

Item # 3-4

**City of Carson City
Agenda Report**

Date Submitted: 1/31/2008

Agenda Date Requested: 2/7/2008

Time Requested: consent

To: Board of Supervisors

From: Carson City Airport Authority

Subject Title: Action to approve the assignment of a Carson City Airport Lease Agreement from Patrick Dang Enterprises, LLC, to Airport Structures, LLC.

Staff Summary: This assignment reflects a reorganization of the project ownership for the hangar project begun by Patrick Dang Enterprises, LLC., by assigning the lease to Airport Structures, LLC, and making a corresponding change to the construction schedule. No changes have been made to the terms of the lease.

Type of Action Requested: (check one)
 Resolution Ordinance
 Formal Action/Motion Other (Specify) .

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: (I move that we) approve the assignment from Patrick Dang Enterprises, LLC, to Airport Structures, LLC, of the Carson City Airport Lease Agreement between the Carson City Airport Authority and Patrick Dang Enterprises, LLC., with a corresponding extension of the construction schedule to July, 2009.

Explanation for Recommended Board Action:

This item is in response to the infusion of capital and expertise from Perry DiLoreto via a new ownership of the project. The project and lease were held by Patrick Dang Enterprises, LLC., under a Lease approved by the Authority and the Board of Supervisors in 2004. After several delays in the hangar construction project, the owners of Patrick Dang Enterprises, LLC determined that it would be in the best interests of the project to bring in Perry DiLoreto given his significant track record of successful development projects, including on airport properties. As a result, the parties formed Airport Structures, LLC and requested assignment of the airport lease. As a part of the assignment, Airport Structures explained that they would need an extension of time on the construction schedule which would have otherwise ended this summer. On January 16, 2008, at a properly noticed meeting of the Airport Authority, the Authority approved both the assignment and the extension of time giving the lessee until July of 2009 to complete the project. Pursuant to Statutes of Nevada, Chapter 844, all leases on the Airport must be approved by the Board of Supervisors. Thus the assignment is also subject to Board of Supervisor approval which is hereby requested. Per the attached Assignment, other than the extension on the construction schedule, the terms of the lease are unchanged.

Applicable Statue, Code, Policy, Rule or Regulation: Statutes of Nevada, Chapter 844.

Fiscal Impact: Not Applicable.

Explanation of Impact: Not Applicable.

Funding Source: Not Applicable.

Alternatives: Not Applicable

Supporting Material: Lease Assignment

Prepared By: Steven E. Tackes, Esq., Airport Counsel

Reviewed By: _____

(Department Head)

Date: _____

1-31-2008

Date: _____

(City Manager)

Date: _____

2-1-08

(District Attorney)

Date: _____

2-1-08

(Finance Director)

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

LEASE ASSIGNMENT

This lease assignment, made and entered into this 20 day of January, 2008, between the Carson City Airport Authority (Landlord), whose address is 2600 E. College Parkway, Carson City, Nevada 89706, ASSIGNOR- PATRICK DANG ENTERPRISES, LLC., whose address is 2130 Lakeridge Drive, Reno, Nevada 89509, and ASSIGNEE- AIRPORT STRUCTURES, LLC., whose address is 500 Diamond Ranch Pkwy Reno, Nevada 89521.
Suite 703

WITNESSETH:

WHEREAS, PATRICK DANG ENTERPRISES, LLC., holds an airport lease with Landlord and Carson City, originally dated May 21, 2004, recorded as Document # 320769, in the records of the Carson City Recorder, and with an amendment dated August 28, 2006, recorded as Document # 360014, in the records of the Carson City Recorder, as regards a hangar lease area on the Airport.

WHEREAS, Patrick Dang, Perry Diloreto and others have set up a new entity, AIRPORT STRUCTURES, LLC., and desire to assign the lease to the new entity.

WHEREAS, the Carson City Airport Authority, at a properly noticed meeting held January 16, 2008, approved such assignment along with an extension on the construction schedule.

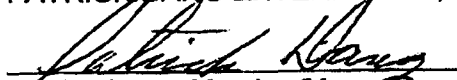
NOW THEREFORE, the parties agree as follows:

1. The lease held by PATRICK DANG ENTERPRISES, LLC on the Carson City Airport, which legal description is more fully described in Document #360014, is hereby assigned to AIRPORT STRUCTURES, LLC.

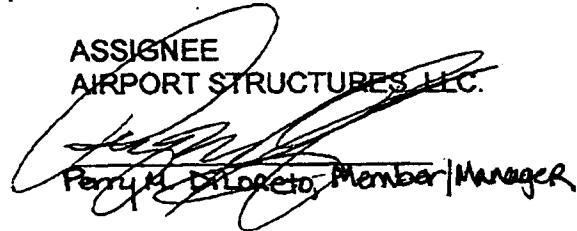
2. That the construction schedule contained therein is extended by one year and will require that construction be completed and a certificate of occupancy acquired no later than July 31, 2009.

3. All terms and conditions of the lease shall apply to ASSIGNEE, and no release is given to any terms thereof, except as stated herein.

ASSIGNOR
PATRICK DANG ENTERPRISES, LLC.


Patrick Dang, Member/Manager

ASSIGNEE
AIRPORT STRUCTURES, LLC.


Perry H. DiLoreto, Member/Manager

Approved the 16th day of January, 2008 pursuant to Notice, meeting and vote:

ATTEST:

STEVE LEWIS, CHAIRMAN
CARSON CITY AIRPORT AUTHORITY

COLLIE HUTTER, TREASURER

CALIFORNIA
STATE OF NEVADA)
COUNTY OF Los Angeles : ss.

ON THE 28 day of January, 2008, before me, the undersigned, a Notary Public, personally appeared PATRICK DANG, who acknowledged to me that he is the Member and Manager of PATRICK DANG ENTERPRISES, LLC., and, in such capacity, being duly authorized to do so, executed the foregoing instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this Certificate first above written.



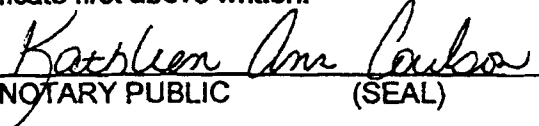


NOTARY PUBLIC (SEAL)

STATE OF NEVADA)
COUNTY OF Washoe : ss.

ON THE 25 day of January, 2008, before me, the undersigned, a Notary Public, personally appeared Perry M. DiLoreto, who acknowledged to me that he is a member and Manager of AIRPORT STRUCTURES, LLC., who acknowledged to me that he executed the foregoing instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this Certificate first above written.



NOTARY PUBLIC (SEAL)

