

Warren County Board of Supervisors

RESOLUTION NO. 306 OF 2011

Resolution introduced by Supervisors Belden, Bentley, Merlino, Champagne, Monroe, McCoy, Conover, Wood and Taylor

AUTHORIZING AIRPORT REAL PROPERTY LEASE AGREEMENT WITH B&C PROPERTY VENTURES, LLC

WHEREAS, a proposed lease agreement with B&C Property Ventures, LLC is proposed to provide, among other things, for:

1. the payment of annual rent at Fifty-Four Cents (\$.54) per square foot of real property leased [approximately Eight Thousand Three Hundred Sixty-Four Dollars and Sixty Cents (\$8,364.60) per year for the Hangar;
2. the term of the lease to commence upon the execution by both parties of the lease agreement and continue for thirty (30) years with the tenant to have an option to extend said lease agreement for an additional ten (10) years at a rental rate to be negotiated prior to the commencement of the renewal term;
3. the County to have the first option to purchase tenant's interest in the lease should the tenant desire to sell the lease interests and improvement thereon during the lease term;
4. at the end of the lease the County to have the right, at its option, to purchase the building for one dollar (\$1) or have the tenant remove the same if not purchased by the County at the end of the lease term, and

WHEREAS, the proposed lease with B&C Property Ventures, LLC shall also contain a number of other terms and provisions, including description of lease premises, use and operation of the premises, "as is" condition of premises, taxes, utilities and other costs, tenant indemnity provisions, tenant insurance requirements, repair and maintenance of the premises, special provisions relating to new construction, damage or destruction of the premises, quiet enjoyment and reservations by the County, compliance with

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Airport rules, tenant's ability to use Airport facilities, suspension and abatement, surrender of possession, inspection of the lease premises by County, tenant liens and encumbrances, assignment and sublease rights, compliance with government law requirements and/or permits, special tenant termination provision, and tenant defaults, and

WHEREAS, the Board of Supervisors adopted Resolution No. 243 of 2011 on April 15, 2011, authorizing a public hearing to be held by the Board of Supervisors on the 20th day of May, 2011, at the Supervisors' Room in the Warren County Municipal Center on the matter of the proposed lease, and notice of such public hearing was duly published as required by law, and said public hearing was held on this date and all persons appearing at said public hearing desiring to be heard, having been heard, and,

WHEREAS, a partially completed Environmental Assessment Form (EAF) concerning the hangar was previously presented, and

WHEREAS, proposed responses to Part II of the EAF has been presented to the Board of Supervisors, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby approves of the proposed responses to Part II of the Environmental Assessment Form, and hereby determines that there would be no significant environmental impacts with regard to the Lease Agreement and construction of the hangar, and therefore approves a negative declaration as far as environmental impacts are concerned for this hangar, and therefore authorizes the Chairman of the Board of Supervisors to execute the statement indicating that there will not be any significant impacts in Part III of the Environmental Assessment Form, and be it further

RESOLVED, that the Warren County Board of Supervisors hereby determines that it would be appropriate to enter into an Airport Real Property Lease Agreement with B&C Property Ventures, LLC, upon the terms and conditions as described in the preambles of this resolution, a copy of said lease being presented at this meeting, all of which shall be in a form approved by the County Attorney, and be it further

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RESOLVED, that the officers of Warren County are hereby authorized and directed to execute and deliver such other documents and to take such other action that may be necessary or appropriate in order to effectuate the execution of the documents described above and consummation of the transactions described in the foregoing recitals, including, without limitation, the furnishing of such certificates, agreements and other documents that may be required by the Federal Aviation Administration.