

9240. RESOLUTION 05-25 - LEASE AMENDMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND THE UNITED STATES OF AMERICA The Executive Director presented the following Resolution.

WHEREAS, The Delaware River & Bay Authority (the "Authority"), is the operator of the New Castle Airport; and

WHEREAS, the United States of America, on behalf of the Delaware Air National Guard ("DANG"), currently leases approximately eighty (80) acres of land at New Castle Airport (the "Property") pursuant to a Lease Agreement dated July 19, 1993, as amended (the "Lease"); and

WHEREAS, DANG desires to construct additional improvements on the Property and has asked the Authority to amend the Lease to grant to DANG an option to renew the term of the Lease for a period of approximately thirty (30) years in order to allow it to meet Federal requirements relating to the construction of new facilities; and

WHEREAS, the initial term of the Lease will expire on July 18, 2033 and the new renewal term will expire on June 29, 2055, to coincide with the expiration of the Authority's renewal term under its ground lease with New Castle County and

WHEREAS, the annual rent payable during the renewal term will be \$1.00, which is the rent currently being paid; and

WHEREAS, in exchange for the Authority's agreement to grant the renewal option to DANG, DANG has agreed to release from its demised premises and surrender to the Authority Parcel 3, containing 1.629 acres, which land the Authority desires to sell to Easter Seals ; and

WHEREAS, DANG has agreed to remove the existing facility and remediate any environmental contamination from the site; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of Supplement No. 3, the amendment to the Lease with the Delaware Air National Guard and, with the advice and consent of counsel, to have such Supplement No. 3 executed by the Chairperson, Vice Chairperson, and the Executive Director.

A motion to approve Resolution 05-25 was made by Commissioner Favre, seconded by Commissioner Patterson. With Commissioner Hensley abstaining from the vote, Resolution 05-25 was approved by a roll call vote of 10 in favor and 1 abstention.