



Broward County

Legislation Details (With Text)

File #: 21-1360 **Version:** 1

Status: Agenda Ready

In control: AVIATION DEPARTMENT

On agenda: 9/21/2021 **Final action:** 9/21/2021

Title: MOTION TO APPROVE Second Amendment to the Agreement of Lease between Broward County and North Perry Aviation, Inc., by revising the date for the completion of specified improvements and expenditure of the Minimum Capital Expenditure from August 31, 2021 to August 31, 2023; and authorize the Mayor and Clerk to execute.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - 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

MOTION TO APPROVE Second Amendment to the Agreement of Lease between Broward County and North Perry Aviation, Inc., by revising the date for the completion of specified improvements and expenditure of the Minimum Capital Expenditure from August 31, 2021 to August 31, 2023; and authorize the Mayor and Clerk to execute.

Why Action is Necessary

Chapter 2, Section 2-40(a) of the Broward County Code of Ordinances, requires that the Broward County Board of County Commissioners ("Board") authorize commercial activities or occupancy of space at North Perry Airport ("HWO").

What Action Accomplishes

This action revises the date for the completion of specified improvements and expenditure of the Minimum Capital Expenditure established in the Agreement of Lease ("Agreement") between Broward County ("County") and North Perry Aviation, Inc. ("NP Aviation").

Is this Action Goal Related

No

Previous Action Taken

None.

Summary Explanation/Background

THE AVIATION DEPARTMENT RECOMMENDS APPROVAL OF THE ABOVE MOTION.

This action revises the date for the completion of specified improvements and expenditure of the Minimum Capital Expenditure in the Agreement by changing the completion date from August 31, 2021 to August 31, 2023.

On August 14, 2018 (Item No. 2), the Board approved the Agreement with NP Aviation commencing on the Effective Date and terminating on the last day of the sixth lease year.

On August 27, 2019 (Item No. 2), the Board approved the First Amendment to extend the term of the Agreement between the County and NP Aviation by four years, subject to timely completion of the specified improvements and expenditure of the Minimum Capital Expenditure. The extension was requested by NP Aviation in order to provide additional time to secure financing for increased construction costs and to amortize such costs.

The proposed Second Amendment extends the date for the completion of the improvements and expenditure of the Minimum Capital Expenditure by two years. The revision is premised upon NP Aviation's representation that the COVID-19 pandemic has impacted the availability of both the labor and materials that are necessary to complete the improvements and expend the Minimum Capital Expenditure by August 31, 2021.

Also, the last day of the lease year was misstated in the First Amendment to the Agreement and is corrected as part of the Second Amendment to refer to August 31, 2028, rather than September 30, 2028.

The proposed Second Amendment has been reviewed 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

There is no fiscal impact.