

FIFTH AMENDMENT TO LEASE

THIS FIFTH AMENDMENT TO LEASE entered into this 22 day of July, 2022, by and between MONTGOMERY COUNTY, MARYLAND, a body corporate and politic, hereinafter referred to as “the County” and BETTY B. CASEY TRUST, hereinafter referred to as “Landlord” (the County and Landlord together the “Parties”).

WITNESSETH:

WHEREAS, The County and the Landlord are Parties to a Lease Agreement, dated July 1, 1999, as amended by that certain First Amendment to Lease, dated September 7, 2004; and as further amended by that certain Second Amendment to Lease, dated June 23, 2010; and as further amended by that certain Third Amendment to Lease, dated July 8, 2015; and as further amended by that certain Fourth Amendment to Lease, dated November 6, 2020; (the Lease Agreement and the First, Second, Third and Fourth Amendments thereto, together the “Lease”), under which the County leases from the Landlord the Leased Premises known as units 8516, 8520, 8528, 8532, 8536, and 8540 Anniversary Circle, comprising 43,200 rentable square feet of space within the Building known as Casey Warehouse Center; and

WHEREAS, the Parties desire to amend the Lease to add another unit of approximately 7,200 square feet, known as 8512 Anniversary Circle, to the definition of Leased Premises, as that term is defined in the Lease, under the same terms, conditions, rental rates, and covenants and restriction as set forth in the Lease, except as amended by this Fifth Amendment.

NOW THEREFORE, in consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties amend the terms of the Lease as follows.

1. EFFECTIVE. This Amendment shall be effective as of July 1, 2022.
2. PREMISES: The Leased Premises under Section 1 of the Lease Agreement is amended to include the 7,200 square foot Bay known as 8512 Anniversary Circle (the “Additional Premises”), and the total square footage of the Leased Premises is amended to reflect the new total square footage of 50,400 rentable square feet of space within the building known as Casey Warehouse Center, and Tenant’s pro-rata share of Real Estate Taxes under Section 6B of the Lease, is amended to Fifty and 00/100 percent (50.00%).

3. RENTAL ADJUSTMENTS: The annual rent payable by the County as set forth in the Third Amendment to Lease is amended to include Bay 8512, according to the following schedule:

<u>Year</u>	<u>Annual</u>	<u>Monthly</u>
Ext. Year 8 (2022/23)	\$474,768.00/year	\$39,564.00/month
Ext. Year 9 (2023/24)	\$474,768.00/year	\$39,564.00/month
Ext. Year 10 (2024/25)	\$474,768.00/year	\$39,564.00/month

In addition to the rent schedule as outlined above, Tenant's contribution towards the Common Area Maintenance as outlined in Section 8 of the Lease, and Tenant's payment of the water & sewer charges, as set forth in Section 3 of the First Amendment to Lease shall apply to Bay 8512 Anniversary Circle as of the Effective date of this Fifth Amendment.

4. RENTAL ABATEMENT: The Landlord will abate one hundred percent (100%) of the monthly rent ("Base Monthly Rent") for the month of July 2022 for the Additional Premises. The Rent Commencement Date for the Additional Premises shall be August 1, 2022.

5. RATIFICATION OF TERMS: All terms, covenants and conditions of the Lease not expressly amended by this Fifth Amendment to Lease shall remain in full force and effect and are hereby ratified and affirmed in all respects.

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF, the Parties hereto have caused this Lease
Amendment to be properly executed.

WITNESS:

By: 

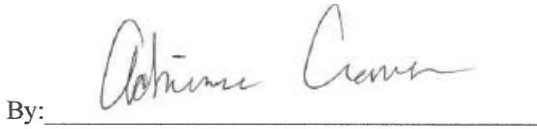
LANDLORD:
BETTY B. CASEY TRUST

By: 

Andrew W. Horman, Executive Director
Casey Management, Inc. Agent for Landlord

Date: 7/12/22

WITNESS:

By: 

TENANT:
MONTGOMERY COUNTY,
MARYLAND

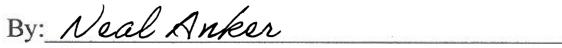
By: 

Fariba Kassiri
Asst. Chief Administrative Officer

Date: 7/22/22

Date: 7/22/22

APPROVED AS TO FORM & LEGALITY
OFFICE OF THE COUNTY ATTORNEY

By: 

Neal Anker
Associate County Attorney

Date: 7/18/2022

RECOMMENDED

By: 

Cynthia Brenneman, Director
Office of Real Estate

Date: 07/18/22