



Snohomish County Council

Legislation Text

File #: 2021-0414, Version: 1

Executive/Council Action Form (ECAF)

ITEM TITLE:

Motion 21-222, authorizing the Executive to execute lease documents for Bomarc Business Park Lots 1 & 2 including a partial termination, lease amendment, agreement to record environmental covenant and new lease to Bosa Bomarc, LLC at the Snohomish County Airport

DEPARTMENT: Airport

ORIGINATOR: Nickolis Landgraff

EXECUTIVE RECOMMENDATION: Approve

PURPOSE: Authorize the Executive to execute lease documents and modifications to Bomarc Lot 1 & 2 including a partial termination, lease amendment, agreement to record environmental covenant and new lease to Bosa Bomarc, LLC.

BACKGROUND:

- Snohomish County Airport (County) and Boeing are parties to a land lease dated July 19, 1989, pursuant to which Boeing leases from the County two parcels of land, known as Bomarc Lot 1 and Bomarc Lot 2.
- Boeing is currently negotiating the terms of an agreed order with the Washington State Department of Ecology, that will supersede Agreed Order No. DE 96HS-N274 dated January 29, 1997 with respect to Bomarc Lot 1 and pursuant to which Boeing will be obligated to, among other things, perform certain remedial actions at Bomarc Lot 1 and work with the County to record an environmental covenant that will burden Bomarc Lot 1.
- Notwithstanding the obligations under the Agreed Order that Boeing is currently negotiating in relation to Bomarc Lot 1, Boeing desires to terminate its leasehold interest in, and certain obligations arising under the Lease that relate to, Bomarc Lot 1, thereby allowing the County to enter into a new lease agreement with a new tenant, Bosa Bomarc, LLC for Bomarc Lot 1 and amend the Bomarc Lot 2 Lease by removing Lot 1 from the premises covered by that Lease.
- The Airport is in agreement and requests approval of the following documents:
 - Agreement to Record Environmental (Restrictive) Covenant and to Amend a Lease
 - Partial Termination of Lease (Bomarc Lot 1)
 - Lease Amendment No. 4 to Lot 2 Bomarc (Bomarc Lot 2)
 - Land Lease 21-013 with Bosa Bomarc, LLC (Bomarc Lot 1)

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	Total

TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	2021 (6.5 Months)	2ND YR	Total
410.3216802.6250 Commercial Leases	\$235,553.50		\$235,553.50
TOTAL	\$235,553.50		\$235,553.50

DEPARTMENT FISCAL IMPACT NOTES: Airport Enterprise Fund revenues shall increase by \$235,553.50. This fee may be prorated based on the closing date.

CONTRACT INFORMATION:

RECORD OF ENVIRONMENTAL COVENANT	X	CONTRACT#	Environ. Covenant	AMOUNT	No Change
BOEING LEASE TERMINATION	X	CONTRACT#	<u>Bomarc Lot 1 Termination</u>	AMOUNT	<u>\$235,553.50</u>
BOSA BOMARC, LLC NEW LEASE	X	CONTRACT#	<u>Bosa Development New Lease 21-013</u>	AMOUNT	<u>No Change</u>
BOEING LEASE AMEND. NO. 4	X	CONTRACT#	<u>Bomarc Lot 2 Amendment No. 4</u>	AMOUNT	<u>No Change</u>

Contract Period

ORIGINAL ENV. LEASE TERM.	START	<u>Perpetual</u>	END	<u>Perpetual</u>
NEW LEASE	START	<u>7/19/1989</u>	END	<u>Upon Execution</u>
AMENDMENT No.4	START	<u>Upon Execution</u>	END	<u>50 Years</u>
	START	<u>7/19/1989</u>	END	<u>5/31/2049</u>

OTHER DEPARTMENTAL REVIEW/COMMENTS: Approved/Reviewed by Finance and Risk