

APPROVED

First Reading: 04/11/12

Passed 9-0: 04/25/12

**COUNTY OF LEHIGH, PENNSYLVANIA
COMMISSIONERS BILL 2012-12
SPONSORED BY COMMISSIONER MAZZIOTTI
REQUESTED DATE: APRIL 4, 2012
ORDINANCE NO. 2012-111**

**APPROVING A SECOND AMENDMENT TO THE LEASE AGREEMENT WITH
ROCHE PARTNERSHIP, LLP**

WHEREAS, the County of Lehigh entered into a Lease Agreement dated August 17, 2006 with Roche Partnership, LLP for premises consisting of approximately 9,500 square feet together with five (5) parking spaces located at Merchants Square, 1901 S. 12th Street, Building 1, Room 215, Allentown, PA, Lehigh County, Pennsylvania; and

WHEREAS, the County utilizes the space for its archives center, and leased the premises for a term of three (3) years, which term ended July 31, 2009; and

WHEREAS, the County amended the lease agreement to extend the term for an additional three (3) years commencing August 1, 2009 and ending July 31, 2012; and

WHEREAS, the County desires to amend the lease agreement to extend the term for one (1) year with the option of an additional three (3) years; and

WHEREAS, a copy of the proposed lease amendment is attached hereto as Exhibit "A"; and

WHEREAS, to permit the County to amend the lease to extend the term, ordinance approval and an exemption from the Administrative Code are required.

**NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED BY
THE BOARD OF COMMISSIONERS OF THE COUNTY OF LEHIGH,
PENNSYLVANIA, THAT:**

1. The foregoing Whereas clauses are incorporated herein as if set forth in their entirety.
2. The proposed Lease amendment between Roche Partnership, LLP and the County of Lehigh, attached hereto as Exhibit "A", is hereby approved, and the requirements of section 808.1 of the Administrative Code are hereby waived for this transaction.
3. The proper officers and other personnel of Lehigh County are hereby authorized and empowered to take all such further action, including any necessary transfers of funds, and execute additional documents as they may deem appropriate to carry out the purpose of this Ordinance.
4. The County Executive shall distribute copies of this Ordinance to the proper offices and other personnel of Lehigh County whose further action is required to achieve the purpose of this Ordinance.
5. Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.
6. This Ordinance shall become effective in ten (10) days after enactment.

ADOPTED this 25th day of April, 2012, by the following vote:

Commissioners

AYE

NAY

Thomas C. Creighton, III	X
Percy H. Dougherty	X
David S. Jones, Sr.	X
Daniel K. McCarthy	X
Vic Mazziotti	X
Brad Osborne	X
Scott Ott	X
Lisa Scheller	X
Michael Schware	X

ATTEST:


CLERK TO THE BOARD OF COMMISSIONERS

APPROVED this 1st day of May, 2012.


DONALD T. CUNNINGHAM, JR.
LEHIGH COUNTY EXECUTIVE

ENACTED this 1st day of May, 2012.

SECOND AMENDMENT TO LEASE AGREEMENT

THIS Second Amendment to Lease Agreement is made this _____ day of _____, 2012, by and between, **ROCHE PARTNERSHIP, LLP**, with an address of 1901 S. 12th Street, Allentown, Pennsylvania 18103 (hereinafter referred to "Lessor") and, **THE COUNTY OF LEHIGH**, a Home Rule County of the Third Class, with an office located at 17 South 7th Street, Allentown, Pennsylvania 18101 (hereinafter referred to as "Lessee").

WHEREAS, Lessor and Lessee entered into a Lease Agreement for the demised premises comprising of approximately 9,500 square feet, and known and described as Building 1, Room 215 at Merchants Square, 1901 S. 12th Street, Allentown, Pennsylvania, together with five (5) parking spaces located near the entrance, as further described in a Lease Agreement dated August 17, 2006, (the "Lease"); and

WHEREAS, the Lease was for three (3) years ending July 31, 2009; and

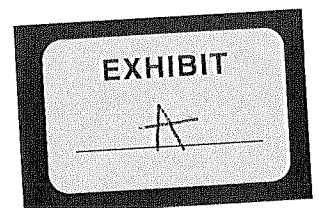
WHEREAS, the Lessor and Lessee entered into an Amendment to Lease Agreement extending the terms of the Lease Agreement for an additional three (3) years, commencing on August 1, 2009 and ending on July 31, 2012; and

WHEREAS, Lessor and Lessee wish to amend the Lease and further extend the term.

NOW, THEREFORE, the parties hereto, intending to be legally bound hereby, do agree as follows:

1. The Lease shall be extended for an additional one (1) year commencing on August 1, 2012, and ending on July 31, 2013, upon the same terms and conditions of the original Lease except that the rental for the extended one (1) year term shall be \$3,700.00 per month.

2. Lessee shall have the further option to extend the Lease for an additional three (3) years commencing August 1, 2013, and ending July 31, 2016, provided that notice to exercise said



option is given by Lessee to Lessor, in writing, on or before April 30, 2013. The rental for the extended term, if exercised, shall be as follows:

August 1, 2013 to July 31, 2014 \$3,800.00 per month (\$4.80/sq. ft.)

August 1, 2014 to July 31, 2015 \$3,900.00 per month (\$4.93/sq. ft.)

August 1, 2015 to July 31, 2016 \$4,000.00 per month (\$5.05/sq. ft.)

3. All other terms and conditions of the original Lease shall remain in full force and effect including the right to terminate as set forth in paragraph II. D. of the original Lease.

IN WITNESS WHEREOF, the parties have hereunto affixed their hands and seals to this

Second Amendment to Lease Agreement as of the day and year above first written.

Witness:

LESSOR
ROCHE PARTNERSHIP, LLP

By: Michael C. Roche, Partner
Michael C. Roche, Partner

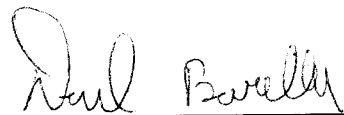
LESSEE
THE COUNTY OF LEHIGH

By: _____
Donald T. Cunningham, Jr.
County Executive

COUNTY OF LEHIGH ORDINANCE 2012 – NO. 111

CERTIFICATION

I, DAVID BARILLA, Clerk to the Board of Commissioners of Lehigh County, do hereby certify that the attached is a true and correct copy of the ordinance adopted at a regular meeting of the Commissioners of Lehigh County held on the 25th day of April, 2012, and approved on the 1st day of May, 2012 by the Lehigh County Executive, and effective on the 11th day of May, 2012.



DAVID BARILLA, Clerk
Board of Commissioners