

Warren County Board of Supervisors

RESOLUTION NO. 389 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS DIAMOND, BEATY, LEGGETT, LOEB, GERAGHTY, STROUGH, SIMPSON, FRASIER, WILD, MCDEVITT AND SOKOL

**AUTHORIZING AIRPORT REAL PROPERTY LEASE AGREEMENTS
WITH SCHERMERHORN AVIATION, LLC FOR HANGER NO. 7 AND HANGAR NO. 8 AT
THE FLOYD BENNETT MEMORIAL AIRPORT, WARREN COUNTY, NEW YORK**

WHEREAS, ground lease agreements for construction of Hangar #7 and Hangar #8 at the Floyd Bennett Memorial Airport with Schermerhorn Aviation, LLC are proposed to provide, among other things, for:

1. Ground lease space of sixteen thousand eight hundred (16,800) square feet for Hangar #7 and sixteen thousand eight hundred (16,800) square feet for Hangar #8. The payment of annual rent at Twenty-Nine Cents (\$.29) per square foot of real property leased approximately Four Thousand Eight Hundred Seventy-Two Dollars (\$4,872) per year for Hangar #7 and Four Thousand Eight Hundred Seventy-Two Dollars (\$4,872) per year for Hangar #8, with subsequent annual rental to be based on the previous year's rental as increased by the percentage change in Consumer Price Index ("C.P.I.") of the previous calendar year and with the percentage of increase of such annual rent not to exceed five percent (5%) in any one (1) year and the percentage of increase not to exceed twenty-five percent (25%) in any five (5) year period; in the event of deflation of C.P.I., no adjustment will be made, and
2. the term of the lease agreement is to commence upon execution of the lease agreement by both parties and continue for forty (40) years pursuant to General Municipal Law §352; and
3. at the end of the lease agreement the County to have the right, at its option, to purchase the buildings for One Dollar (\$1) or have the tenant remove the same if not purchased

RESOLUTION NO. 389 OF 2018

PAGE 2 OF 2

by the County at the end of the lease term, and

WHEREAS, the proposed lease with Schermerhorn Aviation, LLC shall also contain a number of other terms and provisions, and

WHEREAS, the Board of Supervisors adopted Resolution No. 309 of 2018 on August 17, 2018, authorizing a public hearing to be held by the Board of Supervisors on the 21st day of September, 2018, at the Supervisors' Room in the Warren County Municipal Center on the matter of the proposed leases, 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, an Environmental Assessment concerning the ground leases for Hangar #7 and Hangar #8 has been prepared and a Finding of No Significant Impact was determined, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby approves the proposed construction and ground lease agreements with Schermerhorn Aviation, LLC as outlined on the attached Schedule "A" - Map of Premises, and be it further

RESOLVED, that the Warren County Board of Supervisors hereby determines that it would be appropriate to enter into Airport Real Property Lease Agreements with Schermerhorn Aviation, LLC, and authorizes the Chairman of the Board of Supervisors to execute said lease agreements upon the terms and conditions as described in the preambles of this resolution, in a form approved by the County Attorney, and be it further

RESOLVED, that the officers of Warren County are hereby authorized to make such minor non-substantive modifications as may be necessary to the lease agreements and are 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.