

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN,
OKLAHOMA, ASSIGNING CONTRACT K-8990-32 WITH HASKELL
LEMON CONSTRUCTION COMPANY TO HASKELL LEMON
GROUP, L.L.C., AND ASSIGNING ALL RIGHTS AND DUTIES AS
“LESSEE” UNDER THE CONTRACT TO HASKELL LEMON GROUP,
L.L.C.

- § 1. WHEREAS, Contract No. K-8990-32 is a Land Lease, originally dated December 1, 1989 and entered into between the City of Norman and Norman Asphalt Company, Inc. for a term of twenty-six years (“Lease”). The Lease was thereafter subject to four addendums.
- § 2. WHEREAS, Addendum 1, effective June 13, 2000, added a second twenty-six year term to the Lease, extending its life through the year 2041;
- § 3. WHEREAS, Addendum No. 2, effective April 10, 2001, set forth a Memorandum of Lease Agreement which did not purport to modify any of the existing Lease Terms;
- § 4. WHEREAS, Addendum No. 3, effective May 8, 2001, which amended the legal description of the leased premises, increasing the area to a total of 88.735 acres MOL. Thereafter, on April 7, 2004, the City of Norman consented to the assignment of this contract from Norman Asphalt Company to Oklahoma Construction Materials, L.L.C.
- § 5. WHEREAS, effective December 13, 2005, Addendum No. 4 to the Lease effectuated the assignment of the Lease to Haskell Lemon Construction Co., the current Lessee, and implemented an update to the notice provisions of the Lease;
- § 6. WHEREAS, the Lease provides for the operation of an asphalt manufacturing plant and sand mining or related purposes;
- § 7. WHEREAS, on December 31, 2021, Haskell Lemon Group, LLC (“HL LLC”) purchased certain assets of Haskell Lemon Construction Co., including but not limited to the Lease, Contract No. K-8890-32 (subject to all associated amendments, assumptions and addendums);
- § 8. WHEREAS, Haskell Lemon Construction Co. must obtain the City of Norman’s permission for an assignment of The Lease to HL LLC, which consent may not be unreasonably withheld by the City; and
- § 9. WHEREAS, HL LLC has represented to the City that it will be managed and operated by the same personnel that have managed and operated Haskell Lemon Construction Co.
- § 10. WHEREAS, no amendments to the terms of the Lease are sought, or will be effectuated by reason of this requested assignment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AS FOLLOWS:

- § 11. A substitution of Haskell Lemon Group, LLC for Haskell Lemon Construction Co., as Lessee to the Lease, under these circumstances is consistent with the underlying purposes of the Lease.
- § 12. Written approval is hereby given for the substitution of Haskell Lemon Group, LLC for Haskell Lemon Construction Co. as “Lessee” in the Lease.

PASSED AND ADOPTED this _____ day of _____, 2022.

Mayor

ATTEST:

City Clerk