



# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		9/23/13			
Department:		Economic Development			
Department Head		Sally Bane			
Agenda Coordinator (include phone #): <b>Michael Parrish x7554</b>					
<b>CAPTION</b>					
A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a Third Amendment to Office Lease by and between Granite Park III, Ltd., and the City of Plano for Granite Park Three Office Building; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.					
<b>FINANCIAL SUMMARY</b>					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>2013-14</b> <b>2014-15</b>	<b>Prior Year</b> <b>(CIP Only)</b>	<b>Current</b> <b>Year</b>	<b>Future</b> <b>Years</b>	<b>TOTALS</b>
Budget		0		72,976	<b>72,976</b>
Encumbered/Expended Amount		0	0	0	<b>0</b>
This Item		0		-72,976	<b>-72,976</b>
BALANCE		0	0	0	<b>0</b>
<b>FUND(s):    GENERAL FUND</b>					
<b>COMMENTS:</b> This item, in the amount of \$72,976 is included in the approved 2013-14 Budget. Of this amount, \$54,732 will be spent in FY 2013-14 (9 months) and \$18,244 will be spent in FY 2014-15 (3 months), within approved budget appropriations, for office lease for Economic Development.  <b>STRATEGIC PLAN GOAL:</b> Leasing office space for Economic Development relates to the City's goal of Financially Strong City with Service Excellence.					
<b>SUMMARY OF ITEM</b>					
Resolution to approve a Third Amendment to Office Lease between Granite Park III, Ltd., and the City of Plano for Granite Park Three Office Building. (2006-223-C)					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Resolution and Exhibit "A"					

**A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a Third Amendment to Office Lease by and between Granite Park III, Ltd., and the City of Plano for Granite Park Three Office Building; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.**

**WHEREAS**, the City Council has been presented a proposed Third Amendment to Office Lease for Granite Park Three Office Building between Granite Park III, Ltd., and the City of Plano, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Third Amendment to Office Lease"); and

**WHEREAS**, upon full review and consideration of the Third Amendment to Office Lease, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or his authorized designee shall be authorized to execute it on behalf of the City of Plano.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The terms and conditions of the Third Amendment to Office Lease, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things approved.

**Section II.** The City Manager or his authorized designee is hereby authorized to execute the Third Amendment to Office Lease and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Third Amendment to Office Lease.

**Section III.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** this the 23rd day of September, 2013.

\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

\_\_\_\_\_  
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

**Exhibit "A"**

**THIRD AMENDMENT TO OFFICE LEASE**

This Third Amendment to Office Lease (this "Amendment") for Granite Park Three Office Building, is made and entered into by Granite Park III, Ltd. ("Landlord"), and The City of Plano ("Tenant").

**WITNESSETH**

- I. Reference is made to that certain Office Lease (hereinafter referred to as the "Lease") dated October 20, 2006, as amended by the Assignment and Assumption of Office Lease and First Amendment to Office Lease dated September 30, 2011, and the Second Amendment to Office Lease dated November 20, 2012 covering approximately 3,029 rentable square feet in an office building located at 5601 Granite Parkway, Plano, Texas, known as "Granite Park Three office Building". Terms defined in the Lease, when used herein, shall have the same meanings as are ascribed to them in the Lease, except as otherwise defined herein.
  
- II. Landlord and Tenant desire to amend and extend the Lease as hereinafter set forth.

**AGREEMENT**

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed by the respective parties hereto, Landlord and Tenant do hereby agree that the Lease is amended and modified, as follows:

- 1. Tenant has heretofore exercised the option set forth in Rider 1 to renew the Lease for the third Renewal Term. Accordingly, the Term is and shall be deemed extended, commencing effective as of January 1, 2014 (the "Third Renewal Term Commencement Date"), for a period of one (1) year, such that the Expiration Date is and shall be deemed to be December 31, 2014.
  
- 2. This Amendment may be executed in separate counterparts, each of which shall be an original, and all of which, when taken together, shall be one and the same instrument.
  
- 3. The Lease, as amended hereby, is hereby ratified and confirmed to be in full force and effect in accordance with its terms.
  
- 4. This Third Amendment to Office Lease shall be effective from and after execution by both parties hereto.

Date: \_\_\_\_\_

**LANDLORD:**

Granite Park III, Ltd.

By: Granite Properties, Inc., general partner

By: \_\_\_\_\_

Name: Jim Kirchhoff

Title: Leasing Manager

Date: \_\_\_\_\_

**TENANT:**

The City of Plano

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_