

A RESOLUTION TO TERMINATE THE FACILITY LEASE/SERVICE AGREEMENT FOR THE CENTER FOR AVIATION PROMOTION AND FLIGHT INSTRUCTION; AND FOR OTHER PURPOSES.

WITNESSETH:

WHEREAS, Baldwin County (the “County”) is a duly formed political subdivision of the State of Georgia;

WHEREAS, on or about January 6, 2021, Baldwin County entered into a Facility Lease/Service Agreement (“Lease”) with Faithful Guardian Aviation, LLC (“Faithful Guardian”);

WHEREAS, Faithful Guardian has failed to keep its covenants under the Lease;

WHEREAS, the Lease provides the County the option to terminate the Lease should Faithful Guardian fail to keep any of its covenants after written notice to correct such violation within thirty (30) days;

WHEREAS, on April 18, 2023, the County Attorney put Faithful Guardian on notice that it was in default under the terms of the Lease;

WHEREAS more than thirty (30) days have passed since Faithful Guardian’s notice of default and Faithful Guardian has failed to cure such default; and

WHEREAS, the Board of Commissioners desires to terminate the Lease and take any necessary legal action to recover possession of those premises currently leased to Faithful Guardian.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Baldwin County, Georgia, and it is hereby resolved by authority of the same, as follows:

- 1. Incorporation of Recitals.** The above stated recitals are true and correct and are incorporated as though fully set forth herein.
- 2. Termination of Lease.** The County hereby elects to terminate the Lease and take possession of the premises.
- 3. Authorization of County Staff, Employees, and Attorney.** The Board of Commissioners hereby authorizes the County’s staff, employees, and attorney to take all actions necessary or convenient to effectuate the purposes of this resolution, including the County Attorney to provide written notice of termination of the Lease to Faithful Guardian and to take or file any necessary legal action on behalf of the County to retake possession of the premises.
- 4. Severability.** In case any one or more of the provisions of this resolution shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any

other provision of this resolution, but this resolution shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

5. Repeal of Conflicting Resolutions. Any and all resolutions in conflict with this resolution this day passed be and they are hereby repealed.

6. Effective Date. This Resolution shall take effect immediately upon its adoption.

SO RESOLVED, this ____ day of June, 2023.

BALDWIN COUNTY, GEORGIA

Honorable Emily C. Davis
Chair, Baldwin County Board of Commissioners

ATTEST:

Cynthia K. Cunningham
Baldwin County Clerk

DATE ADOPTED _____

[SEAL]