

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE ASSIGNMENT AGREEMENT BY AND BETWEEN THE CITY OF CARROLLTON, TEXAS, THE LAKE HIGHLANDS GIRLS CLASSIC LEAGUE, A NON-PROFIT CORPORATION (“CLASSIC LEAGUE”), AND DESTINY BASEBALL, LIMITED LIABILITY COMPANY (“DESTINY”); AUTHORIZING THE ASSIGNMENT OF A LEASE ENTERED INTO BETWEEN THE CITY AND DESTINY OF APPROXIMATELY 30 ACRES OF LAND ADJACENT TO MCINNISH PARK FOR A 30 YEAR TERM.; AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE ASSIGNMENT AGREEMENT AND TO TAKE THE ACTIONS NECESSARY TO EFFECTUATE THE INTENT AND PURPOSES OF THIS RESOLUTION BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton, Texas (“City”) awarded a bid to Destiny Baseball, LLC, for the use of approximately 30 acres of an old landfill site located adjacent to McInnish Park and South of Sandy Lake Road (“Property”) as a multi-use baseball complex, and entered a Lease in December, 2018 providing for an annual lease amount of \$10,000 with a 30-year term (“Lease”); and

WHEREAS, Destiny Baseball, LLC no longer desires to construct on the Property due to an updated business model and the City desires there to be recreational activity built on this site; and

WHEREAS, Classic League desires a space for fields and recreational amenities in a dynamic community; and

WHEREAS, Destiny and the Classic League desire to enter into an Assignment agreement with approval by the City in order to provide recreational amenities to its residents and to stimulate business and commercial activity in the City; and

WHEREAS, the Lease did not allow for novation of the Lease agreement and the assignment of the agreement will not release Destiny from its performance or obligations contained in the Lease; and

WHEREAS, upon consideration of the Destiny and Classic League proposed assignment of the Lease, and all matters attendant and related thereto, the City Council is of the opinion that the assignment of the Lease should be approved, and that the City Manager shall be authorized to execute an agreement and take all action necessary to effectuate the intent and purposes of this resolution on behalf of the City of Carrollton.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

SECTION 1

The above and foregoing premises are true and correct and are incorporated herein and made part hereof for all purposes.

SECTION 2

The City Council determines assignment of the lease to be acceptable and in the best interests of the City and its citizens, are hereby in all things approved.

SECTION 3

The City Manager is hereby authorized to execute a lease agreement and take all other action necessary to effectuate the intent and purposes of this resolution on behalf of the City of Carrollton.

SECTION 4

This resolution shall take effect upon passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 7th day of July, 2020.

CITY OF CARROLLTON, TEXAS

Kevin W. Falconer, Mayor

ATTEST:

Laurie Wilson, City Secretary

APPROVED AS TO FORM:

Susan Keller, Assistant City Attorney

APPROVED AS TO CONTENT:

Scott Whitaker, Director
Parks and Recreation