POSSESSION TO THE PREMISES AND PERSONALTY SUBJECT TO THE GROUND LEASE, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Addison, Texas (“Town”) entered into a Ground Lease with Addison Airport of Texas, Inc. and ComMortgage, Inc. on March 1, 1984 (“Ground Lease”); and

**WHEREAS**, by virtue of various assignments and modifications to the Ground Lease, the tenant under the Ground Lease is the Estate of Jose Ortiz Avila (“Tenant”); and

**WHEREAS**, it has come to the attention of Town Staff that the Tenant is in default under numerous provisions of the Ground Lease; and

**WHEREAS**, a Notice of Default was sent to the Tenant, but Tenant failed to cure said defaults within the prescribed time period; and

**WHEREAS**, the City Council has investigated and determined that it is in the best interests of the Town to authorize the City Manager to terminate the Ground Lease and take any action necessary, in cooperation with the city attorney’s office, to obtain clear possession to the premises and personalty subject to the Ground Lease.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:**

**Section 1.** The City Manager is hereby authorized to terminate that certain Ground Lease executed on March 1, 1984 between the Town of Addison, Texas, Addison Airport of Texas, Inc. and ComMortgage, Inc., and by virtue of various assignments and modifications to said Ground Lease, the Estate of Jose Ortiz Avila, successor in interest to the Ground Lease, in accordance with the terms and conditions of the Ground Lease.

**Section 2.** The City Manager is further authorized, in cooperation with the City Attorney’s office, to take any appropriate action(s) necessary to ensure the Town obtains clear possession to the premises and personalty subject to the Ground Lease.

**Section 3.** This Resolution shall take effect from and after its date of adoption.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 23<sup>rd</sup> day of August, 2016.

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Todd Meier, Mayor

ATTEST:

By: \_\_\_\_\_  
Laura Bell, City Secretary

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Brenda N. McDonald, City Attorney