

STATE OF GEORGIA
COUNTY OF DEKALB

LEASE AMENDMENT NO. 5
TO
CONTRACT NO. 06-800202

THIS AMENDMENT is made as of the Effective Date appearing above the parties' signatures below, by and between DeKalb County, a political subdivision of the State of Georgia (hereinafter referred to as the "County" or "Lessor" and Mercury Air Center–Peachtree-DeKalb, LLC d/b/a Atlantic Aviation, a Georgia limited liability company, organized and existing under the laws of the State of Georgia, with offices in DeKalb, Georgia (hereinafter called the "Lessee").

WITNESSETH:

WHEREAS, County and Mercury Air Center–Peachtree-DeKalb, LLC, have previously entered into a certain Lease Agreement dated December 12, 2006 (together with all amendments thereto, hereinafter referred to collectively as the "Lease" or "Lease Agreement") for the lease of certain premises consisting of approximately 25.392 acres (1,106,069 square feet) (the "Leased Property") and including any improvements thereon, as identified on the Survey dated November 13, 2006, prepared by Patterson & Dewar Engineers, Inc., attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Lease was amended by Estoppel Certificate dated July 10, 2007, in which Macquarie Infrastructure Company, Inc. - Macquarie FBO Holdings LLC acquired the Lease Agreement through a Purchase Agreement; and

WHEREAS, the Lease was amended by Lease Amendment No. 1 dated August 24, 2010 whereby the Lease approved the construction of a new hangar in lieu of a new terminal; and

WHEREAS, the Lessee operates at DeKalb Peachtree Airport as Mercury Air Center—Peachtree-DeKalb, LLC d/b/a Atlantic Aviation, a Georgia limited liability company, pursuant to Affidavit for Registration of Trade Name filed with DeKalb County, Georgia on November 14, 2012; and

WHEREAS, the Lease was amended by Lease Amendment No. 2 dated September 27, 2016 whereby the Lease was extended for an additional twenty (20) years and approximately 0.713 acres (31,050 square feet) of undeveloped property was added to the leasehold. Undeveloped property is identified on the Survey dated April 7, 2015, last revised October 28, 2015, prepared by Hayes James Engineers, Planners & Surveyors, attached hereto as Exhibit B and incorporated herein by reference; and

WHEREAS, the Lease was amended by Lease Amendment No. 3 dated October 23, 2017, whereby 0.152 acre (6615 square feet) not utilized by the Lessee was deleted from the leased premises; approximately .086 acre (3,747 square feet) of undeveloped property was added to the leasehold; an existing East terminal building and Hangars E and F were demolished; and a new 10,800 (approximate) square foot general aviation executive terminal and a new 12,000 square foot aircraft aviation hangar with adjacent office space of approximately 1,500 square feet were added that included site work, rehabilitation of paving of aircraft operating area and improvement of storm water management; and

WHEREAS, the Lease was amended by Lease Amendment No. 4 dated June 15, 2020 whereby the Lease was extended for an additional ten (10) years; and

WHEREAS, the County and the Lessee desire to delete 0.132 acre (5,745 square feet) of undeveloped property not utilized by Lessee; and

WHEREAS, the Lessor and Lessee desire to amend the Lease, as amended to date; and

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the mutual promises and undertakings contained herein, the parties hereto do hereby agree and consent to the following:

I. **A. Section 1, Leased Property. Delete Paragraph H in its entirety. Replace with the following revised Paragraph H:**

H. Leased Premises. Effective with the execution of Lease Amendment No. 5, The leased premises shall consist of approximately 25.907 acres or 1,128,506 square feet (the “Leased Property”) and includes any improvements thereon.

B. **Section 1, Leased Property. Add the following Paragraphs I and J in their entirety.**

I. Premises consisting of approximately 0.132 acre (5,745 square feet) not utilized by the Lessee, are hereby deleted from the leasehold. Said parcel is more particularly described in the legal descriptions as “Revised Area” on Survey entitled “Lease Area Survey Area ‘O’ & Revised Area for Mercury Air Center-Peachtree-DeKalb, LLC dba Atlantic Aviation” prepared by Hayes-James, dated April 7, 2015, last revised December 16, 2016 attached hereto as Exhibit B and incorporated herein by reference to the Leased Property.

