

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT WITH THE CHAMBER FOUNDATION FOR UNIT 210 IN THE 400 CLINCHFIELD CONDOMINIUM ASSOCIATION BUILDING AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION

WHEREAS, on July 1, 2014, by Resolution No.: 2015-016, the city approved a lease agreement with the Kingsport Chamber Foundation for unit 210 of the 400 Clinchfield Street Condominiums which was then subleased to the Hon. Robert H. Montgomery, Jr., of the Tennessee Criminal Court of Appeals for his Northeast Tennessee office; and

WHEREAS, said agreement is not set to expire until November 2024; however, it is the desire of the Chamber Foundation and Judge Montgomery to extend the term until November 2027; and

WHEREAS, all other terms and conditions of the agreement will remain the same.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the amendment to the lease agreement with the Kingsport Chamber Foundation for suite 210 of 400 Clinchfield Street is approved as well as the sublease of the space to the Honorable Robert H. Montgomery, Jr.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, all documents necessary and proper, to deliver the agreement and take any and all action as may be required on the part of the city to carry out, give effect to, and consummate the transactions contemplated by the agreement and this resolution, said amendment being generally as follows:

FIRST AMENDMENT TO LEASE AGREEMENT

This First Amendment to Lease Agreement ("Amendment") is made and entered into this, the _____ day of _____, 2023, by and between the **CITY OF KINGSFORT**, a Tennessee municipal corporation ("Lessor") and the **KINGSFORT CHAMBER FOUNDATION**, a Tennessee non-profit corporation ("Lessee").

RECITALS

WHEREAS, Lessor and Lessee entered into a Lease Agreement, dated February 9, 2015, ("Lease"), pursuant to which Lessee leased approximately 1,471 square foot office space having a street address of 400 Clinchfield Street, Suite 210, Kingsport, Tennessee ("Premises").

WHEREAS, Lessor and Lessee wish to amend the Lease to modify the term of the lease; and

WHEREAS, Lessor and Lessee wish to amend the Lease to include an option to renew the Lease.

NOW, therefore, intending to be legally bound hereby, the Parties agree:

1. Section 2 of the Lease is hereby deleted in its entirety and replaced as follows:

SECTION 2. LEASE TERM. The term of this lease shall begin on November 19, 2014, at noon and shall terminate on November 30, 2027, at noon, unless sooner terminated as herein approved.

2. Section 37 is added to the Lease as follows:

SECTION 37. OPTION TO RENEW. The Lease term may be extended for two (2) additional years at the same monthly amount, so long as Lessee provides written notice to Lessor at least six months prior to the November 30, 2027, expiration date.

3. All other provisions of the Lease not specifically amended herein shall remain in full force and effect.

IN WITNESS WHEREOF, the Lessor and Lessee hereto have executed this amendment as of the date and year first written above.

[Acknowledgements Deleted for Inclusion in this Resolution]

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreement that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION IV. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort, and prosperity of the citizens of the city.

SECTION V. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 1st day of August, 2023.

PATRICK W. SHULL, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY