

RESOLUTION 2807

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF PAYSON,
ARIZONA APPROVING A SUBLEASE OF THE AIRPORT COMMERCIAL
GROUND LEASE BETWEEN THE TOWN AND ACD AVIATION.**

WHEREAS, in 2001, the Town entered into an Airport Commercial Ground Lease with ACD Aviation, Inc. ("the Lease"); and

WHEREAS, pursuant to the Lease, ACD constructed an aircraft maintenance hangar and subleased the hangar to Against The Wind, L.L.C., James Garner, Manager ("ATW"), a related entity, as specifically permitted in Paragraph 27 of the Lease;

WHEREAS, ATW currently operates a aircraft maintenance business on the Leased premises; and

WHEREAS, James Garner has entered into a contract to sell ATW to Edward Fandrich contingent upon any necessary Town approvals; and

WHEREAS, if Edward Fandrich were to purchase ATW, paragraph 27 of the Lease would require the Town to approve the sublease between ACD and ATW because ATW would no longer be a related entity; and

WHEREAS, the Town has been provided information demonstrating that Edward Fandrich is licensed by the Federal Aviation Administration to perform aircraft maintenance services, has the ability/expertise to continue operating ATW, and will be able to provide aircraft maintenance services at the Payson Airport; and

WHEREAS, the Town believes that consenting to the continuation of the sublease between ACD and ATW following the purchase of ATW by Edward Fandrich furthers the purposes and intent of the Lease; and

WHEREAS, Edward Fandrich and ACD have discussed Edward Fandrich or an entity controlled by Edward Fandrich purchasing the entire Lease from ACD within the next five years,

**NOW THEREFORE, THE MAYOR AND TOWN COUNCIL RESOLVE AS
FOLLOWS:**

Section 1. The Town of Payson, pursuant to Paragraph 27 of the Airport Commercial Ground Lease with ACD Aviation, Inc., consents to the sublease between ACD Aviation, Inc. and Against The Wind, L.L.C. if Edward Fandrich is both Manager and a majority owner of Against The Wind, L.L.C..

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Section 2. If Edward Fandrich or an entity controlled by Edward Fandrich purchases the entire Lease from ACD within the next five years, the Town prospectively consents to such purchase.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ___ day of _____, 2014, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk



Timothy M. Wright, Town Attorney