Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

CONSENT TO ASSIGNMENT OF STATE LEASE NO. DOT-A-09-0046 AND STATE LEASE NO. DOT-A-09-0047
SIMPLY WHEELZ LLC DBA ADVANTAGE RENT A CAR
TO ADVANTAGE OPCO LLC DBA ADVANTAGE RENT A CAR LIHU'E AIRPORT
TAX MAP KEY: (4) 3-5-01: PORTION OF 8

REQUEST:

Consent to Assignment of State Lease No. DOT-A-09-0046 and State Lease No. DOT-A-09-0047 from Simply Wheelz LLC dba Advantage Rent A Car, as Lessee/Assignor, to Advantage Opco, LLC dba Advantage Rent A Car, as Assignee at Lihu‘e Airport.

LEGAL REFERENCE:

Subsection 171-36(a) (5), Hawaii Revised Statutes, as amended

APPLICANTS:

LESSEE/ASSIGNOR: Simply Wheelz LLC dba Advantage Rent A Car, a Delaware Limited Liability Company, authorized to do business in the State of Hawaii, having a mailing address of 225 Brac Boulevard, Park Ridge, New Jersey 07656.

ASSIGNEE: Advantage Opco, LLC dba Advantage Rent A Car, a Delaware Limited Liability Company, authorized to do business in the State of Hawaii, having a mailing address of 7652 Narcoossee Rd., Orlando, Florida 32822.
LOCATION AND TAX MAP KEY:
Lihue Airport, Lihue, Island of Kauai, identified by
Tax Map Key: 4th Division, 3-5-01: Portion of 8

ZONING:
State Land Use District: Urban
County of Kauai: Industrial (IG-STP)

LAND TITLE STATUS:
Section 5(a) lands of the Hawaii Admissions Act – Non-Ceded
DHHL 30% entitlement lands: No X

PREMISES:
Area/Space No. 307-115, containing a land area of approximately 102 square feet of
improved/paved land, as shown and delineated on the attached Exhibit B-1.

CURRENT USE STATUS:
Airport purposes.

CHARACTER OF USE:
Operation of rental car concession.

TERM OF LEASE:
Lease No. DOT-A-09-0046, commenced on July 1, 2009, original expiration date was
May 31, 2014, but the DOT exercised the holdover provision of the lease, extending the
expiration date to May 31, 2015.


CONSIDERATION:
Zero. Assignment of Lease is required by the United States Federal Trade Commission
to maintain competition among rental car concessions at various airports.
RECOMMENDED PREMIUM:

Due to the nature of the Chapter 11 bankruptcy proceedings, the DOT has determined that there is no premium due.

DCCA VERIFICATION:

LESSEE / ASSIGNSOR:

Place of business registration confirmed: YES X NO ____
Registered business name confirmed: YES X NO ____
Good standing confirmed: YES X NO ____

ASSIGNEE:

Place of business registration confirmed: YES X NO ____
Registered business name confirmed: YES X NO ____
Good standing confirmed: YES X NO ____

REMARKS:

At the February 8, 2013 meeting, under Item M-1, the Board approved the assignment of State Lease No. DOTA-09-0046 and State Lease No. DOTA-09-0047 from DTG Operations, Inc. dba Thrifty Car Rental to Simply Wheelz LLC (Simply Wheelz). Simply Wheelz, doing business as Advantage Rent A Car, a former subsidiary of Hertz Global Holdings, Inc. (Hertz), filed for Chapter 11 protection over valuation of vehicles provided to Simply Wheelz when Hertz, subsequent to a United States Federal Trade Commission (USFTC) requirement, divested itself of Simply Wheelz in order to receive approval for the acquisition of Dollar Thrifty Automotive Group, Inc. (Dollar Thrifty). As part of the acquisition of Dollar Thrifty, the USFTC conditioned its approval of the acquisition on Hertz’s agreement to: (i) divest its Simply Wheelz subsidiary, which operates the Advantage brand to an entity capable of successfully expanding the operation of that brand, and (ii) ensure that the buyer of the Advantage brand will have the right to operate that brand on–airport at certain locations indentified by the USFTC, including Lihue Airport. As part of the Chapter 11 proceedings, Simply Wheelz assigned its right, title and interest in the agreements at Lihue to Advantage Opco, LLC dba Advantage Rent A Car.
RECOMMENDATION:

That the Board approves of and gives its approval to the Consent to the Assignment of State Lease No. DOT-A-09-0046 and State Lease No. DOT-A-09-0047 as herein outlined, subject to: (1) such terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State; and (2) review and approval of the Department of the Attorney General.

Respectfully submitted,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

APPROVED FOR SUBMITTAL:

WILLIAM J. AILA, JR.
Chairperson and Member