



Legislation Details (With Text)

File #: 23-0469

Type: Consent **Status:** Agenda Ready

In control: Board of County Commissioners

On agenda: 3/21/2023 **Final action:**

Title: APPROVAL OF SECOND AMENDMENT TO LEASE WITH APP STUART FBO, LLC, TO CORRECT A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF THE LEASED PREMISES

Sponsors:

Indexes:

Code sections:

Attachments: 1. MC - APP - Second Amendment to Lease.pdf, 2. REDLINE - Ex A - LD.pdf

Date	Ver.	Action By	Action	Result
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PLACEMENT: Consent

TITLE:

APPROVAL OF SECOND AMENDMENT TO LEASE WITH APP STUART FBO, LLC, TO CORRECT A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF THE LEASED PREMISES

EXECUTIVE SUMMARY:

This is a request for the Board to approve a Second Amendment to the Fifth Amendment and Complete Restatement of Agreement of Lease ("Second Amendment") between Martin County and APP Stuart FBO, LLC ("APP"). The purpose of the proposed Second Amendment is to correct a scrivener's error in the legal description of the leased premises.

DEPARTMENT: Airport

PREPARED BY: **Name:** Sam Carver
Title: Airport Manager

REQUESTED BY: APP Stuart FBO, LLC

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

- Instrument Prepared by: Martin County
APP Stuart FBO, LLC
- Parties to the Instrument: Martin County

APP Stuart FBO, LLC

3. Purpose: To correct a minor scrivener's error in the legal description of the leased premises
4. New/Renewal/Modified: New
5. Duration: N/A
6. Benefits to Martin County: To ensure accuracy of the legal description of the leased premises
7. Costs to Martin County: None

On November 14, 2017, Martin County and Atlantic Aviation-Stuart LLC ("Atlantic") entered into that certain Fifth Amendment and Complete Restatement of Agreement of Lease (the "Lease") pursuant to which Martin County leased to Atlantic approximately nineteen (19) acres of real property located at the Martin County Airport / Witham Field. The initial term of the Lease is thirty (30) years and may be renewed at the tenant's option for one (1) additional term of ten (10) years, subject to the terms and conditions set forth in the Lease.

On April 7, 2022, the Board approved the assignment of the Lease from Atlantic to APP.

On November 15, 2022, the Board approved a First Amendment to Lease, whereby the parties agreed to extend the deadline for completing the proposed improvement plan to July 31, 2023.

The purpose of the Second Amendment is to correct a minor scrivener's error in the legal description of the leased premises. A redlined version of the legal description showing the proposed correction is attached hereto. The remainder of the Lease shall remain unchanged and in full force and effect.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine if it is consistent with applicable law, and in so doing, legal staff has identified risks and developed strategies for legal defensibility, as applicable.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board approve the Second Amendment to the Fifth Amendment and Complete Restatement of Agreement of Lease between Martin County and APP Stuart FBO, LLC.

ALTERNATIVE RECOMMENDATIONS

Pull this item from the Consent Agenda and direct staff accordingly.

FISCAL IMPACT:

RECOMMENDATION

None

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☒ Contract / Agreement
☐ Grant / Application ☐ Notice ☐ Ordinance ☐ Resolution
☐ Other:

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