

ROUTE SLIP FOR AGREEMENTS AND AGENDA ITEMS

FOR USE BY THE DIRECTOR OF PURCHASING AND CONTRACTING

Date Received: _____ Date Out: _____
 ITB RFP Agreement Amendment No. _____ Change Order No. _____ Agenda Item
 GSA/SWC Other (specify): Consent to Sublease
 Professional Services Agreement (25K - 50K): _____ 3 Quotations received? Yes No N/A
 Sole Source: _____ Procurement process followed? Yes No
Approved: _____ Comments/Notes: Revenue Generating Lease
Approved: 4/11/17 Meeting of Board of Commissioners
Contractor: Pope Retail Properties, LLC with AutoCash, Inc. as Sublessee
DeKalb County Contract Number: 11-800862
Project Title: Lease Agreement for Tract A and Tract B at DeKalb Peachtree Airport
For Distribution: Head Date: _____
Comments/Notes: _____

FOR USE BY THE USER DEPARTMENT

Purpose: Revenue generating sub-lease agreement from which substantial benefit will inure to the public
Department: Airport Director Signature: _____ DATE: 1-18-17
Comments/Notes: Pursuant to the Lease Agreement with Pope Retail Properties, LLC, Consent to Sublease is required.

FOR USE BY THE COUNTY LAW DEPARTMENT

Date Received: JAN 25 2017 Date Out: 2/2/17 ROUTE TO: P&C CEO/EA
Law Department Log Number: 17-028-JAW Reviewing Attorney: JAW
Action Taken: (include date and signature on approved line): _____
Returned to Purchasing and Contracting: _____ Received from reroute (if applicable): _____
Approved: 2/2/17 A. Wal
Comments/Notes: _____

Date Received: MAY 10 2017 FOR USE BY THE CHIEF EXECUTIVE OFFICER Date Out: MAY 11 2017
Action Taken: (include date and signature on approved line): _____
Returned: Finance Department Law Department Purchasing & Contracting Other _____
Approved: _____ Comments/Notes: _____

FOR USE BY THE DIRECTOR OF FINANCE AND THE COUNTY CLERK

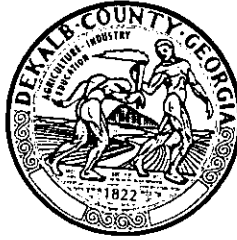
Director of Finance (for review)
Signature: _____
 County Clerk (attestation and review)
Signature: _____

MAY 11 2017
Received _____
5/16/17
Received _____

MAY 15 2017
Date Out _____
5/16/17
Date Out _____

Therisha Maskey
4-371-6241

DeKalb County



DeKalb Peachtree Airport


(770) 936-5440

FAX: (770) 936-5446

212 Administration Building
2000 Airport Road, Atlanta, Georgia 30341

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March 27, 2017

TO: Phyllis Head, Deputy Director, Purchasing & Contracting
FROM: Mario Evans, Airport Director 
SUBJECT: Consent to Sublease by Pope Retail Properties, LLC to AutoCash, Inc.
(DeKalb County Contract No. 11-800862)

Three (3) originals of the Consent to Sublease by Pope Retail Properties, LLC to AutoCash, Inc., are in Purchasing & Contracting

We are requesting your assistance to switch out Page 1 with the attached revised Page 1.

The Law Department and the Lessee's Counsel have approved the replacement pages per the attachments. The revised pages have been approved as to form by the Law Department in email dated March 15, 2017, copy attached; therefore, when the Lease Agreement is approved by the Board of Commissioners, it can move forward with the revised page for execution by the County.

The agenda item for consideration of approval is being submitted for the Board of Commissioner's meeting of April 11, 2017.

Please advise if I can be of assistance.

MAE/jf

Attachments

c: Jermaine A. Walker, Senior Assistant County Attorney

Foster, Joyce

From: Walker, Jermaine A.
Sent: Thursday, March 23, 2017 4:09 PM
To: Foster, Joyce
Cc: Evans, Mario A.
Subject: RE: Agenda Item: Consent to Sublease by Pope Retail Properties, LLC to AutoCash, Inc. (Law File No. 17-028)

Thanks for the update. They are subleasing Tract A which is clearly noted, so the second page "Parcel B" is immaterial to the agreement. It's fine to move forward with 4/11 Agenda item for Board approval.

