

RESOLUTION NO. 12904-16

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ON BEHALF OF THE CITY OF NEWPORT NEWS ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE AND IMPLEMENT AN AMENDMENT TO A LEASE BETWEEN DF FISHING POINT, LLC AND THE CITY OF NEWPORT NEWS, VIRGINIA, EXTENDING THE TERM THEREOF.

WHEREAS, by Resolution No. 11165-06, the City Council authorized the City Manager to execute and the City Clerk to attest any and all documents necessary to implement a Lease between Drucker & Falk, LLC and the City of Newport News, Virginia, for the City's use; and

WHEREAS, the Landlord's current name is DF Fishing Point, LLC; and

WHEREAS, both parties desire to amend the terms of the lease and extend the term of the lease for an additional 5 year term.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News, Virginia:

1. That it desires to, and hereby does, authorize and direct the City Manager to execute and the City Clerk to attest on behalf of the City of Newport News any and all documents necessary to effectuate and implement an amendment to the Lease between DF Fishing Point, LLC and the City of Newport News, Virginia, authorized by Resolution No. 11165-06.
2. That all documents shall first be reviewed and approved as to form by the City Attorney before their execution.
3. That this resolution shall be in effect on and after the date of its adoption, March 22, 2016.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON MARCH 22, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

AMENDMENT NO. 1

THIS AMENDMENT NO. 1, dated March 22, 2016, to that Lease dated the 9th day of May, 2006, by and between the **DF FISHING POINT, LLC** (“Landlord”), and **CITY OF NEWPORT NEWS, VIRGINIA** (“Tenant”).

WITNESSETH:

WHEREAS, the Landlord and Tenant entered into that certain Lease dated the 9th day of May, 2006 (the “Lease”), pursuant to which Landlord leased to Tenant and Tenant leased from Landlord the Demised Premises, all as set forth in the Lease; and

WHEREAS, Landlord and Tenant desire to amend the Lease, which is currently due to expire on June 30, 2016, by authorizing the renewal of the lease for a five (5) year renewal term beginning on July 1, 2016 and terminating on June 30, 2021; and

WHEREAS, Landlord and Tenant desire to amend the rental rate paid under the Lease.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant amend the Lease as follows:

1. **RENEWAL TERM:** At the end of the current term, the Lease will be renewed for a five (5) year renewal term, commencing July 1, 2016 and terminating June 30, 2021 (the “Renewal Term”). Notwithstanding the above, Tenant has the right to terminate the Lease at any time after June 30, 2019, by providing 180 days written notice to Landlord.

2. **RENT:** During first Lease Year of the Renewal Term, Tenant agrees to pay Landlord, without prior demand, rent (the “Rent”) in the amount of **Fifteen and 00/100 Dollars (\$15.00)** per square foot per annum, which equates to **Ninety Six Thousand Seven Hundred Eighty and 00/100 Dollars (\$96,780.00)**; payable in equal monthly installments of **Eight Thousand Sixty-Five and 00/100 Dollars (\$8,065.00)** in advance on or before the first day of each month during the Renewal Term, at such place as Landlord may direct in writing. Notwithstanding the above, this Lease is subject to annual appropriation by the local governing body of the City of Newport News. In accordance with paragraph 4 of the Lease, the Rent will increase annually by **Three Percent (3%)** in each Lease Year after the first Lease Year of the Renewal Term.

3. **OTHER:** Except to the extent they directly conflict herewith, the remaining terms of the Lease shall remain in full force and effect.

WITNESS the following Signatures and seals:

LANDLORD: **DF FISHING POINT, LLC**

By: _____

Its: _____

TENANT: **CITY OF NEWPORT NEWS, VIRGINIA**

By: _____
City Manager

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

COMMONWEALTH OF VIRGINIA
CITY OF NEWPORT NEWS, to-wit:

The undersigned Notary Public in and for the jurisdiction aforesaid hereby certifies that _____ and _____, whose names appear as City Manager and City Clerk, respectively, of the CITY OF NEWPORT NEWS, VIRGINIA, are signed to the foregoing Amendment No. 1 bearing date on the 22nd day of March, 2016, have acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this _____ day of _____, 2016.

Notary Public

My Commission expires: _____

COMMONWEALTH OF VIRGINIA
CITY OF NEWPORT NEWS, to-wit:

The undersigned Notary Public in and for the jurisdiction aforesaid hereby certifies that _____, whose name appears as _____ of DF FISHING POINT, LLC, is signed to the foregoing Amendment No. 1 bearing date on the 22nd day of March, 2016, has acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this _____ day of _____, 2016.

Notary Public

My Commission expires: _____

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