

**11344. RESOLUTION 17-64 – LEASE AMENDMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND NASW FOUNDATION AT THE CAPE MAY AIRPORT**

WHEREAS, Delaware River and Bay Authority's ("DRBA") predecessor in interest, the County of Cape May ("County"), and NASW Foundation ("NASW") entered into a lease dated September 10, 1997 ("Lease") pursuant to which NASW leased from the County certain property at the Cape May County Airport located in Lower Township, Cape May New County, New Jersey, ("Cape May County Airport") consisting of 4.907 acres of land ("Premises"); and

WHEREAS, simultaneously therewith the County and NASW entered into an agreement pursuant to which the County sold and transferred to NASW and NASW acquired and accepted from County a certain building located on the Premises, known as Hangar No.1 (the "Hangar")

WHEREAS, the County and the DRBA entered into an Acquisition Agreement ("Acquisition Agreement") pursuant to which the DRBA took operation and control of land and improvements located at the airport and Cape May County Industrial Park ; and

WHEREAS, the Lease states that the agreement is subject to and contingent upon any necessary approvals or reviews of the Federal Aviation Administration ("FAA"); and

WHEREAS, in connection with a review of the Lease by the FAA, the FAA has determined that certain NASW uses were in effect commercial operations and as such were in violation of their not for profit waiver from paying land rent requirement; and

WHEREAS, by this Amendment, the DRBA and NASW desire to amend the Lease to bring the Lease into compliance with FAA regulation and to clarify, amend and modify certain terms of the Lease specifically related to permitted uses; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Amendment with NASW Foundation in order to bring the Lease Agreement into compliance with FAA regulations and, with the advice and consent of counsel, to have such Agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

## **Resolution 17-64 Executive Summary Sheet**

**Resolution:** Authorizing the Executive Director to execute a Lease Amendment with NASW Foundation

**Committee:** Economic Development

**Committee Date:** December 19, 2017

**Board Date:** December 19, 2017

### **Purpose and Background for Resolution:**

NASW Foundation is currently a tenant at the Cape May Airport. During a recent review by the FAA, it was determined that the permitted uses in the NASW Lease Agreement were in violation of current FAA regulations. The Lease Agreement is being amended to change the permitted uses in the lease to bring them into compliance.