

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION AUTHORIZING:

- A) THE PRESIDENT OF THE BOARD TO EXECUTE A SECOND AMENDMENT TO THE LEASE/CONCESSION AGREEMENT WITH DIAMOND AIR VENTURES, INC, FOR A PORTION OF THE AIRPORT TERMINAL BUILDING AT 620 AIRPORT DRIVE, SAN CARLOS, CALIFORNIA, EXTENDING THE TERM BY FIVE YEARS TO JUNE 30, 2017, DECREASING THE SIZE AND MODIFYING THE LOCATION OF THE PREMISES FROM 1,600 SQUARE FEET AT SUITE #1 TO 800 SQUARE FEET AT SUITE #5, DECREASING THE BASE RENT FROM \$4,051.83 TO \$1,520.00 PER MONTH, DECREASING THE UTILITY CHARGE FROM \$446.00 TO \$223.00 PER MONTH AND MODIFYING CERTAIN SECTIONS OF THE AGREEMENT; AND**
- B) THE COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE NOTICES, OPTIONS AND DOCUMENTS ASSOCIATED WITH THE SECOND AMENDMENT AND THE AGREEMENT INCLUDING, BUT NOT LIMITED TO, EXTENSION OR TERMINATION OF THE AGREEMENT UNDER THE TERMS SET FORTH THEREIN**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, County is owner of the airport in the County of San Mateo known as the San Carlos Airport, a general purpose airport owned and maintained by County for the use and benefit of the public and for servicing the needs of aviation; and

WHEREAS, Government Code Section 25536 authorizes a county to enter into agreements for aviation related services by a four-fifths (4/5) vote of its Board of Supervisors; and

WHEREAS, in June 2007, the County of San Mateo and Golden Gate Helicopters, LLC dba Diamond Aviation (“Diamond”), as authorized by Resolution No. 68821, entered into a Lease/Concession Agreement for the use of the San Carlos Airport Administration Building, Suite #1, consisting of approximately 1,600 square feet of office space, for the purpose of providing aviation related activities, and in March 2010, the County and Diamond entered into a First Amendment to the agreement which recognized a change in the business name to Diamond Air Ventures, Inc dba Diamond Aviation (the “Agreement As Amended”); and

WHEREAS, the Agreement As Amended expires on June 30, 2012, the current Base Rent is \$4,051.83 per month and the current Utility Charge is \$446.00 per month, and the County and Diamond wish to amend the agreement to extend the Term, modify the size and location of the Premises, decrease the Base Rent and Utility Charge and modify certain sections of the Agreement to make them consistent with recent agreements; and

WHEREAS, there has been presented to this Board of Supervisors for its consideration and acceptance a Second Amendment to Lease/Concession Agreement, reference to which is hereby made for further particulars, extending the term by five years to June 30, 2017, decreasing the size and modifying the location of the Premises from 1,600 square feet at Suite #1 to 800 square feet at Suite #5, decreasing the Base Rent from \$4,051.83 to \$1,520.00 per month, decreasing the Utility Charge from \$446.00 to \$223.00 per month and modifying certain sections of the Agreement, in accordance with the terms and conditions contained in the Second Amendment and Agreement As Amended, and

WHEREAS, this Board has been presented with the Second Amendment to Lease/Concession Agreement and has examined and approved same as to both form and content and desires to enter into same.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the President of this Board of Supervisors be, and is hereby, authorized and directed to execute said Second Amendment to Lease/Concession Agreement for and on behalf of the County of San Mateo, and the Clerk of this Board shall attest the President's signature thereto; and

IT IS FURTHER DETERMINED AND ORDERED that the County Manager or his designee is hereby authorized to accept or execute on behalf of the County, any and all notices, options and documents associated with the Second Amendment and Agreement including, but not limited to, extension or termination of the Agreement under the terms set forth therein.

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