

59729

DATE: November 8, 2017

TO: Honorable Board of Acquisition and Contract

FROM: Vincent F. Kopicki, P.E.
Commissioner of Public Works and Transportation

Adam Rodriguez
Director of Real Estate

RE: Amending two (2) previously-approved resolutions, in order to correct the dates for the initial term and the option term for a lease agreement for the use of a portion of the hangar and surrounding premises known as Hangar D at the Westchester County Airport, which was initially a lease between the County with Tisma, Inc. but has since been assigned by Tisma, Inc. to Aircraft Hangar Services LLC. (Lease Agreement No. WCA 17005)

By a resolution approved on July 6, 2017 (the "Lease Resolution"), your Honorable Board authorized the County of Westchester (the "County") to enter into a lease agreement with Tisma, Inc. ("Tisma") for the use of a portion of the hangar and surrounding premises known as Hangar D at the Westchester County Airport, on various, specified terms, for a term commencing on July 1, 2017 and continuing through June 30, 2022 (the "Initial Term"), with Tisma having the option to renew the lease for one (1) additional five (5) year period, from July 1, 2022 through June 30, 2027 (the "Lease").

By a resolution approved on October 12, 2017 (the "Assignment Resolution"), your Honorable Board authorized the County to enter into an agreement (the "Assignment Agreement") with Tisma and Aircraft Hangar Services LLC ("AHS"), pursuant to which Tisma was to assign to AHS, effective October 16, 2017, all of Tisma's right, privilege, interest, obligation and duty of performance in, to, and under the Lease, and the County would consent to the assignment, subject to the particular terms specified in the Assignment Resolution and the Assignment Agreement.

In the Lease Resolution and the Assignment Resolution, the Lease being authorized and referenced, respectively, was specified as having an initial term of July 1, 2017 through June 30, 2022 and an option term of July 1, 2022 through June 30, 2027. However, due to last-minute negotiations and changes, the Lease was, in fact, executed by the County and Tisma with a specified initial term of May 1, 2017 through April 30, 2022 and an option term of May 1, 2022 through April 30, 2027. This discrepancy in the terms was noticed and corrected in the Assignment Agreement prior to its execution by the County, Tisma, and AHS. However, as a consequence of all of the foregoing, the Lease Resolution and the Assignment Resolution must be amended in order to conform them to the Lease and the Assignment Agreement.

Board of Acquisition and Contract
Amend Two (2) Previously-Approved Resolutions
Lease Agreement No. WCA 17005
Use of a Portion of the Hangar and Surrounding Premises known as
Hangar D at the Westchester County Airport
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Therefore, it is respectfully requested that your Honorable Board amend both the Lease Resolution and the Assignment Resolution to recite, for the Lease, an initial term of May 1, 2017 through April 30, 2022 and an option term of May 1, 2022 through April 30, 2027.

Except as specified above, all terms and conditions of the Lease Resolution and the Assignment Resolution shall remain in full force and effect.

I respectfully recommend the adoption of the attached resolution.

AR/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 4/30/2017 - USA MRIJAJ, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation and the Director of Real Estate, be it hereby:

RESOLVED, that the resolution approved on July 6, 2017 (the “Lease Resolution”), which authorized the County of Westchester (the “County”) to enter into a lease agreement (the “Lease”) with Tisma, Inc. (“Tisma”) for the use of a portion of the hangar and surrounding premises known as Hangar D at the Westchester County Airport, on various, specified terms, for a term commencing on July 1, 2017 and continuing through June 30, 2022 (the “Initial Term”), with Tisma having the option to renew the lease for one (1) additional five (5) year period, from July 1, 2022 through June 30, 2027, is hereby amended by changing the authorized initial term of the Lease to May 1, 2017 through April 30, 2022; changing the authorized option term of the Lease to May 1, 2022 through April 30, 2027; and modifying its budget box to reflect said changed authorized terms; and be it further

RESOLVED, that except as specifically amended hereby, all terms and conditions of the Lease Resolution shall remain in full force and effect; and be it further

RESOLVED, that the resolution approved on October 12, 2017 (the “Assignment Resolution”), which authorized the County to enter into an agreement (the “Assignment Agreement”) with Tisma and Aircraft Hangar Services LLC (“AHS”), pursuant to which Tisma was to assign to AHS, effective October 16, 2017, all of Tisma’s right, privilege, interest, obligation and duty of performance in, to, and under the Lease, and the County would consent to the assignment, subject to the particular terms specified in the Assignment Resolution and the Assignment Agreement, is hereby amended to reference the Lease as having an initial term of May 1, 2017 through April 30, 2022 and an option term of May 1, 2022 through April 30, 2027; and be it further

RESOLVED, that except as specifically amended hereby, all terms and conditions of the Assignment Resolution shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Lease Agreement No. WCA 17005

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
			N/A			N/A

Budget Funding Year(s) 2017-2027 Start Date 05/01/2017 End Date 04/30/2027
 (must match resolution)

Funding Source: Tax Dollars N/A
 State Aid _____
N/A Federal Aid _____
 (must match resolution) Other _____
