

ORDINANCE NO. 6523-08

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN AMENDMENT TO AGREEMENT OF LEASE BY AND BETWEEN THE PENINSULA AIRPORT COMMISSION AND THE CITY OF NEWPORT NEWS, VIRGINIA, DATED THE 12<sup>TH</sup> DAY OF AUGUST, 2008.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News:

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain Amendment to Agreement of Lease by and between the Peninsula Airport Commission and the City of Newport News, Virginia, dated the 12<sup>th</sup> day of August, 2008.

2. That a copy of the said Amendment to Agreement of Lease is attached hereto and made a part hereof.

3. That this ordinance shall be in effect on and after the date of its adoption, August 12, 2008.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON AUGUST 12, 2008

Mabel V. Washington, CMC  
City Clerk

Joe S. Frank  
Mayor

A true copy, teste:

City Clerk

**AMENDMENT TO AGREEMENT OF LEASE**

THIS AMENDMENT, made and entered into this 12<sup>th</sup> day of August, 2008, by and between **THE PENINSULA AIRPORT COMMISSION**, a municipal corporation created by a special act of the General Assembly of Virginia, hereinafter referred to as "Lessor" or the "Commission," and the **CITY OF NEWPORT NEWS, VIRGINIA**, a municipal corporation, hereinafter referred to as "Tenant," "Lessee" or the "City."

**WHEREAS**, by Agreement of Lease dated the 25<sup>th</sup> day of March, 2008, the Commission and the City entered into an Agreement whereby the Commission would construct a fire station facility on its property at the Newport News/Williamsburg International Airport and would lease the facility to the City for a period of one (1) year, with nine (9) automatic additional one year renewals; and

**WHEREAS**, the Commission and the City desire to amend paragraph "3." of the Agreement of Lease to provide that the amount that City agrees to pay the Commission shall "not exceed the sum of Six Hundred Fifty Seven Thousand Dollars (\$657,000.00)."

The parties hereby agree that the first sentence of paragraph "3." of the March 25, 2008, Agreement of Lease shall be amended to read as follows:

"Tenant covenants and agrees to pay to Lessor, after the signing of this Lease, an amount equal to all sums incurred by Lessor in constructing the fire station facility and reasonable and necessary site improvements, all to Lessor's standards, not to exceed the sum of Six Hundred Fifty-Seven Thousand Dollars (\$657,000.00)."

All other provisions in the Agreement of Lease dated the 25<sup>th</sup> day of March, 2008, remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have caused this Amendment to Agreement

of Lease to be executed by their duly authorized officers.

**THE PENINSULA AIRPORT COMMISSION**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
City of Newport News, to wit:

I, \_\_\_\_\_, a Notary Public in and for the City and Commonwealth aforesaid, whose commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, do hereby certify that \_\_\_\_\_, as \_\_\_\_\_ of The Peninsula Airport Commission, whose name is signed to the foregoing writing, hereto annexed, has acknowledged the same before me in my City and Commonwealth aforesaid.

GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public  
Registration No. \_\_\_\_\_

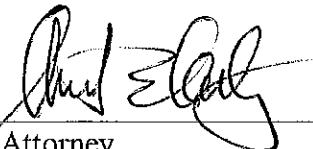
**CITY OF NEWPORT NEWS, VIRGINIA**

\_\_\_\_\_  
City Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
MABEL V. WASHINGTON  
City Clerk

  
\_\_\_\_\_  
City Attorney

COMMONWEALTH OF VIRGINIA  
City of Newport News, to wit:

I, \_\_\_\_\_, a Notary Public in and for the City and Commonwealth aforesaid, whose commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, do hereby certify that the CITY OF NEWPORT NEWS, by Randy W. Hildebrandt, as City Manager and Mabel V. Washington, as City Clerk, whose names are signed to the foregoing writing, hereto annexed, have acknowledged the same before me in my City and Commonwealth aforesaid.

GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public  
Registration No. \_\_\_\_\_

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