The deleted premises are more specifically described in the legal description on Survey entitled “DeKalb Peachtree Airport Lease Survey of Lease Tract – Parcel W-3”, dated April 9, 2021, last revised August 23, 2021, attached hereto as Exhibit B-1 and incorporated herein by reference to the Leased Property.

J. Site of Deleted Property. The deleted leased property, consisting of approximately 0.132 acre (5,745 square feet) lies within the boundaries of the DeKalb Peachtree Airport (PDK). Airport Road and Clairmont Road generally bound the Airport on its north and

west sides respectively. The site generally encompasses approximately 0.132 acre (5,745 square feet). The site is currently unimproved.

II. B. Section 5, Lease Payment. DELETE Section 5, Paragraphs A and B in their entirety. REPLACE with the following Paragraphs A and B:

A. Rent. Commencing on the Effective Date of this Lease Amendment No. 5, Lessee agrees to pay to Lessor, as Basic Rent for the Leased Property, an annual amount of Seven Hundred, Twenty-Six Thousand, Three Hundred, Seventy-Six Dollars and Eighty Cents (\$726,376.80), subject to adjustment as provided below.

B. Rent Payment. Rent is accrued on a monthly basis and shall be paid in equal monthly installments initially in the amount of initially in the amount of Sixty Thousand, Five Hundred, Thirty-One Dollars and Forty Cents (\$60,531.40), due and payable on the first day of each month in advance during the term of this Lease Agreement.

III. NO ADDITIONAL MODIFICATION. All other terms and conditions of the Lease Agreement remain unchanged and are in full force and effect. The terms and conditions contained in this Lease Amendment No. 5 shall govern over any inconsistent terms and conditions contained in the Lease Agreement.

(Signatures Appear on Following Page)

IN WITNESS WHEREOF, the parties hereto have caused this Lease Amendment No. 5 to be executed in one (1) electronic original, which is considered as the original by their authorized representatives, on this ____ day of _____, 2021 ("Effective Date").

MERCURY AIR CENTER-
PEACHTREE-DEKALB LLC
d/b/a ATLANTIC AVIATION

DEKALB COUNTY, GEORGIA

By: [Signature] (SEAL)
Signature

_____ by Dir. (SEAL)
MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

Louis T. Pepper
Name (Typed or Printed)

President and CEO
Title

71-0912876
Federal Tax I.D. Number

WITNESS:

[Signature]

ATTEST:

Signed, sealed and delivered as
to Lessee in the presence of:

BARBARA H. SANDERS, CCC, CMC
Clerk of the Chief Executive Officer and
Board of Commissioners of
DeKalb County, Georgia

[Signature] (Seal)
Notary Public
My Commission Expires 2-9-2023

APPROVED AS TO SUBSTANCE:

[Signature]
Department Director

APPROVED AS TO FORM:

County Attorney Signature

County Attorney Name (Typed or Printed)

