



Member Observing Pad Policy and Lease Agreement

User Name _____

Date _____

Initial Lease Payment \$ _____ Pad Number _____

General

A lease for use of an observing pad at the Chiricahua Astronomy Complex (CAC) shall be granted by Tucson Amateur Astronomy Association (TAAA) as described in this policy. Leases will be assigned on a first-come, first-served basis as facilities become available. The initial term of the lease will be 5 years beginning on the date of this agreement, and may be renewed at the expiration of a term for another 5 year term by TAAA. Existing leases will be renewed according to the lessee's continuing eligibility and compliance with payment and other terms of the lease. Leases are granted to a specific member or members by TAAA only.

The lessee shall have the first choice to reserve use of the assigned pad for 15 days during any calendar month, with the pad (not any lessee owned equipment) then available for the CAC director to assign for use by other members or the public during CAC events for the remaining days of the month. The CAC Director shall notify the lessee at least 15 days ahead of any such public use.

Description

Leased observing pads are located in a shared-use area of the site. A leased observing pad is defined as a designated parcel of land approximately 40' x40' within the CAC site, containing a graveled parking area and a concrete slab with adjacent electrical power as shown in Figure 1. Limited secure storage is located near the site. Access to pads is provided by one-way roads within CAC, with road usage restricted to pad users.

A concrete slab of uniform design shall be provided for setup of equipment. Variations to this design, during construction or subsequently, shall be allowed by agreement between the leaseholder(s) and the Site Director or designated representative. Permanently installed variations shall become the property of CAC. Cost of variations shall be borne by the leaseholder(s). Variations shall not inhibit the ability of the TAAA to transfer the lease to another holder.

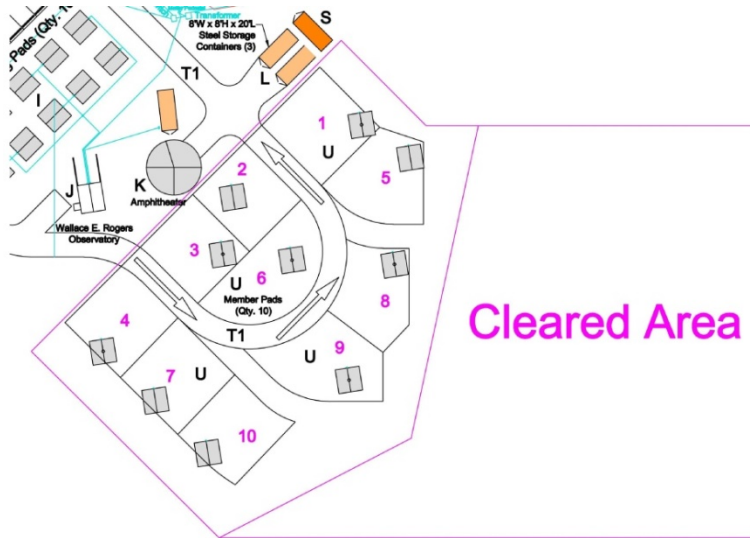


Figure 1

Availability

A lease for a new observing pad becomes available when the TAAA Board has taken an action to approve construction of such a facility. A lease for an existing observing pad becomes available when the former leaseholder is no longer eligible for that lease, has forfeited, or otherwise given up rights to that lease. Cost for an initial lease or existing lease will be set by the TAAA Board.

Eligibility

Only TAAA members in good standing may hold a lease or a place on the wait list for an observing pad lease. Resignation of a membership, failure of a member to renew membership before annual purging of membership rolls or termination of a membership in accordance with TAAA by-laws makes a person immediately ineligible to hold a lease or be on a waiting list for a lease. If an existing leaseholder fails to pay membership dues or fees for the year before August 31, that lease is forfeited with no rights of renewal.

Assignment

If there are no members on a wait list for an observing pad, the assignment of an available lease will go to the first person to make a waiting list deposit with the TAAA treasurer, or the applicable lease fee. If the number of deposits which arrive at the same time exceeds the number of available observing pads, a random process will determine the priority of those members, and those members not accommodated will be placed on a wait list according to that random process.

If there are members currently on the wait list, the CAC Site Director or designated representative will offer the lease to the members on that wait list in order. Should a member on the wait list decline the newly available pad, the member's name will be placed at the end of the then-current wait list and it will be offered to the next member on the list.

Wait Lists

The TAAA shall have a separate waiting list for each type of facility (observing pads, member observatories, etc.). If leases become available in the future for other types of facilities, the TAAA Board may establish additional wait lists.

Notes for Observing Pad Wait List:

The wait list is kept by the CAC Director or designated representative based on deposits and information obtained from the TAAA Treasurer. A copy of the wait list will be available from the CAC Site Director on request.

A person will be removed from the wait list if that person is no longer eligible for a lease. Once removed, that person retains no rights to his or her former position on the wait list.

The existence of a wait list in no way guarantees that facilities will become available and TAAA is not obligated to build new facilities to accommodate the wait list. A members place on the wait list is not transferable to another person.

Payment

New Observing Pad - The cost of a new observing pad lease will be, at a minimum, a payment to the TAAA of the actual cost of construction of that facility and related infrastructure. There will be no additional construction cost after the actual cost of construction.

Existing Observing Pad – The cost for assumption of an existing observing pad lease shall be set from time to time by the TAAA Board. See Member Observing Pad Lease Cost Policy.

