

CITY OF AURORA
ORDINANCE NO. 013-007

AN ORDINANCE CONSENTING TO THE ASSIGNMENT
OF A LAND LEASE AT THE AURORA MUNICIPAL AIRPORT
BETWEEN THE CITY OF AURORA AND DIAMAS REAL ESTATE HOLDINGS,LLC TO
SYNERGY PROPERTY HOLDINGS, LLC.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, the City of Aurora owns, operates and maintains the Aurora Municipal Airport; and

WHEREAS, the City of Aurora entered into a Lease of Real Estate at the Aurora Municipal Airport dated March 28, 2006 under Ordinance O06-17, with Diamas Real Estate Holdings, LLC; and

WHEREAS, Diamas Real Estate Holdings, LLC has advised the City its desire to assign the leasehold interest to Synergy Property Holdings, LLC; and

WHEREAS, said assignment would benefit the operation of the airport and would therefore be a benefit to the City of Aurora; and

WHEREAS, the Aurora Municipal Airport Advisory Board has recommended the assignment of lease between the City of Aurora and Diamas Real Estate Holdings, LLC be approved.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That the Mayor and City Clerk are hereby authorized to approve assignment of lease between the City of Aurora and Diamas Real Estate Holdings, LLC to Synergy Property Holdings, LLC.

Section Two: That all other provisions of said lease remain in full force and effect.

Section Three: That this ordinance shall be in full force and effect, and shall be controlling, upon its passage, approval and publication as provided by law.

Section Four: That all ordinances or parts of ordinances thereof in conflict herewith are hereby repealed to the extent of any such conflict.

Section Five: That any Section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining Sections or provisions which shall remain in full force and effect thereafter.

PRESENTED to the City Council of the City of Aurora, Illinois, on the 26 day of February, 2013.

PASSED by the City Council of the City of Aurora, Illinois, on the 26 day of February, 2013.

APPROVED AND SIGNED by the Mayor of the City of Aurora, Illinois, on the 26th day of February, 2013.



MAYOR

ATTEST:


City Clerk

CONSENT TO ASSIGNMENT

For value received, the City of Aurora, an Illinois Municipal Corporation ("city") hereby consents to the assignment of the certain Lease dated March 28, 2006 between Diamas Real Estate Holdings, LLC ("Assignor") an Illinois Limited Liability Corporation as lessee and the City as lessor ("Lease") for premises located at the City of Aurora Municipal Airport, said premises more particularly described in said Lease, to Synergy Property Holdings, LLC (Assignee), an Illinois Limited Liability Corporation as Assignee. Upon acceptance of said assignment by Assignee and upon its agreement to assume all of the obligations of the Lease to be performed by lessee under said Lease, the City will release the assignor from all liability under the terms of the Lease required to be performed under the terms of said Lease subsequent to the date of said assignment. Nothing herein shall be construed as releasing assignor from any liability for any of its obligations under said Lease required to be performed up to the date and time of the execution of the execution of the assignment and acceptance thereof by Assignee.

