

**Memorandum No. 09-63**

**TO: Mayor and City Commissioners**  
**FROM: Doug Russell, City Manager** DR  
**RE: Transfer of airport ground lease for private hangar**  
**DATE: March 18, 2009**

We have received a request to transfer a ground lease for a private hangar owned by Robert Balatine by Ione Balatine to Keith and Dianne Toczek. Mr. Balatine is deceased and Mrs. Balatine would like to transfer the lease agreement on her husband's behalf. Until the time of expiration, the terms and conditions of the lease remain in place for the assignee.

The airport board considered this issue and is recommending approval of the lease transfer. If you concur, a new lease with identical terms and conditions will be prepared for Mr. and Mrs. Toczek.

**ASSIGNED LEASE AGREEMENT**

WHEREAS the attached lease agreement was made and entered into on the 12th day of February, 2007 between the City of Yankton, a municipal corporation and Robert Balatine who has since passed away; and

WHEREAS Keith and Dianne Toczek wish to purchase said hanger from the current owner, Robert Balatine; and

WHEREAS said lease agreement of this hangar is assignable by lessee subject to approval of the City of Yankton.

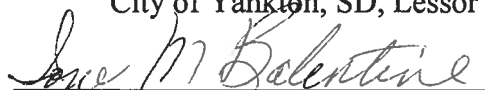
NOW, THEREFORE, I, Robert Balatine, hereby assign the leasehold interests of the lessee including all rights, responsibilities, and obligations of said lease according to the terms therein to Keith & Dianne Toczek; and

NOW, THEREFORE, We, Keith & Dianne Toczek, as assignee, hereby agree to assume all rights, responsibilities, and obligations of said lessee according to the terms of the lease therein.

IN TESTIMONY WHEREOF, all parties have hereunto set their hands the day and year first above written.

By: \_\_\_\_\_

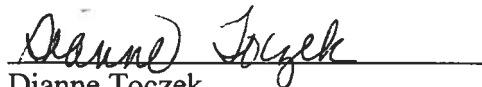
Dan Specht, Mayor  
City of Yankton, SD, Lessor



Robert Balatine by Ione Balatine  
Assignor / Lessee



Keith Toczek  
Assignee / Lessee



Dianne Toczek  
Assignee / Lessee

ATTEST:

\_\_\_\_\_  
Al Viereck  
Finance Officer

## **RESOLUTION #09-17**

### **A RESOLUTION TRANSFERING A HANGAR LEASE AGREEMENT FROM ROBERT BALATINE BY IONE BALATINE TO KEITH TOCZEK AND DIANNE TOCZEK**

WHEREAS, The City of Yankton has been given the authority to approve the airport hangar lease agreement transfer for the airport hangar owned by Robert Balatine; and,

WHEREAS, Keith Toczek and Dianne Toczek wish to purchase the airport hangar from Robert Balatine by Ione Balatine; and,

WHEREAS, Keith Toczek and Dianne Toczek have signed an agreement assuming the responsibilities and obligations of the current lease agreement; and,

WHEREAS, it is in the best interest of the City of Yankton and the operations of Chan Gurney Airport to approve the transfer of the ownership of this airport hangar and to approve the assignment of the lease agreement to Keith Toczek and Dianne Toczek.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that the transfer of the ownership of the airport hangar and the assignment of the lease agreement from Robert Balatine by Ione Balatine to Keith Toczek and Dianne Toczek is hereby approved.

Adopted:

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Dan Specht  
Mayor

ATTEST:

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Al Viereck  
Finance Officer