



Contra
Costa
County

To: Board of Supervisors
From: Keith Freitas, Airports Director
Date: July 23, 2019

Subject: AUTHORIZE LEGAL ACTION TO REGAIN POSSESSION OF UNIT 5 LOCATED AT 288
BUCHANAN FIELD ROAD, CONCORD

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Director of Airports, or designee, to terminate the sublease of the real property known as Unit 5 at 288 Buchanan Field Road, Concord, between the County's master tenant, the Connie J. Lekas-Lecatsas Declaration of Trust, and the subtenant, which has been identified by the master tenant as Patrick O'Keefe, d/b/a Golden Gate Petroleum, if the subtenant does not vacate the premises on or before July 6, 2019, the expiration date of the master lease. AUTHORIZE County Counsel to initiate legal action to regain possession of the real property.

FISCAL IMPACT:

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

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **07/23/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: Diane Burgis, District III
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

ABSENT: John Gioia, District I
Supervisor
Candace Andersen, District II
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 23, 2019

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

By: Stacey M. Boyd, Deputy

Contact: Beth Lee (925) 681-4200

cc:

BACKGROUND:

The County entered into a master lease dated July 7, 1964 (Master Lease), under which the County leased the real property located at 280 - 288 Buchanan Field Road in Concord to a tenant for development. The real property consists of approximately 1.4 acres on the west side of Buchanan Field Airport. In accordance with the terms of the Master Lease, the tenant constructed two buildings on the site for light industrial use. The buildings are configured for use as warehouses and offices. Currently, there are thirteen separate units in the two buildings. The Master Lease terminates on July 6, 2019. Upon termination of the Master Lease, the County will be the owner of the improvements on the real property and the landlord to the current subtenants.

To make the transition to County management easier for the existing subtenants, Airports staff contacted all the subtenants to see if they were interested in continuing to rent their existing unit on a month-to-month basis from the County. Airports staff has received responses from all but one of the existing subtenants, the occupant of Unit 5 at 288 Buchanan Field Road ("Premises"). The current tenant under the Master Lease has informed Airport staff that the Premises is occupied by Patrick O'Keefe, d/b/a Golden Gate Petroleum, but has not provided the County with a copy of the sublease agreement identifying the current subtenant.

Airport staff invited all of the subtenants to meet on May 30, 2019, to do a walk-through of the property in preparation of the impending expiration of the Master Lease. The subtenant of the Premises did not attend the walk-through. On the same day, Airport staff learned that the subtenant of the Premises was in default of his sublease by virtue of being three months behind in paying rent. We understand the account has since been brought current, following service of a 3-day notice.

Airports staff is requesting authority to initiate legal action to regain possession of the Premises if the subtenant of the Premises does not vacate the Premises by the time the Master Lease expires. Such action is consistent with adopted Airport policies. In addition, by recovering possession of the Premises, the Airport will be able to make the space available to other interested parties.

CONSEQUENCE OF NEGATIVE ACTION:

If the Airport fails to regain possession of the Premises, a private party may continue to use County property without an agreement with the County and without providing compensation to the County. A delay in action will negatively impact the Airport Enterprise Fund.