

Introduced November 4, 2019  
Public Hearing November 18, 2019  
Council Action December 2, 2019  
Executive Action December 6, 2019  
Effective Date December 6, 2019

## County Council Of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 13

### Bill No. 56 -2019

Introduced by: The Chairperson at the request of the County Executive

AN ACT pursuant to Section 612 of the Howard County Charter, approving a Third Amendment for the lease of space; and authorizing the County Executive to take certain actions in connection with the Agreement.

Introduced and read first time November 4, 2019. Ordered posted and hearing scheduled  
By order Diane A. Jones  
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a Third time at a public hearing on November 18, 2019.

By order Diane A. Jones  
Diane Schwartz Jones, Administrator

This Bill was read the third time on December 2 2019 and Passed , Passed with amendments , Failed .

By order Diane A. Jones  
Diane Schwartz Jones, Administrator

Scaled with the County Seal and presented to the County Executive for approval this 4<sup>th</sup> day of December, 2019 at 3 a.m./(n).

By order Diane A. Jones  
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive December 6, 2019

Calvin Ball  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1           **WHEREAS**, the County is currently leasing property pursuant to a Maryland Multi-Tenant  
2 Industrial Lease dated February 27, 2015, as amended by the First Amendment to Maryland Multi-  
3 Tenant Industrial Lease dated March 8, 2016 and the ~~Third~~ Second Amendment to Maryland  
4 Multi-Tenant Industrial Lease dated March 1, 2017 (collectively, the “Lease”); and

5  
6           **WHEREAS**, the Lease expires on February 29, 2020; and

7  
8           **WHEREAS**, the County wishes to renew the Lease for a term of 2 years, through  
9 February 28, 2022; and

10  
11           **WHEREAS**, the County and the landlord desire to enter into a Third Amendment to  
12 Maryland Multi-Tenant Industrial Lease (the “Third Amendment”), substantially the form  
13 attached as Exhibit A and such form of the Third Amendment is incorporated herein by reference;  
14 and

15  
16           **WHEREAS**, the Third Amendment requires the payment by the County of funds from an  
17 appropriation in a later fiscal year and therefore requires County Council approval as a multi-year  
18 agreement pursuant to Section 612 of the Howard County Charter.

19  
20           **NOW, THEREFORE,**

21  
22           ***Section 1. Be It Enacted*** by the County Council of Howard County, Maryland that in accordance  
23 with Section 612 of the Howard County Charter, it approves the form and content of the Third  
24 Amendment to Maryland Multi-Tenant Industrial Lease for the 2-year term.

25  
26           ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that  
27 the County Executive is hereby authorized to execute the Third Amendment to Maryland Multi-  
28 Tenant Industrial Lease for such term in the name of and on behalf of the County.

29  
30           ***Section 3. And Be It Further Enacted*** by the County Council of Howard County, Maryland that

1 *the County Executive, prior to execution and delivery of the Third Amendment to Maryland Multi-*  
2 *Tenant Industrial Lease, may make such changes or modifications to the form of the Third*  
3 *Amendment, attached hereto and incorporated herein, as he deems appropriate in order to*  
4 *accomplish the purpose of the transactions authorized by this Act, provided that such changes or*  
5 *modifications shall be within the scope of the transactions authorized by this Act; and the execution*  
6 *of the Third Amendment by the County Executive shall be conclusive evidence of the approval by*  
7 *the County Executive of all changes or modifications to the Third Amendment, and the Third*  
8 *Amendment shall thereupon become binding upon the County in accordance with its terms.*

9

10 ***Section 4. And Be It Further Enacted*** *by the County Council of Howard County, Maryland that*  
11 *this Act shall be effective immediately upon its enactment.*

**THIRD AMENDMENT TO MARYLAND MULTI-TENANT INDUSTRIAL LEASE**

This Third Amendment to \_\_\_\_\_ Lease (this "Third Amendment") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between \_\_\_\_\_, a Delaware limited liability company, successor-in-interest to \_\_\_\_\_ ("Landlord") and HOWARD COUNTY, MARYLAND, a body corporate and politic ("Tenant").

**RECITALS:**

I. \_\_\_\_\_, Landlord's predecessor in interest ("Original Landlord") and Tenant entered into that certain Maryland Multi-Tenant Industrial Lease dated February 27, 2015 ("Original Lease"), as amended by that certain First Amendment to Maryland Multi-Tenant Industrial Lease dated March 8, 2016 and as amended by that certain Second Amendment to Maryland Multi-Tenant Industrial Lease dated March 1, 2017 (collectively, the "Lease") for the Premises described as: \_\_\_\_\_, consisting of approximately 5,604 rentable square feet located in the Building, as defined in the Original Lease.

