



ONEIDA COUNTY BOARD OF LEGISLATORS

ONEIDA COUNTY OFFICE BUILDING ♦ 800 PARK AVENUE ♦ UTICA, N.Y. 13501-2977

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**ATTACHED FOR YOUR INFORMATION IS RESOLUTION
NUMBER 61 THAT WAS ACTED UPON BY THE BOARD
OF COUNTY LEGISLATORS AT THEIR SPECIAL SESSION
HELD ON MONDAY, FEBRUARY 23, 2015.**

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 61

**INTRODUCED BY: Messrs. D'Onofrio, Porter
2ND BY: Mr. Joseph**

RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY THROUGH ITS DEPARTMENT OF AVIATION AND MIDAIR USA, INC. RESOLVING CLAIMS PERTAINING TO MIDAIR USA, INC.'S TENENCIES AT GRIFFISS INTERNATIONAL AIRPORT AND ALLOWING MIDAIR USA, INC. TO RETAIN SPACE IN THE WEST BAY IN BUILDING 100 AT GRIFFISS INTERNATIONAL AIRPORT

WHEREAS, On or about March 17, 2010, County of Oneida and MidAir USA, Inc. (MidAir) entered into a Commercial Hangar & Ramp Use Agreement ("Nose Dock Lease") for Hangar No. 782 ("Nose Dock Premises"); and

WHEREAS, On or about October 1, 2010, County and MidAir entered into a Commercial Hangar & Ramp Use Agreement for Building 100, East Bay ("East Bay Lease") at 592 Hangar Road, Rome, New York ("East Bay Premises"); and

WHEREAS, On or about September 27, 2010, County and MidAir entered into a Commercial Hangar & Ramp Use Agreement for Building 100, West Bay ("West Bay Lease") at 592 Hangar Road, Rome, New York ("West Bay Premises"); and

WHEREAS, On or about October 31, 2014, County did send three (3) day notices of default to MidAir under each of the Nose Dock Lease, the East Bay Lease and the West Bay Lease, respectively; for failure to pay rent and

WHEREAS, On or about December 3, 2014, County did file a Petition pursuant to the New York Real Property Actions and Procedures Law seeking a Warrant of Eviction of MidAir from each of the three premises, as well as a judgment for all amounts due and owing to County; and

WHEREAS, On or about January 7, 2015, Rome City Court did grant a Warrant of Eviction in favor of County for the Nose Dock Premises, although the County withdrew its request for a judgment of rent without prejudice; and

WHEREAS, On or about January 7, 2015, Rome City Court did grant a Warrant of Eviction in favor of the County for the East Bay Premises, as well as a judgment in favor of the County against MidAir in the amount of Three Hundred Eighty-Three Thousand Five Hundred Twenty-One and 28/100 Dollars (\$383,521.28) for rent through November of 2014 and utilities through September of 2014; and

WHEREAS, On or about January 7, 2015, Rome City Court did grant a Warrant of Eviction in favor of the County for the West Bay Premises, as well as a judgment in favor of the County against MidAir in the amount of Two Hundred Twenty-Three Thousand Six Hundred Eighty-One and 00/100 Dollars (\$223,681.00) for rent through November of 2014; and

