

8857. RESOLUTION 03-17 - MODIFICATION OF MEMORANDUM OF LEASE BETWEEN NEW CASTLE COUNTY AND THE DELAWARE RIVER AND BAY AUTHORITY. The Director presented the following Resolution.

WHEREAS, The Delaware River and Bay Authority (the "Authority"), is the operator of the New Castle Airport pursuant to that certain Ground Lease dated June 30, 1995 between New Castle County (the "County") and the Authority, a Memorandum of which was recorded in the Office of the Recorder of Deeds in and for New Castle County to give notice of the existence of the Lease (the "Ground Lease"); and

WHEREAS, in connection with the widening of State Route 141, the Department of Transportation of the State of Delaware ("DelDot") has requested that the County convey to the State of Delaware two parcels of land, one consisting of approximately 0.0935 acres and the other consisting of approximately 0.0285 acres (collectively, the "Parcels"), which land is leased to the Authority pursuant to the Ground Lease; and

WHEREAS, the Parcels are currently vacant, are essentially unusable, and the Authority has no plans for the development or sublease of the Parcels; and

WHEREAS, the Authority has obtained all approvals from the Federal Aviation Administration ("FAA") necessary for the release of the Parcels from the Airport and all necessary assurances from DelDot that it shall comply with all FAA requirements;

WHEREAS, the County has entered into a Purchase Contract with DelDot, dated October 18, 2002 in connection with the conveyance of the Parcels to the State of Delaware; and

WHEREAS, in connection with the conveyance of the Parcels to the State of Delaware, it is necessary that the Ground Lease and the Memorandum of Ground Lease be amended to remove the Parcels from the land being leased by the County to the Authority; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairperson, Vice Chairperson, and Executive Director are hereby authorized, with the advice and consent of Counsel, to execute the Modification of Memorandum of Lease.

On motion by Commissioner Patterson, seconded by Commissioner McWilliams, the recommendation of the Director was approved by a roll call vote of 12-0.