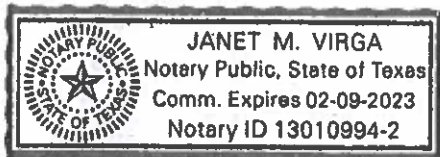
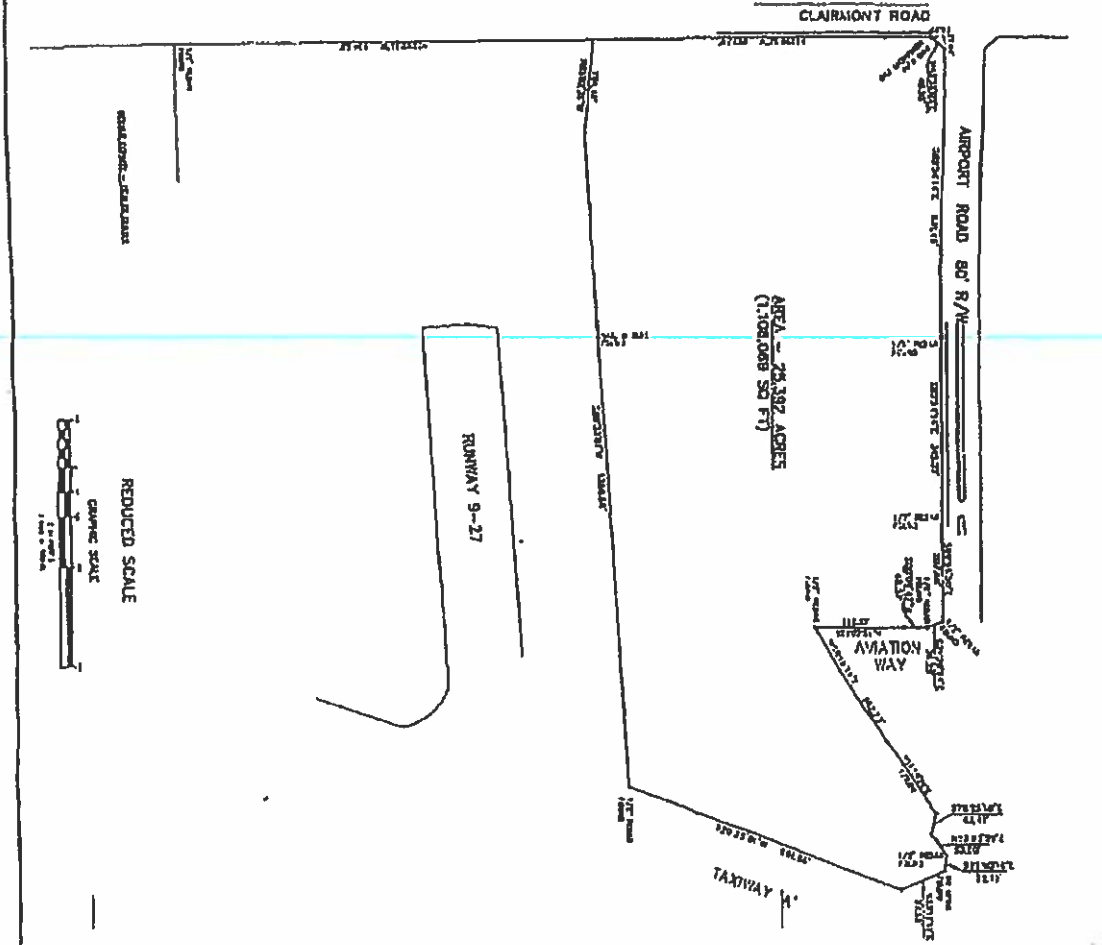


Exhibit A

**Survey prepared by Patterson & Dewar Engineers, Inc.
Dated November 13, 2006**

Exhibit A



DESCRIPTION:
 This plan shows the proposed site for the construction of a new 100,000 sq. ft. hangar for Mercury Air Group, Inc. The hangar will be located on the east side of Runway 9-27, south of Taxiway M. The site is approximately 100 feet wide and 1,000 feet long. The hangar will be a single-story structure with a gabled roof. The site is currently vacant and is zoned for industrial use. The plan also shows the proposed access road and parking area for the hangar. The total area of the site is 26,392 acres (1,108,000 sq. ft.).

THIS PLAN SHOWS THE PROPOSED SITE FOR THE CONSTRUCTION OF A NEW 100,000 SQ. FT. HANGAR FOR MERCURY AIR GROUP, INC. THE HANGAR WILL BE LOCATED ON THE EAST SIDE OF RUNWAY 9-27, SOUTH OF TAXIWAY M. THE SITE IS APPROXIMATELY 100 FEET WIDE AND 1,000 FEET LONG. THE HANGAR WILL BE A SINGLE-STORY STRUCTURE WITH A GABLED ROOF. THE SITE IS CURRENTLY VACANT AND IS ZONED FOR INDUSTRIAL USE. THE PLAN ALSO SHOWS THE PROPOSED ACCESS ROAD AND PARKING AREA FOR THE HANGAR. THE TOTAL AREA OF THE SITE IS 26,392 ACRES (1,108,000 SQ. FT.).