II. Original Landlord transferred the Building to the Landlord by deed dated \_\_\_\_\_, and recorded among the Land Records of Howard County, Maryland in Book \_\_\_\_\_, page \_\_\_\_\_.

III. The Lease expires by its terms on **February 29, 2020** ("Expiration Date").

IV. Landlord and Tenant wish to amend the Lease by extending the Term by an additional twenty-four (24) months, and to make other modifications to the terms of the Lease as set forth herein.

Landlord and Tenant, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, do covenant and agree as follows:

1. Unless otherwise defined herein, all capitalized terms shall have the same meaning as they have been assigned in the Lease.

2. Landlord and Tenant agree to extend the Term until **February 28, 2022** ("New Expiration Date"). The period between the Expiration Date and the New Expiration Date shall be referred to as the "Extension Term".

3. **Basic Rent:** For the Extension Term, Basic Rent payable by Tenant under the Lease, as amended, shall be as follows:

PERIOD	RATE/R.S.F.	MONTHLY BASIC RENT	ANNUAL BASIC RENT
03/01/2020 - 02/28/2021	\$14.33	\$6,692.11	\$80,305.32
03/01/2021 - 02/28/2022	\$14.76	\$6,892.87	\$82,714.44

Together with applicable sales tax and other additional rent applicable under the Lease.

4. **Condition of Premises/Landlord's Work:** Landlord shall re-paint the Premises; using building standards and at cost not to exceed \$3.00 per rentable square feet. Otherwise, Tenant is retaining the Premises in "As-Is" condition.

5. **Option to Renew:** Provided that at the time such option is exercised and at the expiration of the Term, (i) Tenant is not in default under the Lease, (ii) Tenant has not assigned this Lease or sublet the Premises, other than to permitted subleases or assignees as permitted in the Lease, (iii) Tenant continues to occupy the Premises, (iv) Tenant's use is consistent with the general quality of the tenants and uses in the Project, and (v) Tenant remains creditworthy, Tenant shall have one (1) option for an additional one (1) year term ("Renewal Option"). For the year exercised, the Basic Rent shall increase three percent (3%) over



**ATTEST:**

**HOWARD COUNTY, MARYLAND**

\_\_\_\_\_  
Lonnie R. Robbins  
Chief Administrative Officer

By: \_\_\_\_\_ (SEAL)  
Calvin Ball  
County Executive  
Date: \_\_\_\_\_

**APPROVED:**

\_\_\_\_\_  
James M. Irvin, Director  
Department of Public Works

**APPROVED FOR SUFFICIENCY OF FUNDS:**

\_\_\_\_\_  
Janet R. Irvin, Director  
Department of Finance

**APPROVED FOR FORM AND LEGAL SUFFICIENCY**

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Gary W. Kuc  
County Solicitor

Reviewing Attorney:

\_\_\_\_\_  
Morenike Euba Oyenusi  
Sr. Assistant County Solicitor

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on  
December 6, 2019.

Diane Schwartz Jones  
Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Diane Schwartz Jones, Administrator to the County Council







# Howard County

*Internal Memorandum*

**Subject:** Testimony & Fiscal Impact Statement  
Council Bill No. \_\_\_\_ - 2019, an Act pursuant to Section 612 of the Howard County Charter, approving a Third Amendment for the lease of space; and authorizing the County Executive to take certain actions in connection with the Agreement.

**To:** Lonnie R. Robbins,  
Chief Administrative Officer

**From:** James M. Irvin, Director  
Department of Public Works

**Date:** October 18, 2019

The Department of Public Works has been designated coordinator for preparation of testimony relative to approval of a Third Amendment for the leased space.

The County is currently leasing property pursuant to a Maryland Multi-Tenant Industrial Lease dated February 27, 2015, as amended by the First Amendment to Maryland Multi-Tenant Industrial Lease dated March 8, 2016, and the Second Amendment to Maryland Multi-Tenant Industrial Lease dated March 1, 2017 (collectively "the Lease").

The Lease expires February 29, 2020, and the County wishes to renew the Lease beginning on March 1, 2020 for a term of two years, through February 28, 2022, with a one-year renewal option. The County and the landlord desire to enter into a Third Amendment to Maryland Multi-Tenant Industrial Lease (the "Third Amendment"), substantially the form attached as Exhibit A, and such form of the Third Amendment is incorporated herein by reference.

The Third Amendment requires the payment by the County of funds from an appropriation in a later fiscal year and therefore requires County Council approval as a multi-year agreement pursuant to Section 612 of the Howard County Charter.

The two-year lease schedule starts at a base rental rate of \$14.33/sf, and then escalates 3% yearly and continues every twelve-month period thereafter.

