

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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Meeting Date: May 18, 2021	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
	<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing

Submitted By: Department of Airports

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I. EXECUTIVE BRIEF

Motion and Title: **Staff recommends motion to receive and file:** Two (2) Consent to Sublease (Consent) documents, consenting to the sublease of office and hangar space by Atlantic Aviation – West Palm Beach LLC d/b/a Atlantic Aviation PBI (Atlantic) at the Palm Beach International Airport (PBI), with the following subtenants:

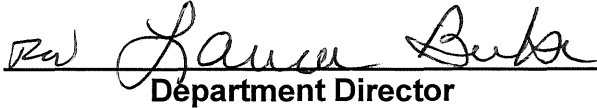

1. Madava Aviation, LLC, effective 4/1/2021.
2. Textron Aviation Inc., effective 4/1/2021.

Summary: Atlantic provides fixed based operator services for general aviation aircraft at PBI pursuant to a Lease Agreement dated October 18, 2000 (R-2000-1067, as amended). The Lease Agreement provides for the sublease of space subject to the County’s consent. Delegation of authority for execution of the standard form consent to sublease was approved by the Board in R-94-1453. **Countywide (AH)**

Background and Justification: N/A

Attachments: Two (2) Consent to Sublease documents (1 of each) for Atlantic

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Recommended By:	 _____ Department Director	<u>4-20-21</u> Date
Approved By:	 _____ County Administrator	<u>4/22/21</u> Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><u>\$-0-</u></u>	<u><u>\$-0-</u></u>	<u><u>\$-0-</u></u>	<u><u>\$-0-</u></u>	<u><u>\$-0-</u></u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No X
 Does this item include the use of federal funds? Yes _____ No X

Budget Account No: Fund 4100 Department 120 Unit _____ RSource _____
 Reporting Category _____



B. Recommended Sources of Funds/Summary of Fiscal Impact:

No fiscal impact.

C. Departmental Fiscal Review: Wendell Anderson

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

Releghn Kawena 4/20/21
 8/ 4/20/21 OFMB PA 4.20.21

Joseph Adams for Kevin Jacobowitz
 Contract Dev. and Control
 4-22-21 TW

B. Legal Sufficiency:

Anne Delant 4.22.21
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 11/17

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

CONSENT TO SUBLEASE

PALM BEACH COUNTY, a political subdivision of the State of Florida, ("County"), by and through its Department of Airports, under that certain Lease Agreement with **Atlantic Aviation West Palm Beach LLC, d/b/a Atlantic Aviation PBI**, ("Lessee"), dated October 18, 2000 (R-2000-1067, as amended and assigned), (the "Lease Agreement"), hereby consents to lessee entering into a Use and Occupancy Agreement for Hangar Space effective April 1, 2021, with Madava Aviation, LLC. ("Sublessee") (the "Sublease") for the sublease of certain premises contained within the leasehold of Lessee under the Lease Agreement, as summarized in the attached "Summary of Terms".

Notwithstanding any provision of the Sublease to the contrary, County hereby rejects any such provision in the Sublease, if any, which gives a greater right to Sublessee than that which Lessee has and, further, County rejects any provision of the Sublease which purports to give Sublessee a right or interest in the premises independent of the Lease Agreement. It is the express intent of County in giving its consent that any forfeiture, loss, or termination of the Lease Agreement shall automatically terminate any sublease of the premises. In giving its consent to sublease the premises, County does not in any manner adopt, accept, or approve the terms of the Sublease or alter the terms of the Sublease.

It is County's intent that Lessee shall remain liable to County for all rights and obligations contained in its Lease Agreement with County.

APPROVED this 15 day of April 2021, by the County Administrator or the Director of the Department of Airports on behalf of and pursuant to the authority granted by the Board of County Commissioners.

By: *Laura Bubi*
Title: Director of Airports

Approved as to Form and Legal
Sufficiency:

By: */s/ Anne Helfant*
County Attorney

**USE AND OCCUPANCY AGREEMENT
HANGAR SPACE (FL)**

SUMMARY OF TERMS

Contract No.	636727
Airport	Palm Beach International
Operator	Atlantic Aviation – West Palm Beach LLC
Master Lease Agreement(s)	Dated 10/18/2000 as amended by Palm Beach County and Atlantic Aviation – West Palm Beach LLC on file at Dept. of Airports
Facility	Atlantic Aviation WPB LLC 3800 Southern Blvd, West Palm Beach, FL 33406
User	Madava Aviation LLC
Aircraft	Type: Challenger 650 Reg. No.: N562RT Serial No.: 6115
Registered Owner of Aircraft	Name: Madava Aviation LLC Address: 47 McCourt RD Dover Plains, NY 12522 Phone: Brenda Theroff 913-302-0810
Space	Aircraft hangar storage
Purpose(s) for Use of Space	Storage of Aircraft
Effective Date	4/01/2021
Initial Term	One year
Use Fees, Other Fees and Charges*	Space Use Fee (monthly) - Hangar Space: Credit Card Information on File: Y/N
Security Deposit	ransferred from previous agreement)
Utilities, Trash Removal, and Janitorial Services	N/A

IN WITNESS WHEREOF, the parties have executed this Use and Occupancy Agreement, which includes the Summary of Terms and Schedules attached hereto and made a part hereof (collectively, the "Agreement") as of the Effective Date, and the persons executing this Agreement on behalf of Operator and User represent and warrant that he or she has full power and authority to do so.

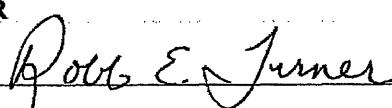
OPERATOR

By: 

Title: GM

Date: 3/29/21

USER

By: 

Title: Manager

Date: March 29, 2021

CONSENT TO SUBLEASE

PALM BEACH COUNTY, a political subdivision of the State of Florida, (“County”), by and through its Department of Airports, under that certain Lease Agreement with **Atlantic Aviation West Palm Beach LLC, d/b/a Atlantic Aviation PBI**, (“Lessee”), dated October 18, 2000 (R-2000-1067, as amended and assigned) (the “Lease Agreement”), hereby consents to lessee entering into a License Agreement effective April 1, 2021 , with Textron Aviation Inc. (“Sublessee”) (the “Sublease”) for the sublease of certain premises contained within the leasehold of Lessee under the Lease Agreement, as summarized in the attached “Summary of Terms”.

Notwithstanding any provision of the Sublease to the contrary, County hereby rejects any such provision in the Sublease, if any, which gives a greater right to Sublessee than that which Lessee has and, further, County rejects any provision of the Sublease which purports to give Sublessee a right or interest in the premises independent of the Lease Agreement. It is the express intent of County in giving its consent that any forfeiture, loss, or termination of the Lease Agreement shall automatically terminate any sublease of the premises. In giving its consent to sublease the premises, County does not in any manner adopt, accept, or approve the terms of the Sublease or alter the terms of the Sublease.

It is County’s intent that Lessee shall remain liable to County for all rights and obligations contained in its Lease Agreement with County.

APPROVED this 15 day of April 2021, by the County Administrator or the Director of the Department of Airports on behalf of and pursuant to the authority granted by the Board of County Commissioners.

By: *BW* *Laura Buber*
Title: Director of Airports

Approved as to Form and Legal Sufficiency:

By: */s/ Anne Helfant*
County Attorney




**LICENSE AGREEMENT
OFFICE SPACE (FL)
SUMMARY OF TERMS**

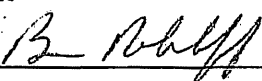
Contract No.	594309
Airport	Palm Beach International Airport
Operator	Atlantic Aviation Palm Beach LLC 3800 Southern Blvd. West Palm Beach, FL 33406
Master Lease Agreement(s)	On File Palm Beach County Department of Airports
Facility	Atlantic Aviation Hangar Office 3800 Southern Blvd., W. Palm Beach, FL 33406
User	Name: <u>Textron Aviation Inc.</u> Address: 4134 Bear Road, Orlando, FL 32827 Contact: Russ Tokarski Phone: 407-859-1245 Email: <u>rvtokarski@txtav.com</u>
Space	Atlantic Aviation Hangar Office 1625# A206 3800 Southern Blvd., W. Palm Beach, FL 33406
Purpose(s) for Use of Space	Aviation Maintenance Activities
Effective Date	4/1/2021
Initial Term	One Year
Use Fees*	Space Use Fee (monthly): _____ is sales tax
Security Deposit	\$ _____ ansferred from previous agreement

IN WITNESS WHEREOF, the parties have executed this License Agreement, which includes the Summary of Terms, and Schedules attached hereto and made a part hereof (collectively, the "Agreement") as of the Effective Date, and the persons executing this Summary of Terms on behalf of Operator and User represent and warrant that he or she has full power and authority to do so.

OPERATOR

By: 
 Title: General Manager
 Date: 4/1/21

USER

By: 
 Title: SR VP CUSTOMER SUPPORT
 Date: 4/1/21