



**FIRST AMENDMENT AND RENEWAL OF
FIXED BASE OPERATOR LEASE WITH
NACH, LLC**

Lot 9, Westside Development

WHEREAS, the City of Minot entered into a fixed base operator ground lease agreement (Airport Lease) commencing July 1, 2004 and ending September 30, 2024, leasing Lot #9, Westside Development at the Minot International Airport to NACH, LLC (Lessee); and

WHEREAS, paragraph 1.B. of the Airport Lease affords the Lessee an option to extend the term of the Airport Lease for a total of two (2) periods of five (5) years each, under the terms and conditions set by the City Council at the time of the renewal; and

WHEREAS, the City of Minot received notice from the Lessee that they would like to exercise their first option to extend the term of the Airport Lease; and

WHEREAS, MOT staff, City staff, and the Minot City Council have no objection to Lessee extending the term of the Airport Lease under the terms and conditions set forth in this First Amendment and Renewal of Fixed Base Operator Lease (Amendment and Renewal); and

NOW, THEREFORE, be it resolved that the Minot City Council consents to the extension of the Airport Lease with NACH, LLC for one (1) period of five (5) years, under the following terms and conditions:

1. The Renewal Period of the Airport Lease will begin on October 1, 2024 and end on October 1, 2029.
2. Commencing October 1, 2024, the following amendments to the Airport Lease shall become effective:
 - a. paragraph 3A of the Airport Lease shall be amended as follows:

For use and occupancy of the Leased Premises and privileges herein granted, the Lessee agrees commencing October 1, 2024, to pay the City monthly rent for the demised premises in the amount and manner set forth in the City of Minot's annual resolution establishing rates, fees, and charges pertaining to the Minot International Airport.

- b. All references to the Federal Aviation Administration in the Airport Lease shall include and refer to any successor federal agency as determined by the Code of Federal Regulations, including the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA).
- c. Paragraph 36 of and Schedule A to the Airport Lease shall be amended to update the City's Notice address to the following:

City: Airport Director
MINOT INTERNATIONAL AIRPORT
305 Airport Road, Ste. 216
Minot, ND 58703
- d. Schedule A to the Airport Lease shall be amended to increase the Lessee's Comprehensive Commercial Liability Insurance requirement to a combined single limit of \$2,000,000/occurrence. All other insurance requirements in Schedule A shall remain the same.

3. To exercise Lessee's second option to extend the term of this Airport Lease, Lessee shall give the City at least one year's prior written notice (on or before October 1, 2028) and shall not be in default of any of its obligations under this Renewal or the original Airport Lease.

The terms and conditions of this Renewal of Fixed Base Operator Lease shall become effective on October 1, 2024.

Passed and adopted this _____ day of _____, 2024.

ATTEST:

Mikayla Williams, City Clerk

APPROVED:

Thomas Ross, Mayor