

REQUEST FOR ACTION

AGENDA: Mayor Council DATE: September 18, 2000

OTHER: DTU MTTA RMUA TAEMA TARE TDA TMAPC

TMUA TPA TPFA Utility Bd Airport Auth Airport Impv Trust Other

FOR INFORMATION CONTACT:

NAME: Michael P. Kier, Director of Finance

ADDRESS: 200 Civic Center, Room 1006

TELEPHONE: 596-7522

SUBJECT: Amendment to Lease Agreement with American Transportation Corp. for Air Force Plant #3

Note: All City Council Agenda items, including appropriate backup materials, must be submitted to the Council Secretary, Office of the City Council, not later than 3:00 pm Thursdays preceding Tuesday committee meetings, and not later than 5:00 pm Mondays preceding Thursday, 6:00 p.m. meetings. **Contract #20043**

SUMMARY:

Attached is Amendment No. 1 to the lease agreement with American Transportation Corporation for Air Force Plant No. 3, for the period of 12:01 a.m. on January 1, 2000 through December 31, 2015.

This amendment was requested by the Lessee to reflect its current corporate structure and name change (from American Transportation Corporation to American Transportation of Oklahoma, LLC; and to add additional premises (39,772.66 sq. ft.) to redefine a certain portion of the west boundary of the leased premises.

BUDGET: FINANCE DIRECTOR APPROVAL:

SENT TO A/P FOR FUND CHECK
SEP 20 2000

REVIEWED BY: SR

REQUEST FOR ACTION: All department items requiring Council approval must be submitted through the Mayor's Office.

Request Mayor sign all four duplicate originals.

RETURN DOCUMENTS TO:

City Clerk's Office to retain one original executed document. The remaining three duplicate originals of document to be returned to Mike Kier, Room 1006.

DEPARTMENT HEAD APPROVAL: *[Signature]* DATE: 09/18/00

ATTORNEY APPROVAL: _____

BOARD APPROVAL: _____

MAYORAL APPROVAL: _____

OTHER: _____

APPROVED BY MAYOR
CITY OF TULSA
SEP 21 2000

FOR CITY COUNCIL OFFICE USE: DATE RECEIVED: _____ APPROVED: _____

FIRST AGENDA DATE: _____ SECOND AGENDA DATE: _____

HEARING: _____ ORDINANCE/RESOLUTION: _____

CONTRACT NO. 20043

STUDENNY & ASSOCIATES

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

INVERNESS PARK • 2504 E. 21ST STREET

TULSA, OKLAHOMA 74114

TELEPHONE: (918) 747-3611

August 23, 2000

TELECOPIER: (918) 747-4513

Mr. Jim East
Office of the Mayor
City of Tulsa
200 Civic Center
Tulsa, OK 74103

Re: Amendment No. 1 to Lease Agreement - City of Tulsa - American
Transportation of Oklahoma, L.L.C. (Am Tran)

Dear Mr. East:

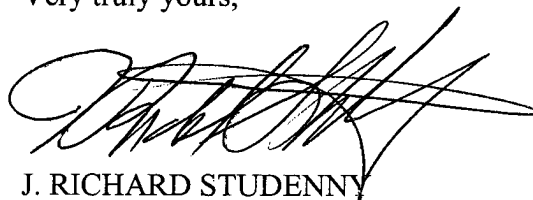
Transmitted herewith are four (4) duplicate originals of Amendment No. 1 to the Lease Agreement by and between the City of Tulsa and American Transportation of Oklahoma, L.L.C. for their facilities located at Air Force Plant No. 3.

The Trustees of the Tulsa Airports Improvement Trust, in their August meeting, have recommended approval of this Amendment No. 1 which acknowledges the assignment of the Agreement from American Transportation Corporation to the current limited liability company and adds an additional 39,772 sq. ft. to the west side of their premises.

A draft of this document had been circulated to interested parties prior to placing it in execution form and transmitting the same to American Transportation of Oklahoma, L.L.C. for execution.

If you have any questions concerning this matter, please do not hesitate to advise. We are forwarding to you for approval and execution by Mayor Savage.

Very truly yours,



J. RICHARD STUDENNY

enclosures

AMENDMENT NO. 1 TO LEASE AGREEMENT

BY AND BETWEEN

THE CITY OF TULSA, OKLAHOMA

AND

AMERICAN TRANSPORTATION OF OKLAHOMA, L.L.C.
(SUCCESSOR TO AMERICAN TRANSPORTATION CORPORATION)

AMENDMENT NO. 1 TO LEASE AGREEMENT

THIS AGREEMENT is entered into by and between the City of Tulsa, a municipal corporation, organized and existing under the laws of the State of Oklahoma ("City") and American Transportation of Oklahoma, L.L.C., a limited liability company duly organized and existing under the laws of the State of Oklahoma and qualified to do business in the State of Oklahoma as successor-in-interest to American Transportation Corporation ("Lessee").

R E C I T A L S:

1. WHEREAS, the City owns certain property formerly known as Air Force Plant No. 3 located contiguous to Tulsa International Airport; and
2. WHEREAS, City and American Transportation Corporation as Lessee entered into a certain Lease Agreement dated January 24, 2000 (the "Agreement"); and
3. WHEREAS, Lessee has requested an amendment to the Agreement to reflect its current corporate structure and change of name and to add additional premises to redefine a certain portion of the west boundary of the Leased Premises; and
4. WHEREAS, the City and Lessee desire to enter into this Amendment No. 1 to the Agreement to effectuate the lease of additional premises and document the assignment of the Agreement from American Transportation Corporation to American Transportation of Oklahoma, L.L.C.

