

Warren County Board of Supervisors

RESOLUTION NO. 353 OF 2011

Resolution introduced by Supervisors Belden, Bentley, Merlino, Champagne, Monroe, McCoy, Conover, Wood and Taylor

AUTHORIZING COMMERCIAL OPERATING AGREEMENT WITH BUSHWACKER AIRCRAFT COMPANY, LLC

WHEREAS, a proposed commercial operating agreement with Bushwacker Aircraft Company, LLC to be allowed to operate commercially out of the Floyd Bennett Memorial Airport to manufacture and sell FAA certified/ASTM aircraft experimental aircraft and component parts, is proposed to provide, among other things, for:

1. the payment of 0% of its gross revenue generated out of the airport for years 1, 2 and 3, and 2% of its gross revenue generated out of the airport for years 4 and 5; and
2. the Operator to provide yearly financial statements to Warren County; and
3. Operator will maintain and improve its office space at its own expense with any improvements to remain in place thereafter; and
4. the term of the lease to commence upon the execution by all parties of the operating agreement and continue for five (5) years; and

WHEREAS, the Board of Supervisors adopted Resolution No. 305 of 2011 on May 20, 2011, authorizing a public hearing to be held by the Board of Supervisors on the 17th day of June, 2011, at the Supervisors' Room in the Warren County Municipal Center on the matter of the proposed lease, and notice of such public hearing was duly published as required by law, and said public hearing was held on this date and all persons appearing at said public hearing desiring to be heard, having been heard, and,

RESOLVED, that the Warren County Board of Supervisors hereby determines that it would be appropriate to enter into a commercial operating agreement with Bushwacker Aircraft Company, LLC, upon

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the terms and conditions as described in the preambles of this resolution, a copy of said agreement being presented at this meeting, all of which shall be in a form approved by the County Attorney, and be it further

RESOLVED, that the officers of Warren County are hereby authorized and directed to execute and deliver such other documents and to take such other action that may be necessary or appropriate in order to effectuate the execution of the documents described above and consummation of the transactions described in the foregoing recitals, including, without limitation, the furnishing of such certificates, agreements and other documents that may be required by the Federal Aviation Administration.