



Contra
Costa
County

To: Board of Supervisors
From: Keith Freitas, Airports Director
Date: February 13, 2018

Subject: APPROVE AND AUTHORIZE TERMINATION OF LEASE AGREEMENT AND LICENSE
AGREEMENT WITH AEROSPORTS, INC. dba BAY AREA SKYDIVING

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Director of Airports to terminate a lease Agreement and a license agreement that are in effect between the County and Aerosports, Inc. dba Bay Area Skydiving, for the use of two locations at Byron Airport. AUTHORIZE County Counsel to pursue legal action to regain possession of both premises. Byron Area.

FISCAL IMPACT:

There is no negative impact on the General Fund. The Airport Enterprise Fund will cover the cost of any legal action.

BACKGROUND:

There are two agreements in effect between the County and Aerosports, Inc., dba Bay Area Skydiving (Aerosports). One is a lease dated November 4, 2008, under which Aerosports occupies approximately 0.86 acres of land and an approximately 5,000 square foot hangar located at 6901 Falcon Way, Byron^[1]. Aerosports uses the leased premises to store aircraft

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/13/2018** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
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: February 13, 2018

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

By: Stacey M. Boyd, Deputy

Contact: Beth Lee, (925)
681-4200

cc:

and to operate a skydiving operation. The other is a license dated July 1, 2013, under which Aerosports is permitted to use a portion of an approximately 7,500 square foot hangar located at 505 Eagle Court in Byron for aircraft maintenance and storage.

Aerosports is currently in default of both the lease and the license for non-payment of rent. Airport staff has been working with the tenant for many months to bring the account current. Despite those efforts, Aerosports remains behind in making rent and concession payments.

Airport staff is requesting authority to terminate the lease and the license and to pursue legal action against Aerosports to regain possession of both premises. These actions are consistent with adopted Airport policies. In addition, by recovering possession of the properties, the Airport will be able to make both premises available to other interested tenants.

BACKGROUND: (CONT'D)

[\[1\]](#) The lease incorrectly indicates the address of the hangar is 3000 Armstrong Road, Byron.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to terminate the agreements and regain possession of the properties could have a negative impact on the Airport Enterprise Fund.