Rutherford County

Rutherford County Office Building
289 N. Main Street
Rutherfordton, NC 28139

Special Meeting Minutes
Rutherford County Airport Authority

Tuesday July 5, 2016 **5:00 PM**

I. Call To Order

Chairman Michael Benfield called the July 5, 2016 special meeting of the Rutherford County Airport Authority to order.

Present: Greg Lovelace, Vice Chairman Eddie Holland, Alan Toney, and Chairman Michael Benfield

Absent: Bryan King

A. Agenda Approval

Member Alan Toney moved to approve the agenda and Member Greg Lovelace seconded.

Ayes: Chairman Benfield, Vice Chairman Holland, Toney and Lovelace
Noes: None

II.Hangar Transfer

Airport Authority Attorney Beth Miller reported James Dunn would like to transfer his lease agreement to Leon Mimms.
Member Alan Toney asked if there were any fees to transfer the hangar and Airport Authority Attorney Beth Miller responded that there are no closing fees charged by the Airport Authority at this time for any hangar transfer.

A RESOLUTION AUTHORIZING LEASE ASSIGNMENT

WHEREAS, the Rutherford Airport Authority ("Airport Authority") entered into a forty-year lease with James Dunn ("Lessee"), of premises known as Hangar Number 3F effective as of June 24, 2002 (the "Lease"); and

WHEREAS, paragraph 12 of the Lease allows Lessee to assign the full rights under the Lease upon the written consent of the Airport Authority, and states that such consent shall not be unreasonably withheld; and

WHEREAS, Lessee now wishes to assign its full rights under the Lease to Leon Mimms.

NOW, THEREFORE, BE IT RESOLVED by the Rutherford Airport Authority, that:

1. The Airport Authority consents and authorizes James Dunn to assign his full rights under the Lease to Leon Mimms contingent upon the execution of a duly binding Assignment of Lease Agreement in the form attached hereto as Exhibit A; and
2. The Airport Authority chooses not to purchase the improvements and buildings constructed on the premises as allowed

STATE OF NORTH CAROLINA

COUNTY OF RUTHERFORD

(TEMPLATE, ASSIGNMENT, 40 YEAR LEASE)

ASSIGNMENT OF LEASE AGREEMENT

THIS ASSIGNMENT OF LEASE AGREEMENT is made and entered into this the _____ day of _____, 20_____, by and between Rutherford Airport Authority, hereinafter referred to as AIRPORT AUTHORITY, _____, hereinafter referred to as LESSEE/ASSIGNOR, and _____, hereinafter referred to as SUBLESSEE/ASSIGNEE.

WITNESSETH:

Lessee/Assignor and Airport Authority are parties to a lease agreement dated _____ (the LEASE AGREEMENT). The Lease Agreement pertains to the leasing of premises known as Hangar Number _____ and is attached as Schedule A.

Lessee/Assignor has, pursuant to Section 12 of the Lease Agreement, requested permission to assign the Lease Agreement to Sublessee/Assignee. Airport Authority has elected to not exercise its right of first refusal under Section 12 and has consented to this assignment.

BASED ON THE FOREGOING, and for good and adequate consideration, the receipt of which is hereby acknowledged, the parties do agree:

1. Lessee/Assignor does hereby assign, transfer, and convey to Sublessee/Assignee all right, title, and interest of Lessee/Assignor in and to the Lease Agreement, including the improvements constructed upon the premises therein described.

2. Sublessee/Assignee accepts the assignment of the Lease Agreement and agrees to be bound by and subject to all the terms and conditions of the Lease Agreement. From and after the date of this assignment, the Sublessee/Assignee shall be considered the Lessee under the Lease Agreement.

3. Airport Authority does consent to the assignment set forth above.

4. Any notices to Sublessee/Assignee under Section 18 of the Lease Agreement shall, if not hand delivered, be sent by certified or registered mail, return receipt requested, to the Sublessee/Assignee at the following address:

_____

_____

_____

IN TESTIMONY WHEREOF, the Airport Authority has caused these presents to be signed in its name by its Chairman, by order of its Board duly made, the day and year first above written.

IN TESTIMONY WHEREOF, Lessee/Assignor and Sublessee/Assignee have each executed this instrument, under seal, the day and year first above written.

RUTHERFORD AIRPORT AUTHORITY

BY:_____

TITLE:_____

LESSEE/ASSIGNOR, IF AN INDIVIDUAL:

_____(SEAL)

LESSEE/ASSIGNOR, IF A CORPORATION OR A LIMITED LIABILITY COMPANY:

(Name of Corporation or Limited Liability Company)_____

BY:_____

TITLE:_____

SUBLESSEE/ASSIGNEE, IF AN INDIVIDUAL:

_____(SEAL)

SUBLESSEE/ASSIGNEE, IF A CORPORATION OR A LIMITED LIABILITY COMPANY:

(Name of Corporation or Limited Liability Company)_____

BY:_____

TITLE:_____

STATE OF NORTH CAROLINA

COUNTY OF RUTHERFORD

I, _____, a Notary Public of the County and State aforesaid, do hereby certify that _____ personally came before me this day and acknowledged that he/she is the _____ (Title of Official) of Rutherford Airport Authority, an authority organized and existing under the laws of the state of North Carolina, and that he/she, as _____ (Title of Official), being authorized to do so, executed the foregoing instrument on behalf of the authority.

Witness my hand and official stamp or seal, this the _____ day of _____, 20_____.

_____

Notary Public

My commission expires:_____.

STATE OF NORTH CAROLINA **(FOR LESSEE/ASSIGNOR)**

COUNTY OF RUTHERFORD

I, _____, a Notary Public of the County and State aforesaid, do hereby certify that _____ personally appeared before me this day and either (i) (if an individual) acknowledged the execution of the foregoing instrument or (ii) (if a corporation or a limited liability company) acknowledged he/she executes this instrument on behalf of _____ (name of corporation or limited liability company) and is the_____ (title) of such entity and is authorized to execute this instrument on its behalf.

Witness my hand and official stamp or seal, this the _____ day of _____, 20_____.

_____

Notary Public

My commission expires:_____.

STATE OF NORTH CAROLINA **(FOR SUBLESSEE/ASSIGNEE)**

COUNTY OF RUTHERFORD

I, _____, a Notary Public of the County and State aforesaid, do hereby certify that _____ personally appeared before me this day and either (i) (if an individual) acknowledged the execution of the foregoing instrument or (ii) (if a corporation or a limited liability company) acknowledged he/she executes this instrument on behalf of _____ (name of corporation or limited liability company) and is the_____ (title) of such entity and is authorized to execute this instrument on its behalf.

Witness my hand and official stamp or seal, this the _____ day of _____, 20_____.

_____

Notary Public

My commission expires:_____.

under the right of first refusal retained by the Airport Authority in the Lease. This waiver of its right of first refusal is effective only as to the specific transaction referenced above.

Adopted this 5 day of July, 2016.

Rutherford Airport Authority

_____

Chairman Attest:

_____

Clerk

III. Adjourn

Member Alan Toney moved to adjourn and Vice Chairman Eddie Holland seconded.

Ayes: Chairman Benfield, Vice Chairman Holland, Toney and Lovelace
Noes: None

Chairman, Airport Authority

Vice Chairman, Airport Authority

Attest:

Brooke Watson

Secretary to the Airport Authority