



City of Boise

Resolution

Resolution

Department of Aviation
150 N Capitol Blvd
Boise, ID 83702
(208) 972-8531

TO: Mayor and Council
FROM: Amy Snyder, Department of Aviation
NUMBER: RES-446-19
DATE: September 10, 2019
SUBJECT: Kopper Kitchen Lease Assignment

BACKGROUND:

Kopper Kitchen, Inc. is the tenant at 2661 West Airport Way under a lease agreement which was assumed by the City when the airport acquired the leasehold improvements from F & C Corporation in June of 2017. The lease term runs through December 31, 2024, with a five-year renewal option (through December 31, 2034).

The owners of Kopper Kitchen are selling their business to Brian Freeze Ice Cream Company, LLC dba Kopper Kitchen and wish to assign the lease agreement.

FINANCIAL IMPACT:

None

ATTACHMENTS:

- KK lease assignment Final Executed Document (PDF)
- Amended and Restated Lease and Sublease Kopper Kitchen 2015 03 09 G TVV (PDF)
- Assignment from F & C Kopper Kitchen excerpt (PDF)
- Boise City Resolution RES-162-17 (PDF)

CITY OF BOISE

Resolution NO. RES-446-19

BY THE COUNCIL

CLEGG, LUDWIG, MCLEAN, SANCHEZ,
THOMSON AND WOODINGS

A RESOLUTION CONSENTING TO THE ASSIGNMENT OF AN AMENDED AND RESTATED LEASE AND SUBLEASE AGREEMENT THROUGH AN ASSIGNMENT AND NOVATION AGREEMENT BETWEEN KOPPER KITCHEN, INC. AND BRIAN FREEZE ICE CREAM COMPANY, LLC DBA KOPPER KITCHEN; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONSENT TO ASSIGNMENT AND NOVATION AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That Boise City consents to the assignment of a lease through an Assignment and Novation Agreement by and between Kopper Kitchen, Inc. and Brian Freeze Ice Cream Company dba Kopper Kitchen, a copy of which is attached hereto marked Exhibit "A" and made a part hereof by attachment, be, and the same hereby is, approved both as to form and content.

Section 2. That the Mayor and City Clerk hereby execute the Consent to Assignment and Assumption of Ground Lease for and on behalf of the city of Boise City.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED by the Council of Boise City, Idaho, on September 17, 2019.

APPROVED by the Mayor of the Boise City, Idaho, on September 17, 2019.

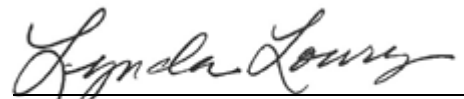
APPROVED:



David H. Bieter, Mayor



ATTEST:



Lynda Lowry, Ex-Officio City Clerk