PERIOD	RATE/R.S.F.	MONTHLY BASIC RENT	ANNUAL BASIC RENT
03/01/2020 - 02/28/2021	\$14.33	\$6,692.11	\$80,305.32
03/01/2021 - 02/28/2022	\$14.76	\$6,892.87	\$82,714.44

Representatives of this department will be present at the public hearing to answer any questions or concerns. If you require any further information concerning this matter or have any additional questions, please do not hesitate to contact me at your convenience.

cc: Jennifer Sager

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
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This Bill was read the third time on \_\_\_\_\_, 2019 and Passed \_\_\_\_\_ Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_ day of \_\_\_\_\_, 2019 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2019

\_\_\_\_\_  
Calvin Ball, County Executive

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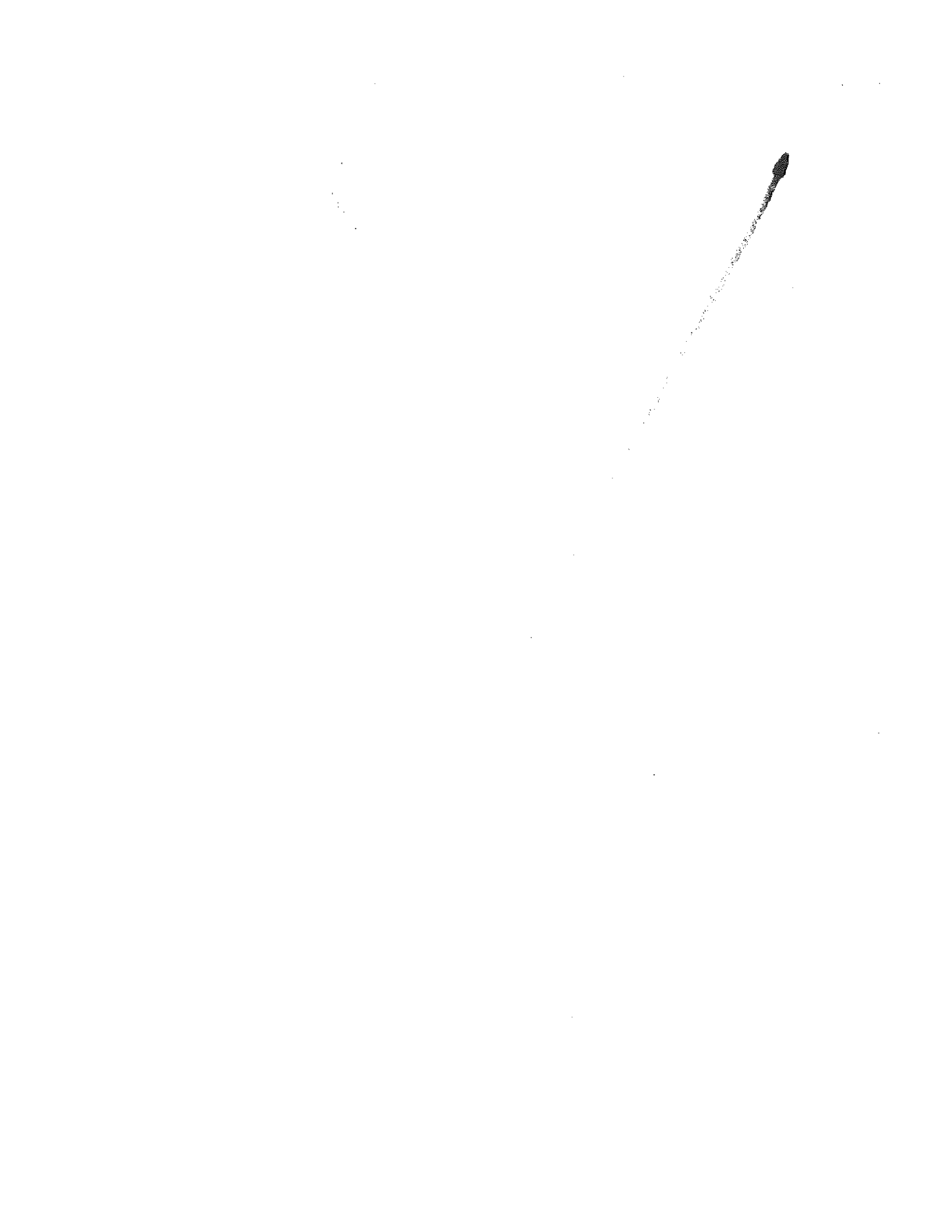
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10 ***Section 4. And Be It Further Enacted*** *by the County Council of Howard County, Maryland that*  
11 *this Act shall be effective immediately upon its enactment.*



Amendment 1 to Council Bill No. 56-2019

**BY: The Chairperson at the request  
of the County Executive**

**Legislative Day 14  
Date: December 2, 2019**

Amendment No. 1

*(This amendment corrects a reference.)*

- 1 On page 1, in line 3, strike “Third” and substitute “Second”.