

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: SEPTEMBER 9, 2013 AGENDA ITEM NUMBER: 8

SUBJECT: RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO A LEASE AGREEMENT BETWEEN FORSYTH COUNTY, AS TENANT, AND LIBERTY PLAZA, LLC, AS LANDLORD, FOR SPACE FOR THE ADMINISTRATIVE SERVICES DIVISION OF THE PUBLIC HEALTH DEPARTMENT

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE:  DATE: September 5, 2013
COUNTY MANAGER

**RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT
TO A LEASE AGREEMENT BETWEEN FORSYTH COUNTY, AS TENANT,
AND LIBERTY PLAZA, LLC, AS LANDLORD, FOR SPACE FOR
THE ADMINISTRATIVE SERVICES DIVISION OF THE
PUBLIC HEALTH DEPARTMENT**

BE IT RESOLVED by the Forsyth County Board of Commissioners that, upon recommendation of the County Manager, and pursuant to the authority provided by N.C.G.S. 153A-158, 153A-165 and other applicable laws, the Chairman or County Manager and Clerk to the Board are hereby authorized to execute, on behalf of Forsyth County, the attached Second Amendment To Lease Agreement between Forsyth County, on behalf of its Department of Public Health, as Tenant, and Liberty Plaza, LLC, as successor in interest to BDF Associates, as Landlord, to amend and extend the lease of 7,305 square feet of space located on the 6th floor of 102 West Third Street, Winston-Salem, N.C. to house the Division of Administrative Services of the Department of Public Health to become a month to month lease with a 30 day written notice of right to vacate, commencing October 1, 2013 and expiring June 30, 2014 at a base rent during the extended term of \$8,150.29 per month, subject to a pre-audit certificate thereon by the Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney. The original contract amendment is incorporated herein by reference.

Adopted this the 9th day of September 2013.

SECOND AMENDMENT TO LEASE

THIS SECOND ADMENDMENT TO LEASE (the "Amendment") dated this 1st day of July, 2013 (the "Effective date") by and between LIBERTY PLAZA LLC as successor-in interest to BDF Associates ("Landlord") and Forsyth County, North Carolina on behalf of its Department of Public Health (hereinafter called " Lessee" or "Tenant").

WHEREAS, Landlord and Tenant previously have entered into that certain Lease Agreement dated August 10, 2006 and a First Amendment to lease dated October 1, 2011 for 7,305 square feet on the 6th floor located at 102 West Third Street, Winston Salem, North Carolina, as more particularly described in the Lease; and

WHEREAS, Landlord and Tenant wish to amend the Lease Agreement as hereinafter provided.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged the parties hereto mutually agree as follows;

1. Premises: Tenant wishes to amend their lease by going to a month to month rental basis with a 30 day written vacate notice and will terminate no later than June 30, 2014.
2. Rental rates: Base rent for the extended period will be \$8,150.29 per month
3. Cathyrn S. Taylor will become the New Tenant Representative for this amendment and until further notice.
4. Except as amended hereby, all terms and provisions of the Lease are hereby ratified, reaffirmed and remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the day and year as first above written.

LANDLORD:

LIBERTY PLAZA, LLC
By: Atlantic Coast Commercial

BY: _____
William H. Daniel

Title: Agent for the Landlord

TENANT:

Forsyth County of North Carolina on
behalf of its Department of Public
Health

BY:  _____
Marlon Hunter, Health Director

BY: _____
Dudley Watts, County Manager

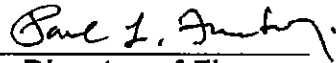
This instrument has been preaudited in
manner required by the Local Government
Budget and Fiscal Control Act

Date: Director of Finance

Contract #2007-0098-02: Liberty Plaza, LLC - First Amendment

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

8/16/2013



Date

Director of Finance