PATTON & DONAH ENGINEERS, INC. 1000 NORTH 10TH STREET - SUITE 100 DENVER, COLORADO 80202 PHONE: 773-441-1111 FAX: 773-441-1112		SHEET NO. 1 OF 1 DATE: 12/15/11	MERCURY AIR GROUP 1511 W. 15TH AVENUE DENVER, COLORADO 80202	LAND LOT 272 1511 W. 15TH AVENUE DENVER, COLORADO 80202
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Exhibit B

**Lease Area Description
Mercury Air Center-Peachtree-DeKalb LLC d/b/a Atlantic Aviation
Lease Area 'O' and Revised Area**

**Lease Area Survey
Area 'O' & Revised Area
for Mercury Air Center-Peachtree-DeKalb LLC d/b/a Atlantic Aviation
Prepared by Hayes-James, dated 7 April 2015, last revised December 16, 2016**

**LEASE AREA DESCRIPTION
MERCURY AIR CENTER - PEACHTREE-DEKALB, LLC
d/b/a ATLANTIC AVIATION**

LEASE AREA "O"

All of that tract or parcel of land lying and being in Land Lot 27 of the 18th Land District of DeKalb County, Georgia and being more particularly described as follows:

Commencing at a right-of-way monument located on the eastern right-of-way of Clairmont Road, said monument being 28.27 feet south of the intersection of the extension of said eastern right-of-way with the southern right-of-way of Airport Road (80' RW).

Thence along said eastern right-of-way of Clairmont Road, South 00 degrees 02 minutes 55 seconds East a distance of 687.19 feet to a point on said right-of-way.

Thence leaving said right-of-way and entering lands of DeKalb Peachtree Airport, South 85 degrees 02 minutes 36 seconds East a distance of 167.98 feet to a masonry nail and set in the asphalt, said point being THE POINT OF BEGINNING;

From THE POINT OF BEGINNING, continue South 85 degrees 02 minutes 36 seconds East a distance of 36.52 feet to a 1/2" rebar set;

Thence North 86 degrees 33 minutes 01 seconds East a distance of 75.87 feet to a masonry nail set in the asphalt,

Thence South 03 degrees 26 minutes 59 seconds East a distance of 309.83 feet to a masonry nail set in the asphalt;

Thence South 86 degrees 33 minutes 01 seconds West a distance of 112.00 feet to a masonry nail set in the asphalt;

Thence North 03 degrees 26 minutes 59 seconds West a distance of 315.17 feet to a masonry nail set in the asphalt, said point being THE POINT OF BEGINNING.

Said tract or parcel contains 0.799 Acres (being 34,797 square feet) and is depicted on a survey entitled "Lease Area Survey Area 'O' & Revised Area for Mercury Air Center - Peachtree-DeKalb, LLC d/b/a Atlantic Aviation," prepared by Hayes | Jarvis, dated 7 April 2015, last revised December 16, 2016 and incorporated herein by reference

'REVISED AREA'

All of that tract or parcel of land lying and being in Land Lot 270 of the 18th Land District of DeKalb County, Georgia and being more particularly described as follows:

Commencing at a right-of-way monument located on the eastern right-of-way of Clairmont Road, said monument being 29.27 feet south of the intersection of the extension of said eastern right-of-way with the southern right-of-way of Airport Road (80' RV);

Thence along said eastern right-of-way of Clairmont Road, South 00 degrees 02 minutes 55 seconds East a distance of 654.59 feet to a point on said right-of-way, said point being THE POINT OF BEGINNING;

