

BRIEFING
DRAFT

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 12, 2017

AGENDA ITEM NUMBER: 12

SUBJECT: RESOLUTION AUTHORIZING EXECUTION OF A LEASE AMENDMENT BETWEEN FORSYTH COUNTY AND THE UNITED STATES OF AMERICA ON BEHALF OF ITS DEPARTMENT OF AGRICULTURE (USDA), RURAL DEVELOPMENT DIVISION, FOR LEASE OF COUNTY OWNED PROPERTY (FORSYTH COUNTY AGRICULTURAL BUILDING)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

ATTACHMENTS: YES NO

SIGNATURE: _____

COUNTY MANAGER

DATE: _____

**RESOLUTION AUTHORIZING EXECUTION OF A LEASE AMENDMENT
BETWEEN FORSYTH COUNTY AND THE UNITED STATES OF AMERICA ON
BEHALF OF ITS DEPARTMENT OF AGRICULTURE (USDA), RURAL
DEVELOPMENT DIVISION, FOR LEASE OF COUNTY OWNED PROPERTY
(FORSYTH COUNTY AGRICULTURAL BUILDING)**

WHEREAS, Forsyth County owns the Forsyth County Agricultural Building located at 1450 Fairchild Drive, Winston-Salem, N.C. in which it plans to lease 2,349 square feet of office space (Rooms 302, 3021, 304, 3041, and 3061) to the United States of America on behalf of its Department of Agriculture (USDA), Rural Development Division, for a two year term beginning August 1, 2017 and ending July 31, 2019, at an annual rental of \$19,943.01 payable in equal monthly installments of \$1,661.91; and

WHEREAS, the above-described property will not be needed by Forsyth County for County purposes during the term of the proposed amended lease; and

WHEREAS, pursuant to the provisions of N.C.G.S. 160A-272, notice has been timely given by publication describing the property to be leased or rented, stating the annual rental or lease payments, and announcing the Board of County Commissioners' intent to authorize the lease or rental at its next regular meeting;

NOW, THEREFORE, BE IT RESOLVED by the Forsyth County Board of Commissioners that the Chairman or County Manager and the Clerk to the Board are hereby authorized to execute the above-described Lease Amendment, on behalf of Forsyth County, subject to a pre-audit certificate thereon by the County Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney. The original Lease Amendment is attached hereto and incorporated herein by reference.

Adopted this 12th day of October 2017.

DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY	LEASE AMENDMENT NO. 03
LEASE AMENDMENT	TO LEASE NO. USDA Forsyth County Service Center
ADDRESS OF PREMISES Forsyth County Service Center 1450 Fairchild Drive Winston Salem, North Carolina 27015-4560	PDN Number: N/A

THIS AGREEMENT, made and entered into this date by and between **Forsyth County** whose address is: **201 N. Chestnut Street, Forsyth County Gov. Center, 4th Floor, Winston-Salem, North Carolina 27101**

hereinafter called the Lessor, and the **UNITED STATES OF AMERICA**, hereinafter called the Government:

WHEREAS, the parties hereto desire to amend the above Lease.

NOW THEREFORE, these parties for the considerations hereinafter mentioned covenant and agree that the said Lease is amended, effective upon execution by the Government as follows:

1. **This Lease Agreement is issued to extend the lease term beginning August 1, 2017 through July 31, 2019.**
2. **The Government will pay the lessor annual rent of \$19,943.01 payable at the rate of \$1,661.91 per month (representing \$8.49 per square feet for 2,349 usable square feet) in arrears. This extension reflects the mutual agreement of USDA releasing 464 square feet of unused office space.**
3. **Pursuant to the Lease Agreement, the tenant reserves the right to terminate this lease or decrease the amount of space at any time by giving at least 120 days notice in writing to the Lessor.**
4. **The Lessor must have an active/updated registration in the System for Award Management (SAM) www.SAM.gov, upon receipt of this Lease Amendment. Registration must remain "Active" throughout the lease term and renewed annually. The Government will not process rent payments to Lessors without an active/updated SAM registration.**

This Lease Amendment contains (1) page.

All other terms and conditions of the lease shall remain in force and effect.
IN WITNESS WHEREOF, the parties subscribed their names as of the below date.

FOR THE LESSOR:

Signature: _____
Name: _____
Title: _____
Entity Name: _____
Date: _____

FOR THE GOVERNMENT:

Signature: _____
Name: Ginger F. Rider
Title: Warranted Lease Contracting Officer
United States Department of Agriculture
Date: _____

WITNESSED FOR THE LESSOR BY:

Signature: _____
Name: _____
Title: _____
Date: _____

**PUBLIC NOTICE OF THE
FORSYTH COUNTY BOARD OF COMMISSIONERS'
INTENT TO AUTHORIZE A TWO-YEAR LEASE AMENDMENT
OF COUNTY-OWNED PROPERTY LOCATED IN THE FORSYTH
COUNTY AGRICULTURE BUILDING AT
1450 FAIRCHILD DRIVE, WINSTON-SALEM, N.C.**

Notice is hereby given by publication, pursuant to the provisions of N.C.G.S. 160A-272, that the Forsyth County Board of Commissioners, at its regular meeting scheduled for Thursday, October 12, 2017 at 2:00 p.m. in the Commissioners' Meeting Room on the fifth floor of the Forsyth County Government Center, located at 201 N. Chestnut Street, Winston-Salem, N.C., intends to authorize the execution of a two-year lease amendment to the United States of America, on behalf of its United States Department of Agriculture (USDA), of County-owned property located in the Forsyth County Agriculture Building, containing 2,349 square feet (Rooms 302, 3021, 304, 3041, and 3061) at 1450 Fairchild Drive, Winston-Salem, N.C., for a term beginning August 1, 2017 and ending July 31, 2019, at \$19,943.01 in annual lease payments, payable at the rate of \$1,661.91 per month, and other valuable consideration as outlined in the Lease Amendment.

The property identified herein will not be needed by Forsyth County for County purposes during the term of the proposed lease, except as provided and reserved in the Lease Amendment.

This notice shall be published once at least thirty (30) days prior to the October 12, 2017 Board Meeting.

FORSYTH COUNTY

Carla D. Holt, Clerk to the Board