

RESOLUTION APPROVING ASSIGNMENT OF LEASE FROM WHITE EAGLE, LLC TO HAYWARD AVIATION, LLC

WHEREAS, Wisconsin law permits Sawyer County (the “County”) to own real property and to enter into certain agreements to encumber its real property, including the grant of leasehold interests;

WHEREAS, the County owns real property known as the Sawyer County Airport (the “Airport Property”), which includes aircraft hangars that are ground-leased to the owners of the hangar personal property;

WHEREAS, the County entered into that certain Sawyer County Airport Hangar Area Lease with David P. Carson on December 1, 2001 (“Original Hangar Lease”) for the lease of land (“Leased Land”) located on the Airport Property, as more fully described in the Original Hangar Lease, a copy of which is attached hereto and incorporated herein as Exhibit A;

WHEREAS, a hangar was subsequently constructed on the Leased Land pursuant to the terms of the Original Hangar Lease (the “Hangar”);

WHEREAS, the Original Hangar Lease was assigned to White Eagle, LLC (“White Eagle”) on January 24, 2011 (the “White Eagle Assignment”) (the Original Hangar Lease and the White Eagle Assignment are collectively referred to herein as the “Hangar Lease”);

WHEREAS, Paragraph 14 of the Original Hangar Lease provides the County with a right of first refusal to purchase the Hangar (the “Right of First Refusal”) should the lessee wish to sell the Hangar;

WHEREAS, Paragraph 16 of the Original Hangar Lease prohibits assignment of the Hangar Lease unless the County provides prior written consent of the assignment;

WHEREAS, in September 2020, the County received a request from Hayward Aviation, LLC (“Hayward Aviation”) of its desire and intent to purchase the Hangar from White Eagle, LLC, thereby triggering the County’s ability to exercise the Right of First Refusal and requesting an assignment of the Hangar Lease;

WHEREAS, on October 15, 2020, the County Board of Supervisors voted to waive the Right of First Refusal, thereby allowing consideration of the assignment of the Hangar Lease from White Eagle to Hayward Aviation;

WHEREAS, it is anticipated that the County and Operator will enter into a new hangar area lease agreement for the Leased Land; however, this Assignment was necessary to cover any time period between the expiration of the Hangar Lease and the execution of the new hangar area lease agreement; and

WHEREAS, on September 9, 2020 and October 7, 2020, the County Public Works Committee discussed Hayward Aviation’s proposed purchase of the Hangar and whether the County should approve the assignment of the Hangar Lease from White Eagle to Hayward Aviation; and

50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97

WHEREAS, on November 4, 2020, the County Public Works Committee voted to recommend to the Sawyer County Board of Supervisors ("County Board") that the County Board approve the assignment of the Hangar Lease from White Eagle to Hayward Aviation.

NOW, THEREFORE, BE IT RESOLVED, the Sawyer County Board of Supervisors determines, adopts and directs the following:

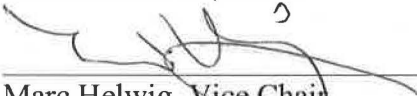
1. Recitals. The recitals set forth above are true and accurate, and are therefore incorporated into this Resolution and shall be used not just for reference.

2. Determination. The Sawyer County Board of Supervisors, after reviewing the proposal by Hayward Aviation, the Hangar Lease, accompanying information, and waiving the County's Right of First Refusal, determines that it is in the best interest of the health, welfare and safety of the County's residents, taxpayers, visitors and property within the County to approve an assignment of the Hangar Lease from White Eagle, LLC to Hayward Aviation, LLC.


The subject matter of this Resolution was discussed by the Sawyer County Public Works Committee at its meeting on October 7, 2020 and November 4, 2020, and was recommended for approval by the Sawyer County Board of Supervisors at its meeting on November 10, 2020.



Ron Kinsley, Chair



Marc Helwig, Vice Chair



Ed Peters, Member


Dale Olson, Member

Susie Taylor, Member

This Resolution and Assignment of Lease was heard by and approved by the Sawyer County Board of Supervisors this 10th day of November, 2020.



Tweed Shuman,
Sawyer County Board of Supervisors Chair



Carol Williamson,
Sawyer County Clerk