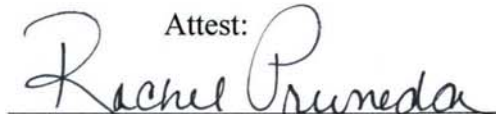
City of Aurora

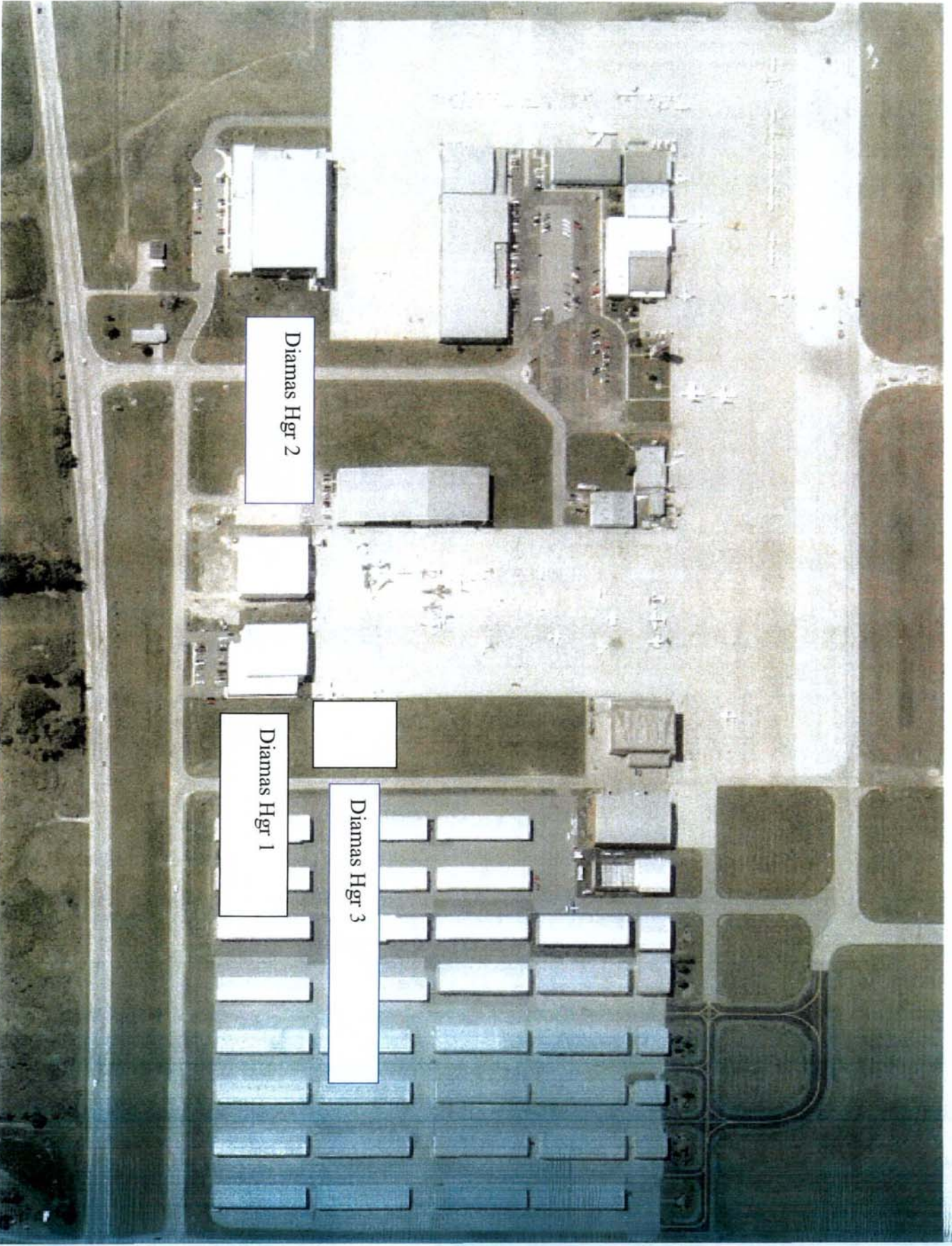
BY:



Thomas J. Weisner, Mayor

Attest:


City Clerk



Diamas Hgr 2

Diamas Hgr 1

Diamas Hgr 3

RECOMMENDATION

At the January 14, 2013 Aurora Municipal Airport Advisory Board meeting, it was unanimously recommended that the City Council approve an Assignment of Lease to Synergy Property Holdings, LLC from Diamas Real Estate Holdings, LLC (Hangar 3).

Date

Chris Lockard, Chairman

Memorandum

To: Mayor Thomas J. Weisner

From: Robert A. Rieser, PE, AAE, Airport Manager

Date: January 29, 2013

Subject: Proposed transfer of Diamas Real Estate Holdings, LLC (Hangar 3) to Synergy Property Holdings, LLC via Assignment of Lease

PURPOSE:

To obtain City Council approval for the Assignment of Lease to Synergy Property Holdings, LLC from Diamas Real Estate Holdings, LLC (Hangar 3).

BACKGROUND:

Diamas constructed hangar 3 under a lease agreement with the City of Aurora dated March 28, 2006 under Ordinance O06-17. Unable to make the payments on the hangar to First Midwest Bank, Diamas desires to transfer its interest in this hangar back to the bank. First Midwest Bank has a holding company known as Synergy Property Holdings, LLC that will accept the ownership of the properties.

DISCUSSION:

The lease between Diamas and the City requires that the City give its approval for any transfer of the leasehold. These documents have been reviewed and approved by the bank and the Aurora Law Department. The Advisory Board recommended this action at their January 14, 2013 meeting.

RECOMMENDATIONS:

I recommend the Council approve the proposed Assignment of Lease to Synergy Property Holdings, LLC from Diamas Real Estate Holdings, LLC (Hanger 3).

cc: Bill Wiet, Chief of Staff
Ken Schroth, Public Works
City Clerk
Aldermen's Office

CAC
8-8-13

F13.025

RECOMMENDATION

TO: THE COMMITTEE OF THE WHOLE

FROM: THE FINANCE COMMITTEE

The Finance Committee at the Regular Meeting on Tuesday, February 12, 2013

Recommended **APPROVAL** of An Ordinance Consenting to the Assignment of a Land Lease at the Aurora Municipal Airport between the City of Aurora and Diamas Real Estate Holdings, LLC to Synergy Property Holdings, LLC (Hangar 3) – Aurora Airport

The Vote 3-0

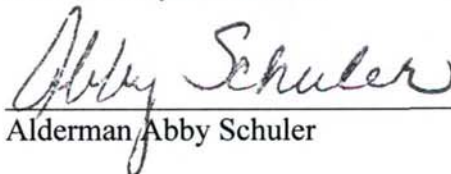
Submitted By



Alderman Robert O'Connor, Chairman



Alderman Lynda Elmore



Alderman Abby Schuler

John "Whitey" Peters, alternate

Dated this 13th day of February, 2013