

**REPORT/ RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF
ARAPAHOE COUNTY PUBLIC AIRPORT AUTHORITY AND
RECORD OF ACTION**

August 12, 2021 – CONSENT AGENDA

FROM: Gwen C. Balk, Director – Administration

SUBJECT: APA Hangars, LLC – Subordination, Non-Disturbance and Attornment Agreement and Lessor’s Estoppel Certificate

RECOMMENDATION: Motion to conditionally approve the Subordination, Non-Disturbance and Attornment Agreement and Lessor’s Estoppel Certificate and authorize the Chair and Clerk to sign.

BACKGROUND: APA Hangars, LLC (the “Company”) subleases Parcel 1 from SunBorne (the “Landlord”) under a Ground Sublease dated 12/1/2020 to be amended by a 1st Amendment finalizing the boundaries of the subdivided Parcel 1 (the “Sublease”). The 1st Amendment is contingent upon the approval of Landlord’s 6th Amendment to its G4 Lease with the Authority.

Company has requested the following approvals from the Authority:

1. Subordination, Non-Disturbance and Attornment Agreement between Company and Authority (the “SNDA”); and
2. Lessor’s Estoppel Certificate to the benefit of Sky Harbour Group and The Bank of New York Mellon (the “Estoppel”).

Neither of the above two documents require the Landlord’s approval. Attached hereto are drafts of the SNDA and Estoppel.

Staff recommends approval.

FINANCIAL DATA: Not applicable.

REVIEW BY OTHERS: Robert Olislagers, Michael Fronapfel, Luke Skafren, Kimberly Bruetsch

PRESENTERS: Gwen Balk

Action of the Board of Commissioners

	1 st	2 nd	YES	NO	ABSTAIN
Bagnato	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Baker	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Doubek	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Holen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sharpe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>