Jermaine A. Walker
Senior Assistant County Attorney
DeKalb County Law Dept.
1300 Commerce Drive, 5th Floor
Decatur, Georgia 30030
(tel) 404-371-3020
(fax) 404-371-3024
jwalker@dekalbcountyga.gov

This message (including any attachments) is being sent by or on behalf of a lawyer. It constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. §2510, and its disclosure is strictly and exclusively intended for the individual or entity to which it is addressed. This message may contain information that is protected by the attorney-client privilege and/or the attorney work product doctrine, and may be proprietary, privileged, confidential, or otherwise legally exempt from disclosure. If you are not a named addressee, you are not authorized to read, use, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail, and please delete from all locations all copies of the message without reading or saving any part in any manner.

From: Foster, Joyce
Sent: Thursday, March 23, 2017 3:14 PM
To: Walker, Jermaine A.
Cc: Evans, Mario A.
Subject: RE: Agenda Item: Consent to Sublease by Pope Retail Properties, LLC to AutoCash, Inc. (Law File No. 17-028)
Importance: High

Hi Jermaine,
These exhibits were submitted by Pope and it is my understanding that they are exhibits from the agreement between Pope and AutoCash, Inc. They arrived illegible and were previously approved.

The exhibits do not appear to materially affect the parcel description that is addressed in our Sublease Agreement so we moved forward with an agenda item for April 11. Please advise if it is ok to move forward with consideration of approval.

Joyce

Joyce D. Foster, CPPO, CPPB
Procurement Agent Senior
DeKalb Peachtree Airport

2000 Airport Road, Suite 212
Chamblee, GA 30341
jdfoster@dekalbcountyga.gov
770.936.5440 phone
770.936.5446 fax

From: Walker, Jermaine A.
Sent: Wednesday, March 15, 2017 5:31 PM
To: Foster, Joyce
Cc: Evans, Mario A.
Subject: RE: Agenda Item: Consent to Sublease by Pope Retail Properties, LLC to AutoCash, Inc. (Law File No. 17-028)

~~The change to paragraph 3 is acceptable and approved as to form...~~ suggest getting more legible copies of Exhibits A and B. Also what is Parcel B (page 2) of Exhibit A? This seems misplaced.

Jermaine
Jermaine A. Walker
Senior Assistant County Attorney
DeKalb County Law Dept.
1300 Commerce Drive, 5th Floor
Decatur, Georgia 30030
(tel) 404-371-3020
(fax) 404-371-3024
jwalker@dekalbcountyga.gov

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From: Foster, Joyce
Sent: Tuesday, March 14, 2017 12:22 PM
To: Walker, Jermaine A.
Cc: Evans, Mario A.
Subject: Agenda Item: Consent to Sublease by Pope Retail Properties, LLC to AutoCash, Inc. (Law File No. 17-028)
Importance: High

Hi Jermaine,
The attached Consent to Sublease was originally scheduled for consideration of approval for the March 14, 2017 BOC meeting. The item was pulled because the description of the subleased premises was in error.

The subleased property description has been revised per the attached revised Consent to Sublease, and the item is rescheduled for consideration of approval at the April 11, 2017 meeting. Page 1 is replaced with a revised 3rd Whereas beginning "Whereas, Lessee desires to sublease Tract A..."

The Lessee has approved the replacement of Page 1 of the Consent to Sublease per the attached.

Please confirm your approval to remove the original Page 1 and replace with the revised Page 1.

Foster, Joyce

From: Tim Hewett <thewett@fivestaronline.net>
Sent: Tuesday, March 07, 2017 3:06 PM
To: Foster, Joyce
Cc: Evans, Mario A.; Jim Pope
Subject: Re: REVISED Subleased Property: FW: Request for Additional Information: Agenda Item - Consent to Sublease by AutoCash, Inc. (Pope Retail Properties, LLC)

Hi Ms. Foster,

~~Please accept this as our written consent to replace the original page 1 with the revised page 1.~~

As to the rent issue, I contacted the sublessee.

We both feel that the rent numbers need to remain confidential. The release of that information would hamper Pope Retail Properties' ability to negotiate with potential future sub-tenants of other portions the property, Similarly, Autocash believes it would affect its ability to negotiate with regard to potential additional locations in the metro area.

I appreciate all of your and Mario's efforts and I hope you understand our and the sub-tenant's position on the rent issue.

Best regards,

Tim

On Tue, Mar 7, 2017 at 12:01 PM, Foster, Joyce <jdfoster@dekalbcountyga.gov> wrote:

Hi Mr. Hewett,

This confirms our conversation that AutoCash, Inc. subleases Tract A, consisting of 3.480 acres (151598 square feet).

