



## CITY OF TYLER AIRPORT ADVISORY BOARD COMMUNICATION

**Agenda Number:** AABC 10-09-01

**Date:** October 21, 2009

**Subject:** Request that the Airport Advisory Board consider recommending that the City Council authorize the City Manager to approve amendments to the Corporate Hangar/Operator Lease for Tract 12 at Tyler Pounds Regional Airport with Robyn M. Rogers and to the Corporate Hangar/Operator Lease for Tract 14 at Tyler Pounds Regional Airport with Bob L. Herd due to reconfiguration of the two leased tracts

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**Item Reference:** Tyler City Code Section 12-31.c

In 1987, the City of Tyler entered into a Corporate Hangar Lease for a tract of land at Tyler Pounds Regional Airport known as Tract 12 with Richard Harvey Interest/Air Activities, Inc., for the period June 1, 1987, through May 31, 2007. The Corporate Hangar Lease was later assigned to Air Activities, Inc., then to Eli Ribech, and then to Rogers Property Trust in 1999. Since 1999, Ms. Robyn M. Rogers has been the owner of the aircraft hangar located on the leased tract.

As the Rogers Corporate Hangar Lease from 1987 was very outdated, Airport staff prepared a new Corporate Hangar/Operator Lease with updated language and insurance requirements. The new Lease was for a tract of approximately 1.37 acres known as Tract 12 at Tyler Pounds Regional Airport for the period June 1, 2009, through May 31, 2029, with two sets of two five-year renewal options. The annual rental rate of \$2,864.51 (\$238.71 per month) was based on Tyler City Code Section 12.31.c which provides for a rental rate of 4.8 cents per square foot per year for land in the non-restricted areas outside of the building restriction line. The new Corporate Hangar/Operator Lease with Ms. Robyn M. Rogers was executed on June 2, 2009.

In 1985, the City of Tyler entered into a Corporate Hangar/Operator Lease for a tract of land at Tyler Pounds Regional Airport known as Tract 14-A with Mr. Bob L. Herd for the period January 1, 1995, through December 31, 2015. This Lease was for a tract of approximately 2.026 acres for an annual rental rate of \$4,236.14 (\$353.01 per month) which was based on the same rental rate set forth in Tyler City Code Section 12.31.c referenced above.

In March 2009, Airport staff was contacted by Mr. Herd's representative with a proposal to reconfigure Mr. Herd's and Ms. Rogers' leased tracts due to growth and development of the Herd tract. The reconfiguration takes place at the boundary lines shared by these two tenants as well as at the boundary lines shared by the City of Tyler and Mr. Herd (see Attachment A). Both tenants are in agreement on the reconfigured tracts. The recent survey performed by Mr. Herd's surveyor revealed a negligible difference in the dimensions of the two tracts from the old survey information. It is not uncommon for new surveying tools and techniques to result in different dimensions and square footages than old survey information. The new dimensions resulted in a

total net increase of \$3.66 per month in the rental amount that Ms. Rogers and Mr. Herd will pay to the City. After reviewing the new survey and this request, staff recommends the amendments to accommodate growth at the Herd lease tract. Furthermore representatives of the Rogers lease agree with the revisions.

Airport staff feels that it would be in the best interest of the City to amend the two Corporate Hangar/Operator Leases with Robyn M. Rogers and Bob L. Herd to reflect the new dimensions of the two leased tracts.

The proposed lease amendment information is shown below:

	Robyn M. Rogers Lease			Bob L. Herd Lease		
	Existing Lease	Proposed Amendment	Difference	Existing Lease	Proposed Amendment	Difference
Tract #	12	12-A		14-A	14-B	
Tract Sq. Ft.	59,677.2	56,715.12	2,962.08	88,253	92,129.4	3,876.4
Tract Acres	1.37	1.302	0.068	2.026	2.115	0.157
Rent/Sq. Ft.	\$0.048	\$0.048		\$0.048	\$0.048	
Annual Rent	\$2,864.51	\$2,722.33	(\$142.02)	\$4,236.14	\$4,422.21	\$186.07
Monthly Rent	\$238.71	\$226.86	(\$11.85)	\$353.01	\$368.52	\$15.51

**RECOMMENDATION:** It is recommended that the Airport Advisory Board consider recommending that the City Council authorize the City Manager to approve amendments to the Corporate Hangar/Operator Lease for Tract 12 at Tyler Pounds Regional Airport with Robyn M. Rogers and to the Corporate Hangar/Operator Lease for Tract 14 at Tyler Pounds Regional Airport with Bob L. Herd.

**Drafted/Recommended By:**  
**Department Leader**

  
**Davis Dickson**

