



Date of Council Meeting: November 13, 2012

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Lease renewal at Leesburg Executive Airport for the Leesburg Hangar Condominium Association, Inc.

Staff Contact: Jeanette Irby, Town Attorney
Barbara Notar, Deputy Town Attorney
Kaj Dentler, Deputy Town Manager/Airport Director
Scott Coffman, Airport Manager

Recommendation: Town staff recommends a ten (10) year lease renewal as allowed under the existing agreement.

Issue: Should Town Council approve a lease renewal with the Leesburg Hangar Condominium Association at the Leesburg Executive Airport?

Fiscal Impact: None.

Background: In October 1982, the Town entered into an agreement with Janelle Aviation, predecessor-in-interest to the Leesburg Hangar Condominium Association, Inc. This agreement permitted the private construction, operation, and maintenance of fifty (50) hangars. The respective agreement included an initial thirty (30) year lease period with a ten (10) year renewal option.

Under Article II, Section 2 of the respective "Lease and Operating Agreement" the Town has been officially requested by the Condo Association to renew the Lease for a ten (10) year period as allowed under the agreement. The renewal is predicated upon the finding that the tenant has not failed to perform any covenant of the lease or has not failed to cure past the applicable time for cure after notification of non-performance of such covenant.

As a result, Town staff has completed its due diligence, and finds the Condo Association to be in compliance with the existing agreement.

PRESENTED: November 13, 2012

RESOLUTION NO. _____

ADOPTED: _____

A RESOLUTION: LEASE RENEWAL FOR THE LEESBURG HANGAR CONDOMINIUM ASSOCIATION, INC.

WHEREAS, the Town of Leesburg entered into an agreement October 1, 1982 with Janelle Aviation predecessor-in-interest to the Leesburg Hangar Condominium Association that permitted the private construction, operation, and maintenance of fifty (50) hangars at the Leesburg Executive Airport; and

WHEREAS, the original agreement is for a thirty (30) year period and includes a ten (10) year renewal option; and

WHEREAS, under Article II, Section 2 of the Lease and Operating Agreement, the Town has been officially requested by the Leesburg Hangar Condominium Association to renew the lease for a ten (10) year period as allowed under the agreement; and

WHEREAS, the renewal is predicated upon the finding that the tenant has not failed to perform any covenant of the lease; and

WHEREAS, Town staff has completed its due diligence, and finds the Leesburg Hangar Condominium Association to be in compliance with the existing agreement.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia as follows:

The Town Manager is authorized to execute a ten (10) year lease renewal for the Leesburg Hangar Condominium Association in a form acceptable to the Town Attorney.

PASSED this _____ day of November, 2012.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council