

FIRST AMENDMENT OF LEASE

THIS FIRST AMENDMENT OF LEASE (the “**Amendment**”) is made by the **MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**, a public body corporate and agency of the State of Maryland (the “**Commission**”), and **MONTGOMERY COUNTY, MARYLAND**, through its Department of General Services, 101 Monroe Street, 9th Floor, Rockville, Maryland 20850 (the “**County**”).

RECITALS:

A. The Commission and County entered into a Lease Agreement (Contract No. 360026-000) with a commencement date of November 1, 2015 (the “**Lease**”), for the County’s use of Commission property located at 18410 Muncaster Road, Rockville, MD and more commonly known as the Agricultural History Farm Park Activity Center (the “**Building**”) in Rock Creek Regional Park.

B. On or about January 15, 2019, the County made a request to the Commission to add a 144 square foot office in the Building to its Leased Premises.

C. On or about May 14, 2019, the County made an additional request to renew the Lease for a first extension term beginning on November 1, 2019.

D. The Commission is willing to grant the County’s requests pursuant to the terms and conditions herein.

NOW THEREFORE, for and in consideration of the respective covenants, promises and agreements provided herein the Commission and County agree as follows:

1. **Incorporation of Recital.** The above Recitals are incorporated into this Amendment by reference.

2. **First Extension Term.** The Commission and County agree to extend the Lease for a first extension term commencing November 1, 2019 and expiring October 31, 2023. Subject to the terms of the Lease, three renewal terms of four years each remain.

3. **Premises.** Section 1 of the Lease is deleted in its entirety and replaced with the following:

“1. Premises. The Commission leases to the County and County agrees to rent from the Commission 12,803 square feet, or 85% of 15,070 square feet in the Center, as shown on the revised Exhibit “A”, demonstrating the 144 square feet of additional office spaced added to the Premises.”

4. **Adjustments to Operating Costs.** Sections 4.A and 4.B of the Lease are deleted in their entirety and replaced with the following:

“A. Utilities. The County shall be responsible for the payment of its share of all utility costs for the Leased Premises, including water, sewer, electricity, and gas (collectively, the “**Utility Cost**”) which Utility Cost is included in the Rent. The County’s proportionate share of the Utility Cost shall equal 85.0% of all utility costs incurred by the Commission in connection with the use and operation of the Center.

B. Operating Cost Adjustment. The parties acknowledge that the Operating Cost will fluctuate from time to time. Accordingly, the parties agree that the Commission may assess and adjust the Operating Cost in a periodic manner. The Commission shall provide to the County a copy of documentation showing the Operating Cost on an annual basis. If the County’s 85% *pro rata* Operating Cost is greater than the annual Rent then in effect, then the Commission will invoice the County for the additional amount, and the County shall pay to the Commission such additional amount within 30 days from the date of the invoice. If the County’s 85% *pro rata* Operating Cost is less than the annual Rent then in effect, then the Commission will credit the difference and deduct such difference from the next monthly Rent(s) due.”

5. **Effective Date**. The effective date of this Amendment shall be the last date written on the signature page herein.

6. **No Other Changes**. Except as modified in this Amendment, all other terms and conditions of the Agreement remain the same.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the Commission and the Lessee have executed this Amendment on the date written below.

MONTGOMERY COUNTY, MARYLAND

Attest:

Adrienne Conner

By: *Aferma Jitter for*
Fariba Kassiri
Assistant Chief Administrative Officer

Date: 8/12/19

**APPROVED AS TO FORM AND LEGALITY,
OFFICE OF COUNTY ATTORNEY**

By: *Neal Ankar*
Neal Ankar

Date: 7-3-19

RECOMMENDED OFFICE OF REAL ESTATE

By: *Cynthia Breneman*
Cynthia Breneman, Director of Real Estate

Date: 7/3/19

**MARYLAND-NATIONAL CAPITAL PARK
AND PLANNING COMMISSION**

By: *Asuntha Chiary-Smith*
~~Anju Bennett~~ ~~Acting~~ Executive Director

ATTEST:

Date: _____

By: *Joseph Zimmerman*
Joseph Zimmerman,
Secretary-Treasurer

First Amended Exhibit A Leased Premises

5 PARKING SPOTS reserved
94 PARKING SPOTS total

