



# Broward County

## Legislation Details (With Text)

**File #:** 21-938      **Version:** 1

**Status:** Agenda Ready

**In control:** AVIATION DEPARTMENT

**On agenda:** 6/15/2021      **Final action:** 6/15/2021

**Title:** A. MOTION TO WAIVE Section 39.3 Non-Terminal Rates and Charges - Fort Lauderdale-Hollywood International Airport and North Perry Airport, Broward County Administrative Code to extend the term of the Agreement of Lease between Broward and LaDim Aviation, LLC, for a period of six months, providing for a lease term of 31 years.

ACTION: (T-11:41 AM) Approved.

VOTE: 9-0.

B. MOTION TO APPROVE Second Amendment to the Agreement of Lease between Broward County and LaDim Aviation, LLC, for property located at North Perry Airport by extending the due diligence period, construction completion date, and the term of the agreement for an additional six months and delaying the on-set of rent for a period of six months; and authorize the Mayor and Clerk to execute.

ACTION: (T-11:41 AM) Approved.

VOTE: 9-0.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - LaDim Second Amendment

Date	Ver.	Action By	Action	Result
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### Broward County Commission Regular Meeting

**Director's Name:** Mark Gale

**Department:** Aviation

**Division:** North Perry Airport

### Information

#### Requested Action

A. MOTION TO WAIVE Section 39.3 Non-Terminal Rates and Charges - Fort Lauderdale-Hollywood International Airport and North Perry Airport, Broward County Administrative Code to extend the term of the Agreement of Lease between Broward and LaDim Aviation, LLC, for a period of six months, providing for a lease term of 31 years.

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and LaDim Aviation, LLC, for property located at North Perry Airport by extending the due diligence period, construction completion date, and the term of the agreement for an additional six months and delaying the on-set of rent for a period of six months; and authorize the Mayor and Clerk to execute.

**ACTION: (T-11:41 AM) Approved.**

**VOTE: 9-0.**

### **Why Action is Necessary**

Motion A and B: Chapter 2, Section 2-40(a) of the Broward County Code of Ordinances, requires the Broward County Board of County Commissioners (“Board”) authorize any commercial activities or occupancy of any portion of Broward County’s Fort Lauderdale-Hollywood International Airport (“FLL”) and North Perry Airport (“HWO”).

### **What Action Accomplishes**

Motion A: This action waives Section 39.3 of the Broward County Administrative Code (“Administrative Code”) to permit an additional six month extension to the existing Agreement of Lease (“Agreement”) between Broward County (“County”) and LaDim Aviation, LLC (“LaDim”) for a total lease term of 31 years with a lease termination date of December 31, 2050.

Motion B: This action amends the Agreement between the County and LaDim by extending the due diligence period to December 31, 2021, extending the construction completion date until December 31, 2022, extending the term of the Agreement until December 31, 2050, and delaying the on-set of rent until January 1, 2022.

### **Is this Action Goal Related**

No

### **Previous Action Taken**

None.

### **Summary Explanation/Background**

THE AVIATION DEPARTMENT RECOMMENDS APPROVAL OF THE ABOVE MOTIONS.

On December 3, 2019 (Item No. 3) the Board approved the Agreement between the County and LaDim for a lease term of 30 years. Section 39.3 of the Administrative Code provides that lease terms are to be limited to 30 years.

On January 26, 2021 (Item No. 2) the Board approved the First Amendment to the Agreement to extend the due diligence period and certain other Agreement milestones for a period of six months.

#### **Motion A**

This action waives Section 39.3 of the Administrative Code to permit an additional six month extension to the Agreement between the County and LaDim for a total lease term of 31 years with a lease termination date of December 31, 2050.

#### **Motion B**

This action amends the Agreement between the County and LaDim by extending the due diligence

period to December 31, 2021, extending the construction completion date to December 31, 2022, extending the term of the Agreement until December 31, 2050, and delaying the on-set of rent until January 1, 2022.

LaDim is currently leasing approximately 5.7 acres of property at HWO to construct and operate a minimum of 40,000 square feet of aircraft storage facilities and 24 aircraft tie-down parking spaces. The total minimum capital investment required in the Agreement is \$3,000,000. The leased property is located in an area requiring the Federal Aviation Administration's ("FAA") evaluation and approval of the departure slope for Runway 28R. The FAA approval was not granted until May 13, 2021, resulting in LaDim's inability to obtain the City of Pembroke Pines permitting and fully evaluate the suitability of the property for its intended development and timely complete its due diligence and pre-construction tasks during the Due Diligence Period.

The proposed Second Amendment allows LaDim to continue its due diligence activities for an additional six months period. Rent will become payable on January 1, 2022, and the term of the Agreement will be extended until December 31, 2050.

The proposed Second Amendment has been reviewed and approved as to form by the Office of the County Attorney.

#### **Source of Additional Information**

Mark E. Gale, A. A. E., CEO/Director of Aviation, (954) 359-6199.

#### **Fiscal Impact**

##### **Fiscal Impact/Cost Summary**

Beginning on January 1, 2022, LaDim will pay the County \$54,615 annually in rent, plus applicable taxes. Rent is subject to an annual adjustment based upon the greater of 3% or Consumer Price Index.