

RESOLUTION NO. 53-03  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul M. Gresham ON THE  
20<sup>th</sup> DAY OF October, 2003.

A RESOLUTION RATIFYING THE ACTION TAKEN BY  
THE CITY MANAGER TO ENTER INTO AN  
ASSIGNMENT OF LEASE BETWEEN RODNEY  
RICHLEY, II, WENDIE KOCOL, AND THE CITY OF  
CENTERVILLE

WHEREAS, Approximately 1,200 square feet of office space and at least 28 non exclusive parking spaces owned by the City of Centerville located at 104 West Spring Valley Road, have been leased to Rodney R. Richley, II, to be used as an Auto License facility, and

WHEREAS, It has become necessary that the lease for this property be transferred from Rodney R. Richley to Wendie Kocol, and

WHEREAS, An Assignment of Lease has been executed between the City of Centerville, Rodney R. Richley, II, and Wendie Kocol for the use of this property for said purpose for a period ending December 31, 2004.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY  
RESOLVES:

Section 1. That the action taken by the City Manager to execute an Assignment of Lease between the City of Centerville, Rodney R. Richley, II, and Wendie Kocol for the use of property located at 104 West Spring Valley Road, be and is hereby ratified, a copy of said Assignment, which is attached hereto and incorporated herein, marked as Exhibit "A".

Section 2. That this Resolution shall become effective immediately upon passage.

PASSED this 20<sup>th</sup> day of October, 2003.

Sally D. Beak  
Mayor of the City of Centerville, Ohio

ATTEST:

Marilyn J. Saugh  
Clerk of Council, City of Centerville, Ohio

**CERTIFICATE**

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 53-03, passed by the Council of the City of Centerville, Ohio, on the 20<sup>th</sup> day of October, 2003.

Marilyn J. Saugh  
Clerk of Council

Approved as to form, consistency with existing Ordinances, the Charter and Constitutional Provisions.

Department of Law  
Robert N. Farquhar  
Municipal Attorney

RECEIVED

EXHIBIT "A"

SEP 15 2003

**ASSIGNMENT OF LEASE**

CITY OF CENTERVILLE  
CITY MANAGERS OFFICE

This ASSIGNMENT OF LEASE made this 2<sup>nd</sup> day of September, 2003 by and among Rodney R. Richley, II (the "Assignor"), Wendie Kocol (the "Assignee") and the City of Centerville, Ohio, an Ohio municipal corporation (the "Lessor").

**WITNESSETH:**

WHEREAS, on January 3, 2002 Assignor and the Lessor entered into a Lease of approximately 1,200 square feet of office space and at least 28 non exclusive parking spaces located at 104 West Spring Valley Road, Centerville, Ohio 45458 for a period ending on December 31, 2004; and

WHEREAS, Assignor wishes to assign all of his right, title, interest and obligations in and to said Lease to Assignee whose address is 616 Lake Forest Drive, West Carrollton, Ohio 45449; and

WHEREAS, Assignee is ready, willing and able to accept said assignment and to perform all of Assignor's obligations stated in said Lease in return for the receipt of the benefits therein stated; and

WHEREAS, Lessor is willing to consent to said assignment and treat Assignee as the Lessee without, in any way, releasing Assignor of any of his obligations under said Lease.

NOW THEREFORE, in consideration of the foregoing recitations and the benefits to them mutually accruing, the parties agree as follows:

1. Assignor hereby assigns to Assignee and Assignee hereby accepts the assignment all of the Assignor's rights, title, interest and obligations in and to the aforesaid referenced lease.
2. Lessor hereby consents to said assignment on the condition that Assignor shall remain liable as a surety for Assignee's performance, which Assignor hereby accepts.
3. In all other respects the terms of said Lease are hereby ratified in full.

IN WITNESS WHEREOF, the parties hereto have caused their signatures to be affixed to this Assignment of Lease.

WITNESS:

Maggie Ames

Suzette Z. Tuttle

Bry Lewis

Samuel M. Hill

Sandra G. Schwartz

m. l. self

Rodney R. Richley II  
RODNEY R. RICHLEY, II  
ASSIGNOR

Wendie Kocol  
WENDIE KOCOL  
ASSIGNEE

CITY OF CENTERVILLE

By: Gregory B. Horn  
Gregory B. Horn, City Manager

State of Ohio  
Montgomery County, SS:

The foregoing instrument was acknowledged before me this 2nd day of September, 2003 by RODNEY R. RICHLEY, II.

Tammy Blevins  
Notary Public

TAMMY BLEVINS, Notary Public  
In and for the State of Ohio  
My commission expires October 15, 2006

State of Ohio  
Montgomery County, SS:

The foregoing instrument was acknowledged before me this 2nd day of September, 2003 by WENDIE KOCOL.

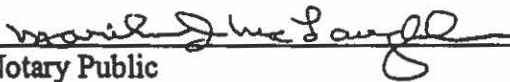
Tammy Blevins  
Notary Public

TAMMY BLEVINS, Notary Public  
In and for the State of Ohio  
My commission expires October 15, 2006

*State of Ohio*

*Montgomery County, SS:*

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of September, 2003 by GREGORY B. HORN, City Manager of the City of Centerville, Ohio, an Ohio municipal corporation on behalf of the corporation.

  
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Notary Public

This Instrument Prepared By:

Robert N. Farquhar  
Attorney at Law  
ALTICK & CORWIN  
1700 One Dayton Centre  
1 South Main Street  
Dayton, Ohio 45402

MARILYN J. McLAUGHLIN, Notary Public  
In and for the State of Ohio  
My Commission Expires September 29, 2004