



Contra
Costa
County

To: Board of Supervisors
From: Keith Freitas, Airports Director
Date: September 21, 2021

Subject: APPROVE AND AUTHORIZE TERMINATION OF LEASE AGREEMENT WITH EXCELSIOR J D CO., dba JAVA DETOUR

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Director of Airports to terminate the lease with Excelsior J D Co, LLC, dba Java Detour, for property located at 2301 Meridian Park Boulevard at the Buchanan Field Airport. AUTHORIZE County Counsel to pursue legal action to regain possession of the property.

FISCAL IMPACT:

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

BACKGROUND:

On October 1, 2010, the County entered into a lease with Excelsior J D Co. LLC, dba Java Detour (Tenant) for use of the property located at 2301 Meridian Park Boulevard at the Buchanan Field Airport (Lease). The Tenant is currently in default under their lease as they are over five (5) months behind on their ground rent (\$21,531 as of September 1, 2021) and they closed the building for its intended business purpose around July 26, 2021.

Contra Costa County Airports (Airport) staff have been working with the Tenant since

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **09/21/2021** ☒ 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: September 21, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Keith Freitas (925)
681-4200

cc:

March to address the outstanding rent and since July 2021 to address what appears

BACKGROUND: (CONT'D)

to be the abandonment of the Premises. Unfortunately, despite all efforts, the Tenant continues to remain in default of its Lease.

The Tenant has been given time to cure the defaults. They, however, have been unsuccessful in curing the defaults.

Airport staff is requesting authority to terminate the Lease and to pursue legal action against Tenant through County Counsel to regain possession of the property. Such actions are consistent with adopted Airport policies. In addition, by recovering possession of the Premises, the Airport will be able to make the property available to another interested business.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to terminate the Lease and pursue legal action against Tenant would result in the Airport being unable to enforce adopted Airport policies and procedures.