

RESOLUTION NO.: 2022 - __

A RESOLUTION TERMINATING THAT CERTAIN GROUND LEASE AGREEMENT BETWEEN HERNANDO COUNTY AND K & V REAL ESTATE, LLC, AS SUBSEQUENTLY AMENDED, DUE TO THE LESSEE'S ADMINISTRATIVE DISSOLUTION; PROVIDING DIRECTIONS TO THE AIRPORT MANAGER; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Hernando County, as Lessor (the "Lessor"), entered into that certain Ground Lease Agreement with K & V Real Estate, LLC (the "Lessee"), dated April 24, 2007, and recorded in the Public Records of Hernando County, Florida at OR Book 2439, Page 1165 (the "Ground Lease"), for that certain real property described as Lot 13, Hemando County Airport Industrial Park, Unit 1, as recorded in the Public Records of Hernando County, Florida at Plat Book 17, Pages 80-83, and located at 16050 Aviation Loop Drive, Brooksville, Florida 34604-6802 (the "Premises"); and,

WHEREAS, Article 12 of the Ground Lease, Events of Default and Remedies, states that "the divestiture of the Lessee's estate herein . . . by dissolution" shall constitute an event of default, upon the occurrence of which the Lessor "may at once or any time thereafter . . . declare this Agreement to be terminated without prejudice to any and all rights which the Lessor may have against the Lessee for rents, damages or breach of this Agreement"; and,

WHEREAS, on November 17, 2009, the Lessor and the Lessee entered into the "First Amendment to Ground Lease Agreement" (the "First Amendment"), which was recorded in the Public Records of Hernando County, Florida at OR Book 2702, Page 1119; and,

1 WHEREAS, an event of default occurred on September 27, 2019 when the Florida
2 Department of State, Division of Corporations, administratively dissolved the Lessee; and,

3 WHEREAS, it is the Lessor's intent to terminate the Ground Lease, as amended by the First
4 Amendment, due to the occurrence of the above-described event of default; and,

5 WHEREAS, the Lessor desires to execute the Notice of Termination attached hereto as
6 Exhibit "A" and record the same in the Public Records in and for Hernando County, Florida.

7 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
8 COMMISSIONERS OF HERNANDO COUNTY:

9 **Section 1. Termination of Ground Lease.** The Board of County Commissioners adopts the
10 above-stated recitals as if they were fully stated herein, and based thereon, authorizes the Airport
11 Manager to execute the Notice of Termination attached hereto as Exhibit "A," to send a copy of the
12 document to the Lessee's last known address, and to record the document in the Public Records of
13 Hernando County, Florida.

14 **Section 2. Severability.** It is declared to be the intent of the Board of County
15 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
16 resolution is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
17 validity of the remaining portions of this resolution.

18 **Section 3. Conflicting Provisions Repealed.** All resolutions or parts of resolutions in
19 conflict with the provisions of this resolution are hereby repealed.

20 **Section 4. Effective Date.** This resolution shall take effect immediately.

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
HERNANDO COUNTY in Regular Session this _____ day of _____ 20__.**

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: _____
DOUGLAS CHORVAT, JR.
Clerk of the Court and Comptroller

By: _____
STEVE CHAMPION
Chairman

Approved for Form and Legal Sufficiency



County Attorney

NOTICE OF TERMINATION OF LEASE BY LANDLORD

NOTICE TO: K & V REAL ESTATE, LLC, Tenant-in-Possession, and all others:

Address of Premises: 16050 Aviation Loop Drive, Brooksville, Florida 34604-6802
Parcel Key: 01738132
Parcel #: R-Z-HAI-18-2393-0000-0130
Legal Description: Lot 13, Hemando County Airport Industrial Park, Unit 1, as recorded in the Public Records of Hernando County, Florida at Plat Book 17, Pages 80-83
Lessor: Hernando County
Lessee: K & V Real Estate, LLC

PLEASE TAKE NOTICE THAT:

1. Lessee is the tenant-in-possession of the Premises pursuant to that certain Ground Lease Agreement dated April 24, 2007, and recorded in the Public Records of Hernando County, Florida at OR Book 2439, Page 1165 (the "Ground Lease"), as it was amended by that certain First Amendment to Ground Lease Agreement dated November 17, 2009, and recorded in the Public Records of Hernando County, Florida at OR Book 2702, Page 1119 (the "First Amendment").

2. Article 12 of the Ground Lease, Events of Default and Remedies, states that "the divestiture of the Lessee's estate herein . . . by dissolution" shall constitute an event of default, upon the occurrence of which the Lessor may "declare this Agreement to be terminated without prejudice to any and all rights which the Lessor may have against the Lessee for rents, damages or breach of this Agreement."

3. The Florida Department of State, Division of Corporations, administratively dissolved Lessee on September 27, 2019.

4. Pursuant to Article 12 of the Ground Lease, the Lessor hereby terminates the Ground Lease, as amended by the First Amendment, due to the administrative dissolution of the Lessee.

5. This Notice of Termination serves as the Lessor's notification to Lessee and all other interested parties that the Ground Lease, as it was amended by the First Amendment, is terminated effective immediately.

6. Please govern yourselves accordingly.

HERNANDO COUNTY

DATE: _____

STEVEN MILLER
AIRPORT MANAGER

Verification

STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____, 20____, by Steven Miller, as the Hernando County Airport Manager, who is personally known to me or produced _____ as identification.

Notary Public