



City of Grand Island

Tuesday, March 12, 2019

Council Session

Item G-13

#2019-95 - Approving Termination of Parking Lot Lease with Senior Citizens Inc.

Staff Contact: Jerry Janulewicz, City Attorney

Council Agenda Memo

From: Jerry Janulewicz, City Attorney

Meeting: March 12, 2019

Subject: Termination of Parking Lot Lease – Senior Citizens Industries, Inc./Grand Generation, Inc.

Presenter(s): Jerry Janulewicz, City Attorney

Background

In 1993 the City purchased from Thomas J. Dalton and Kristin A. Dalton a parcel of land at the corner of East Third Street and Kimball Avenue. After purchase, the lot was improved with paving, curbing, and lights, and at some later point was leased to the Grand Generation, Inc./Senior Citizens Industries, Inc., which used the lot for transit bus parking. The most recent lease, dated September 2004, was terminable by either party upon 90 days' notice, with rent fixed at \$1.00 per year. Grand Generation, Inc./Senior Citizens Industries, Inc. no longer has a need to lease the parking lot as the public transit operations have relocated to another location. The adjoining property owner has expressed an interest in purchasing the lot from the City.

Discussion

Senior Citizens Industries, Inc./Grand Generation, Inc. executed a termination of the lease. If approved by the City, the lease would terminate effective March 1, 2019.

Conclusion

Administration recommends that Council approve a resolution approving the termination of the lease and authorizing the Mayor to execute the termination of lease on behalf of the City.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Sample Motion

Move to approve the resolution.

TERMINATION OF LEASE

WHEREAS, the City of Grand Island, as Lessor, and Grand Generation, Inc., doing business as Grand Generation Center, Grand Island Senior Citizens, and Grand Island Senior Center, as Lessee, entered into a lease agreement ("Agreement") of the following property, to wit:

Lot One (1) and the easterly 1/3 of Lot Two (2), Block 68, Original Town, now City of Grand Island, Hall County, Nebraska

together with all improvements placed thereon, including the right of ingress and egress thereto and therefrom ("Leased Premises"); and

WHEREAS, the Leased Premises consists of a parking lot and parking lot accessories and appurtenances; and

WHEREAS, Grand Generation, Inc., is an inactive Nebraska non-profit corporation, having an inactive governing body and no members, and at all times pertinent hereto was and is operated and functioned as the alter ego of Senior Citizens Industries, Inc., a Nebraska nonprofit corporation; and

WHEREAS, Senior Citizens Industries, Inc., is the successor in interest to Grand Generation, Inc., having assumed, either explicitly or implicitly, the interests of Grand Generation, Inc., including its interests in and to the Agreement; and

WHEREAS, due to changes regarding public transit services, the Leased Premises are no longer required by Senior Citizens Industries, Inc.; and

WHEREAS, Senior Citizens Industries, Inc., individually and on behalf of Grand Generation, Inc., desires to terminate the Agreement; and

WHEREAS, the City of Grand Island desires to terminate the Agreement.

Now, therefore, the City of Grand Island and Senior Citizens Industries, Inc., individually and on behalf of Grand Generation, Inc., do hereby agree as follows:

1. The parties Agreement concerning the lease of the above-described Leased Premises shall terminate effective March 1, 2019.
2. Upon the effective termination of the lease, each party shall be released from any and all obligations, liabilities, and duties under the terms of the Agreement.

Date: _____

CITY OF GRAND ISLAND

By _____
Roger G. Steele, Mayor

[attest]

RaNae Edwards, City Clerk

Date: 21 Feb 2019

SENIOR CITIZENS INDUSTRIES, INC.
and GRAND GENERATION, INC.

By Karl Hughes
Karl Hughes, President

RESOLUTION 2019-95

WHEREAS, the City of Grand Island is the owner of a hard-surfaced parking lot located at the corner of East Third Street and Kimball Avenue and legally described as follows:

Lot One (1) and the easterly 1/3rd of Lot Two (2), Block Sixty-Eight (68), Original Town, now City of Grand Island, Hall County, Nebraska;

and

WHEREAS, the City leased said parking lot to the Grand Generation Center, Inc.;

and

WHEREAS, the parking lot was used by Senior Citizens Industries, Inc., for parking public transit buses, and the parking lot is no longer needed by the corporation; and

WHEREAS, Senior Citizens Industries, Inc., on its behalf and on behalf of Grand Generation, Inc., executed a termination of the lease and it desires that the City of Grand Island join in termination of the lease.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the termination of lease between the City of Grand Island and the Senior Citizens Industries, Inc., on its behalf and as successor in interest to Grand Generation, Inc., is hereby approved effective March 1, 2019. The Mayor is authorized and directed to execute said termination of lease in the name of and on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, March 12, 2019.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 8, 2019	☐ City Attorney