

MELBOURNE INTERNATIONAL AIRPORT

Real Estate Broker Policy

Adopted, September, 1995, Amended, September, 2000
Amended, February, 2003, Amended, June, 2005

1. The City of Melbourne Airport Authority shall allow brokerage participation in the lease of industrial and commercial real estate while continuing its efforts to solicit and acquire tenants through its own staff.
2. The City of Melbourne Airport Authority has the sole and absolute discretion to accept or reject any offers to lease, and no commissions will be paid on transactions or offers which the Airport Authority has rejected.
3. In order for a broker to represent a prospective lessee before the Airport Authority, the broker shall furnish a letter signed by an authorized official of the prospective lessee, identifying the broker as their designated representative for the proposed lease transaction.
4. No lease pricing structure shall be reduced solely due to the absence of broker involvement.
5. The real estate broker commissions shall be based on the lease price at the rate not to exceed 5% for a period of ten years. For projects where the construction has a value of under \$5,000,000, broker fees shall be paid in equal annual payments over a ten-year period starting when the Certificate of Occupancy is issued. For projects where the construction value is over \$5,000,000, the real estate broker commission shall be paid in full at the time the Certificate of Occupancy is issued. The lease value upon which the broker's fee is calculated shall be not more than 12% per annum of the appraised fair market value of the property over the first 10 years of the lease or the actual return which the airport is receiving from the tenant, whichever is less.
6. The Airport Authority shall pay commissions to a licensed real estate broker only if the broker is certified by lessee to be the procuring cause of the lease.
 - (6a) Said certification shall be presented to the Airport Authority on or before the closing date of the lease.
 - (6b) Broker must certify that it is not the lessee, an employee of the lessee or does not own or have a financial interest in the lessee's business.
7. In the event a transaction involving a broker results in the Authority granting an option or right of first refusal for an adjoining parcel, a commission will be payable if said option or right of first refusal is exercised within a period of five years or the term established in the agreement, whichever is shorter.