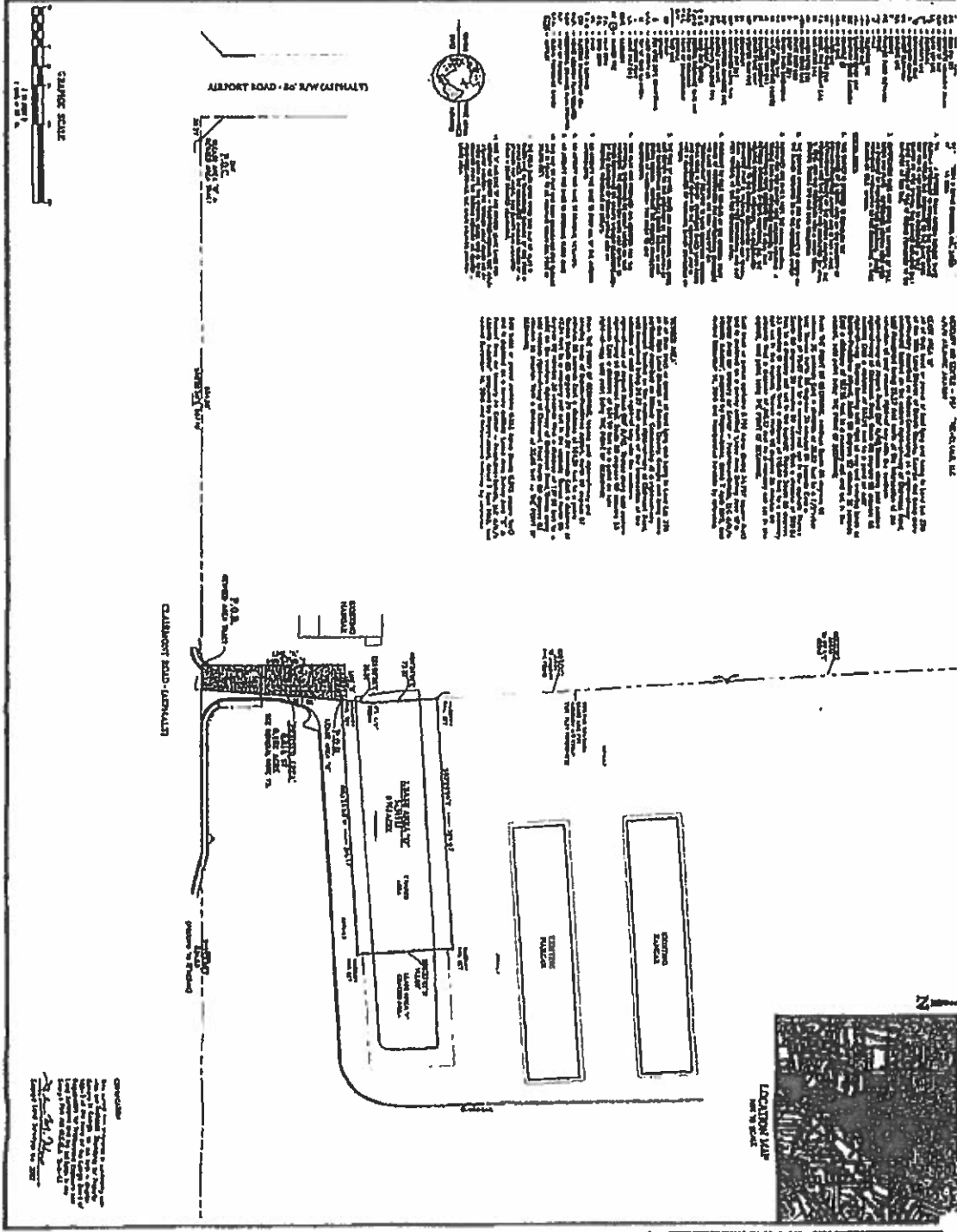
From THE POINT OF BEGINNING, leaving said right-of-way and entering lands of DeKalb-Peachtree Airport, North 89 degrees 57 minutes 05 seconds East a distance of 164.51 feet to a point;

Thence South 03 degrees 26 minutes 59 seconds East a distance of 47.34 feet to a masonry nail set in the asphalt;

Thence North 85 degrees 02 minutes 36 seconds West a distance of 167.96 feet to a point on the eastern right-of-way of Clairmont Road;