Annual Fee - The annual operational fee shall be the same as paid by the existing leaseholder for similar facilities, but may be pro-rated for less than one year's use.

Deposit - The waiting list deposit for facilities is applied to the eventual cost of the facility. Until the lease itself is awarded the deposit is refundable to any member who requests to be withdrawn from consideration or otherwise become ineligible for a lease.

Any member who accepts the offer of a lease must pay for the associated costs in a timely manner (as determined by the Treasurer under the direction of the President). Failure to do so will forfeit the offer of a lease, and allow the Site Director or designated representative to proceed with assignment to a different member as if the offer lease had been declined by the first.

Maintenance - During the lease period, it is the responsibility of the leaseholder to pay for any observing pad repair or maintenance costs.

Additional Considerations

These guidelines apply to planned or new construction as well as existing facilities.

Before applying these guidelines to new leases, the CAC Site Director or designated representative shall allow a current observing pad leaseholder to move from his existing facility to a newly available observing pad. Should more than one member want to move to a newly available pad, preference will be given to whoever has continuously held an existing lease for an observing pad the longest time.

There shall be no additional payment for a move to a similar class of pad, except when changing from a pad without a pier footing to a pad with a pier footing, in which case the cost for assuming the lease for a new pad will be the current cost set by the TAAA Board as the difference between a pad without a pier footing and that with a footing.

Leases are granted to a specific member or members by TAAA only. A TAAA member may be listed as a

leaseholder or co-holder for only one leased observing pad. A leaseholder may not sell, assign or transfer in any manner his lease to another person. A leaseholder may allow another member to share a facility, but the lease itself remains with the original leaseholder. Second and other members sharing a facility have no right to that lease should the original single leaseholder become ineligible or not renew. To “share a facility” means that the original leaseholder remains the main active user but allows another member the use of the facility. The original leaseholder may not assign or sublet the lease in any way. If the original lease was in the names of more than one member, surviving original leaseholder(s) may renew that lease. Similarly, if two or more members reserve a space on the wait list, surviving member(s) may claim that single space on the list.

If a member pad is leased to more than one member, each person named on the lease is severally liable for payment in full of deposits, lease costs, and annual fees. Nonpayment shall result in forfeiture of lease by all co-holders.

Should an existing observing pad become available at end of a lease period, the facility shall be returned to TAAA in a clean and leasable condition with all personal property removed. Any cost for repair of facility or removal of personal property will be billed to member, along with additional lease fee for any reasonable time period during which such repairs or cleanup is accomplished. Personal items left by leaseholder after termination of lease shall be disposed of by TAAA in a manner determined at TAAA's sole discretion.

Implementation and Resolution

This policy is to be implemented by the Site Director, under the authorization of the TAAA President. Any issues not resolved by these officers may be brought to the TAAA Board.

Member Observing Pad Lease Cost Policy

The costs for observing pad leases at the Chiricahua Astronomy Complex (CAC) shall be determined as described in this document.

Timeline and Procedures

Once a year, usually at the May meeting of the TAAA Board, the CAC Site Director, under the direction of the President, may prepare a report regarding costs associated with construction, operation and maintenance of facilities at CAC. The report may detail recent information of actual historical and projected costs. It shall also include recommendations regarding any revisions to the Schedule of Costs for Facilities. Based on this report and other information, the TAAA Board will deliberate and adopt a schedule of costs for the next lease year.

The schedule of costs may include:

The annual operational and maintenance cost for a:
Observing Pad
Internet connectivity (availability unknown)

Current estimated total costs for construction of a:
Observing Pad
Observing Pad with dead-man Pier Base
Any customized facility

This estimate of the cost of construction of new facilities is for calculating the cost of assumption (lease transfer) of an existing facility. This estimate does not replace the provision in the CAC Observing Pad Licensing Policy that says: "The cost of a new observing pad lease will be, at a minimum, a payment to the TAAA of the actual costs of construction of that facility and related infrastructure."

The Schedule of Costs for Facilities will also include the cost of assumption for a lease for an existing facility, which shall be set as follows:

For all observing pads or observing pads with pier bases: The current estimated construction cost of that type of facility.

For all non-standard facilities, the cost of the assumption of lease will be established annually. The TAAA Board shall consider the cost of original construction, specialized size and features, and condition. However, this is to be pre-determined annually, and not on the occasion of the transfer of the lease.

Lease Fee Policy

When the TAAA transfers a lease on an existing facility, the TAAA will receive the full lease cost of the observing pad from the new leaseholder. Only after the full lease fee is received by the TAAA, will the TAAA return 75% of the lease fee paid by the previous leaseholder back to the previous leaseholder, or in the case of the death of the previous leaseholder, to their estate.

Schedule of Costs for Facilities

Item	Deposit	Lease Cost	Lease Transfer
Observing Pad	For wait list \$200	Paid by new leaseholder \$2,280	Returned to previous leaseholder \$1,700 (% TBD)
Pad - Pier Base 1	\$250	\$2,630	\$1,975 (% TBD)

Operation Fees - all Observing Pads - \$120/year

Operation Fee will be paid annually in advance. It will cover the cost of utilities and maintenance of common areas. Internet Access Fee - all Observing Pads - (availability unknown)

Implementation and Resolution

This policy is to be implemented by the Site Director, under the authorization of the TAAA President. Any issues not resolved by these officers may be brought to the TAAA Board.

Lessee Date

Lessee Date

Tucson Amateur Astronomy Association Date