

BILL NO. 436

ORDINANCE NO. 417

INTRODUCED BY: Trustees Young, Graves, Slama, Whitmore, Fortune

AN ORDINANCE APPROVING A SECOND LEASE AGREEMENT WITH USR-DESCO TWIN OAKS, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND THE VILLAGE OF TWIN OAKS AUTHORIZING EXECUTION OF THE AGREEMENT AND RENTAL PAYMENTS AS SPECIFIED THEREIN:


BE IT ORDAINED by the Board of Trustees of the Village of Twin Oaks, St. Louis County, Missouri, as follows:

Section 1. The Board of Trustees hereby approves a Second Lease Modification Agreement to original lease dated January 8, 2010 renting office space within the Village at 1393 Big Bend Road, Suite F, Twin Oaks, MO 63021. Said current Lease shall be extended for two years, beginning March 1, 2014 and ending February 28, 2016, the lease payment shall be \$2,150.00. All as more particularly set forth in a written Lease Modification Agreement denominated Exhibit "A" attached hereto and incorporated in this Ordinance by reference. This lease modification does not include additional tenant property maintenance fees.


Section 2. The Village Clerk is authorized to execute said Lease Modification Agreement on behalf of the Village and the Village Clerk is authorized to make the monthly rental payments called for therein.

Section 3. This Ordinance shall be in full force and effect from and after its passage as provided by law.

PASSED and APPROVED this 5 day of February, 2014.


Dennis L. Whitmore, Chairman

ATTEST:


Kathy A. Bunge
Village Clerk

First Reading 1-22-2014

Second Reading 2-5-2014

SECOND AMENDMENT TO LEASE

THIS SECOND AMENDMENT TO LEASE ("Amendment"), made and entered on this ^{10th} ~~10th~~ of ~~February~~, 2014, by and between USR-Desco Twin Oaks, LLC, a Delaware limited liability company ("Landlord") and The Village of Twin Oaks, an incorporated Missouri Municipality ("Tenant");

WITNESSETH THAT:

WHEREAS, Landlord (f/k/a MCW-RD Twin Oaks, LLC) and Tenant entered into a certain Lease dated January 8, 2010, a Commencement Letter dated February 24, 2010, and a First Amendment to Lease dated December 14, 2011 ("Lease"), for those certain premises consisting of approximately 1,200 square feet, known as 1393 Big Bend Boulevard, Suite F, Twin Oaks, Missouri ("Premises") located in Twin Oaks Crossing ("Center"); and

WHEREAS, the parties hereto mutually desire to amend the Lease;

NOW THEREFORE, for and in consideration of One Dollar (\$1.00) paid by each of the parties hereto to the other and in consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency of which is hereby acknowledged, the parties hereto stipulate, covenant and agree as follows:

1. **Lease Term (Section 3.1):** The term of the Lease shall be extended for two (2) years, beginning March 1, 2014 and ending February 28, 2016.

2. **Minimum Rent (Section 4.2):** Beginning March 1, 2014 and continuing through February 28, 2016, Tenant shall pay Landlord an annual minimum base rental of Twenty Five Thousand Eight Hundred and 00/100 Dollars (\$25,800.00), payable in equal monthly installments of Two Thousand One Hundred Fifty and 00/100 Dollars (\$2,150.00) without demand, setoff, recoupment or deduction.

3. Except as otherwise defined herein, all capitalized terms used in this Amendment shall have the same meaning as set forth in the Lease.

4. All of the terms, covenants, conditions and provisions of the Lease, except as herein specifically amended and/or supplemented, shall remain in full force and effect and are hereby adopted and reaffirmed by the parties hereto.

5. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

[Signature Page to Follow]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day and year first above written.

LANDLORD:

USR-Desco Twin Oaks, LLC,
a Delaware limited liability company

By: USR-Desco Member, LLC,
a Delaware limited liability company,
its sole Member

By: USR-Desco, LLC,
a Delaware limited liability company,
its sole Member


By: Desco 2, L.L.C.,
a Missouri limited liability company,
its Managing Member

By: The DESCO Group, Inc.,
a Missouri corporation,
its sole Manager

By: 
Mark J. Schnuck, President

TENANT:

Village of Twin Oaks,
an incorporated Missouri Municipality

By: 
Name: DENNIS L. WHITMORE
Title: CHAIRMAN