



Contra  
Costa  
County

To: Board of Supervisors  
From: Keith Freitas, Airports Director  
Date: July 21, 2015

Subject: APPROVE and AUTHORIZE Fifth Amendment to Lease for Byron Aviation Services, Limited for leased property located at Byron Airport, Byron

### **RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Director of Airports, or his designee, to execute, on behalf of the County, a lease amendment that modifies the rent, percentage rent, and additional payment provisions of a 1995 lease between the County, as lessor, and Byron Aviation Services, Limited, as tenant, for property located at the Byron Airport.

### **FISCAL IMPACT:**

There is no negative impact on the General Fund. The Airport Enterprise Fund will continue to receive lease and other revenues provided for in the Lease. The County General Fund will continue to receive property, sales and possessory interest tax revenues from the Lease.

### **BACKGROUND:**

Under a ground lease dated August 8, 1995 (Lease), the tenant leases 1.4 acres of land on the south side of Byron Airport for the purpose of providing aircraft storage hangars. The existing lease has certain terms that are inconsistent with the terms of other airport leases. For example, the Byron Aviation Services lease contains a percentage rent obligation and a rent increase provision that is tied to the County hangar tenants, rather than the Consumer

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **07/21/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

#### **VOTE OF SUPERVISORS**

AYE: John Gioia, District I  
Supervisor  
Candace Andersen, District II  
Supervisor  
Mary N. Piepho, District III  
Supervisor  
Karen Mitchoff, District IV  
Supervisor

ABSENT: Federal D. Glover, District V  
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: July 21, 2015

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Beth Lee, (925)  
681-4200

cc:

Price Index.

BACKGROUND: (CONT'D)

In addition, its “additional payment” provisions are not standard. This lease amendment will increase the monthly ground rent, provide for annual Consumer Price Index adjustments, remove the percentage rent obligation, and include additional payment provisions to make the terms and conditions of this lease consistent with those of other aircraft storage hangar leases that are in effect at the Buchanan Field and Byron Airports.

CONSEQUENCE OF NEGATIVE ACTION:

Byron Aviation Services, Limited will continue to pay the County lower monthly rent and higher percentage rent than other Airport aircraft storage hangar tenants.

CHILDREN'S IMPACT STATEMENT:

Not Applicable

ATTACHMENTS

Fifth Amendment to Lease-Byron Aviation Services