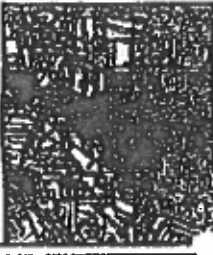
Thence along said eastern right-of-way of Clairmont Road North 00 degrees 02 minutes 55 seconds West a distance of 32.60 feet to THE POINT OF BEGINNING;

Said tract or parcel contains 0.152 Acres (being 6,615 square feet) and is depicted on a survey entitled "Lease Area Survey Area 'O' & Revised Area for Mercury Air Center - Peachtree-DeKalb, LLC d/b/a Atlantic Aviation," prepared by Hayes James, dated 7 April 2015, last revised December 16, 2016 and incorporated herein by reference



THIS SURVEY WAS MADE BY THE SURVEYOR IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1967, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, GEORGIA. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE DEPARTMENT OF REVENUE AND THE RECORDS OF THE COUNTY CLERK AND HAS FOUND NO RECORDS OF ANY PREVIOUS SURVEYS OF THIS AREA. THE SURVEYOR HAS ALSO REVIEWED THE RECORDS OF THE DEPARTMENT OF REVENUE AND THE RECORDS OF THE COUNTY CLERK AND HAS FOUND NO RECORDS OF ANY PREVIOUS SURVEYS OF THIS AREA.

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COMPARISON

NO.	DESCRIPTION	AMOUNT	DATE
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REVISIONS

1. ...

2. ...

3. ...

4. ...

5. ...

LEASE AREA SURVEY
AREA "O" & REVISED AREA
FOR
MERCURY AIR CENTER - PEACHTREE-DEKALB,
LLC
d/b/a ATLANTIC AVIATION

Hayes James
4100 BUCKLEUP ROAD
ROCKDALE, GEORGIA 30087
TEL: 770-962-1111
FAX: 770-962-1112
WWW.HAYESJAMES.COM

Exhibit B-1
Lease Area Description
Additional Area - 0.132 Acres 5,745 Square Feet
DeKalb Peachtree Airport Lease Survey of Lease Tract – Parcel W-3
Prepared by Atwell dated April 9, 2021, last revised August 21, 2021

DEKALB-PEACHTREE AIRPORT
(Additional Area) LEASE TRACT "W-3"

ALL that tract or parcel of land lying and being in Land Lot 270 of the 18th Land District, City of Chamblee, Dekalb County, Georgia and being more particularly described as follows:

Commencing at a concrete monument found at the mitered intersection of the southerly right-of-way line of Airport Road (80' public right-of-way) and the easterly right-of-way line of Clairmont Road (80' public right-of-way);

THENCE along the said easterly right-of-way line of Clairmont Road South 00 degrees 02 minutes 55 seconds East for a distance of 654.59 feet to a point;

THENCE leaving the said easterly right-of-way line proceed North 89 degrees 57 minutes 05 seconds East for a distance of 170.52 feet to a point;

THENCE South 03 degrees 26 minutes 59 seconds East a distance of 47.87 feet to a point;

THENCE South 03 degrees 26 minutes 59 seconds East for a distance of 256.83 feet to a Mag Nail set on the northerly line of (Additional Area) Lease Tract for "W-3", said point being the POINT OF BEGINNING;

THENCE proceed along the said northerly line North 86 degrees 33 minutes 01 seconds East for a distance of 100.00 feet to a Mag Nail set on the easterly line of (Additional) Lease Tract for "W-3";

THENCE along the said easterly line South 03 degrees 26 minutes 59 seconds East for a distance of 57.45 feet to a PK Nail & Washer found on the northerly line of (Existing) Lease Tract "W-3";

THENCE along the said northerly line of (Existing) Lease Tract "W-3" South 86 degrees 33 minutes 01 seconds West for a distance of 100.00 feet to a PK Nail & Washer found on the westerly line of (Additional Area) Lease Tract for "W-3";

THENCE along the said westerly line of (Additional Area) Lease Tract for "W-3" North 03 degrees 26 minutes 59 seconds West for a distance of 57.45 feet to a Mag Nail set, said point being the POINT OF BEGINNING;

Said Tract or Parcel of land containing 5,745 square feet or 0.132 acres.