

RESOLUTION NO. _____

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

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RESOLUTION AUTHORIZING THE (1) PRESIDENT OF THE BOARD OF SUPERVISORS TO EXECUTE A LEASE WITH THE UNITED STATES/FEDERAL AVIATION ADMINISTRATION FOR WELLS AT THE HALF MOON BAY AIRPORT; (2) PRESIDENT OF THE BOARD OF SUPERVISORS TO EXECUTE A GROUND SUBLEASE/WATER EXTRACTION AGREEMENT WITH THE MONTARA WATER & SANITARY DISTRICT FOR A TERM OF 20 YEARS, WITH TWO OPTIONS TO EXTEND FOR AN ADDITIONAL 10 YEARS ON EACH OPTION; AND (3) COUNTY MANAGER OR HIS DESIGNEE TO ACCEPT OR EXECUTE NOTICES, OPTIONS, AND DOCUMENTS ASSOCIATED WITH THE LEASE AND SUBLEASE AGREEMENTS INCLUDING BUT NOT LIMITED TO EXTENSION OR TERMINATION OF THE LEASE AND/OR SUBLEASE UNDER THE TERMS SET FORTH THEREIN AND AMENDMENT OF THE LEASE AND/OR SUBLEASE SO LONG AS NO NEW FISCAL OBLIGATION IS IMPOSED UPON THE COUNTY BY SUCH AMENDMENT(S)

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 Half Moon Bay Airport (the "Airport"), a general purpose airport owned and maintained by County for the use and benefit of the public and for servicing local aviation needs; and

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

WHEREAS, extraction wells at the Airport have historically provided water to the local community through a predecessor to Montara Water & Sanitary District ("MWSD"), and after MWSD assumed operations of the wells, MWSD pumped water from the wells pursuant to a license agreement with the County until 2008; and

WHEREAS, after MWSD initiated litigation against the County in an attempt to take the wells and stopped paying for water extraction, ownership of the wells reverted to the United States/Federal Aviation Administration (“FAA”); and

WHEREAS, the litigation has since been resolved by settlement between the County, MWSD, and the FAA, and under the terms of the settlement, the FAA is leasing the wells to the County and MWSD has agreed to sublease the wells from the County and pay for all water extracted; and

WHEREAS, there has been presented to this Board of Supervisors for its consideration and acceptance the Lease Agreement For Non-Federal Use Of Real Property Between the United States of America Department of Transportation Federal Aviation Administration and the County of San Mateo, California (Lease No. DTFAWA-12--J-00001) (the “Lease”), this Board has examined and approved the Lease as to both form and content, and desires to enter into it; and

WHEREAS, there has also been presented to this Board of Supervisors for its consideration and acceptance the County of San Mateo Ground Sublease/Water Extraction Agreement - Montara Water and Sanitary District - Half Moon Bay Airport - Half Moon Bay, California (the “Sublease”), this Board has examined and approved the Sublease as to both form and content, and desires to enter into it.

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 Lease and Sublease for and on behalf of the County of San Mateo, and the Clerk of this Board shall attest the President’s signature thereto.

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 Lease and/or Sublease including but not limited to extension or termination of the Lease and/or Sublease under the terms set forth therein and amendment of the Lease and/or Sublease so long as no new fiscal obligation is imposed upon the County by such amendment(s).

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