NOW THEREFORE, in consideration of the mutual covenants hereinafter contained to be kept and performed by the parties hereto and the provisions and conditions hereinafter set forth, City and Lessee do hereby agree as follows:

1. Pursuant to the request of Lessee, City hereby acknowledges the assignment of the Agreement from American Transportation Corporation to American Transportation of Oklahoma, L.L.C. pursuant to Section 11.2 of the Agreement.
2. The Leased Premises are hereby enlarged to add an additional Thirty-nine thousand, seven hundred seventy-two and 66/100 (39,772.66) square feet more or less as said area is described and illustrated on Exhibit A (7-1-00) attached hereto and made a part hereof.
3. Scope. Except as modified by this Amendment No. 1, the Agreement shall be and remain in full force and effect.

IN WITNESS WHEREOF, City and Lessee have entered into this Amendment No. 1 to Agreement at Tulsa, Oklahoma this 21st day of September, 2000.



CITY OF TULSA, OKLAHOMA

ATTEST:

BY: M. Susan Savage
Mayor

Richard P. Ford
City Clerk

APPROVED AS TO FORM:

David Justice
City Attorney

AMERICAN TRANSPORTATION OF OKLAHOMA, L.L.C.

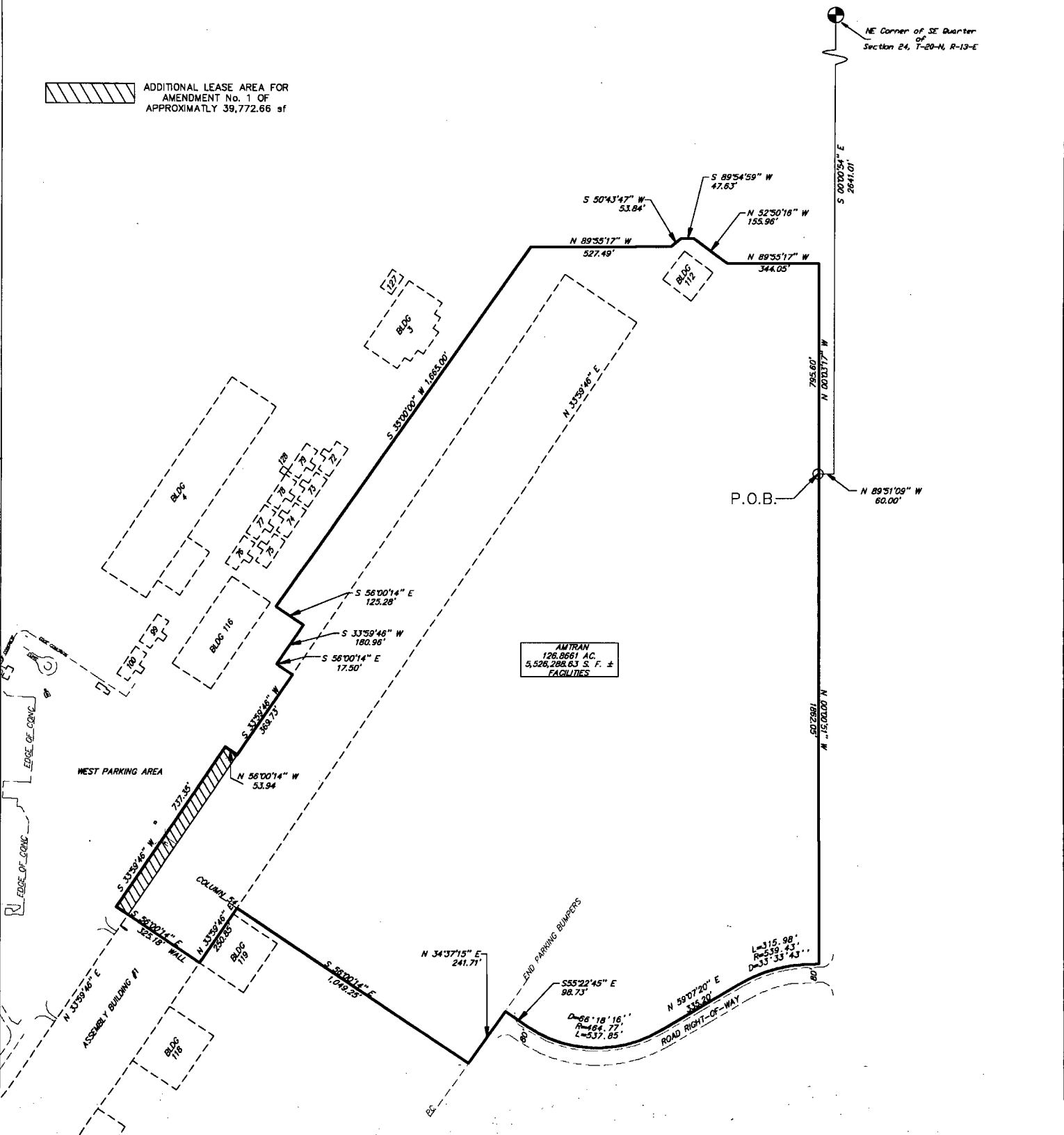
BY: Thomas R. Celletty, Manager
Title: VP/GM Bus VC

TULSA INTERNATIONAL AIRPORT
 AIR FORCE PLANT 3 SITE
 AMTRAN LEASE AMENDMENT No. 1



 ADDITIONAL LEASE AREA FOR
 AMENDMENT No. 1 OF
 APPROXIMATELY 39,772.66 sf

NE Corner of SE Quarter
 of
 Section 24, T-20-N, R-13-E



AMTRAN
 126.8661 AC.
 5,526,288.63 S. F. ±
 FACILITIES

EXHIBIT "A"

(7-1-00)