Pursuant to our conversation, attached is a "Proposed Revised Consent to Sublease." The correction is in Page 1, 3rd Whereas down, in red. This paragraph is the only revision to the document. Please return your written approval to replace the original Page 1 with this revised Page 1.

In accordance with our conversation regarding the rental amount, it is my understanding that you will further advise as soon as possible regarding the information.

Please advise how we can be of additional assistance.

Joyce

Joyce D. Foster, CPPO, CPPB

Procurement Agent Senior

DeKalb Peachtree Airport

STATE OF GEORGIA

COUNTY OF DEKALB

CONSENT TO SUBLEASE

DEKALB COUNTY CONTRACT NO. 11-800862

THIS CONSENT, made and entered into this 11 day of May, 2017 by DEKALB COUNTY, a political subdivision of the State of Georgia, (hereinafter referred to as "Lessor" or "County"), is delivered to POPE RETAIL PROPERTIES, LLC, a Georgia limited liability company (hereinafter referred to as "Lessee") and AUTOCASH, INC., a Delaware corporation.

WHEREAS, the County and Lessee entered into a certain Lease Agreement dated the 24th day of January, 2012 and identified as DeKalb County Contract No. 11-800862, (hereinafter referred to as "Lease Agreement") for the Use of Leased Property at DeKalb Peachtree Airport more particularly described in Exhibit A, Description of Tract A and Tract B of Lease Agreement (hereafter referred to as "Leased Property").

WHEREAS, Section 26, Sale, Assignment, Transfer and Subletting, of the Lease Agreement requires Lessee to Request and Receive Lessor's Consent to sublease the Leased property or any portion thereof.

WHEREAS, Lessee desires to sublease Tract A, consisting of 3.480 acres (151,598 square feet) of the Leased Property located at 4474 Buford Highway and more particularly described as Exhibit B in the Sublease Agreement between Lessee and Sublessee; and

WHEREAS Sublessee desires to accept said Sublease upon the terms and conditions set forth in the Sublease Agreement; and

WHEREAS Lessee understands and agrees to provide any amendments to its Sublease with Sublessee so that Lessor may maintain in its files; and

WHEREAS Lessee understands and agrees that it remains bound by the Lease Agreement and assures Lessor that its Sublease with Sublessor will not affect or disturb the rights, interest and obligations belonging to Lessor pursuant to the Lease Agreement or any amendments thereto.

NOW THEREFORE, for and in consideration of the premises and covenants herein contained, and of the terms and conditions herein set forth, County hereby consents to the sublease by POPE RETAIL PROPERTIES, LLC to AUTOCASH, INC.

This consent to sublease is intended to satisfy all provisions of the Lease Agreement requiring the County's consent to or approval of the proposed sublease to AUTOCASH, INC. including, but not limited to Section **26** of the Lease Agreement.

(Signatures Follow on Next Page)

IN WITNESS WHEREOF, the parties hereto have caused this Consent to Sublease to be executed in four (4) counterparts, each to be considered as an original by their authorized representative, the day and date hereinabove written.

POPE RETAIL PROPERTIES, LLC

DEKALB COUNTY, GEORGIA

By: [Signature]
Signature (SEAL)

[Signature] by Dir. (SEAL)

G. Richard Pope
Name (Typed or Printed)

LEE MAY MICHAEL J. THURMOND
Interim Chief Executive Officer
DeKalb County, Georgia

Manager
Title

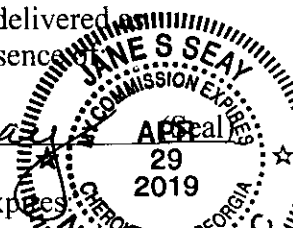
20-1429188
Federal Tax Identification Number

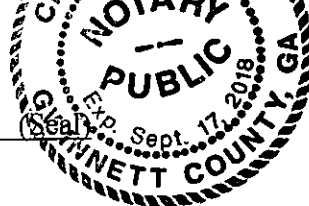
12-15-16
Date Signed by Lessee

ATTEST:
[Signature]
Timothy W. Hewitt (Seal)
Name (Typed or Printed)

ATTEST:
[Signature]
BARBARA H. SANDERS, CCC, CMC
Clerk of the Chief Executive Officer and
Board of Commissioners of
DeKalb County, Georgia

CLC
Title

Signed, sealed and delivered as to Lessee in the presence of
[Signature]
Notary Public
My Commission Expires


Signed, sealed and delivered as to County in the presence of:
[Signature]
Notary Public
My Commission Expires:
9/17/18


APPROVED AS TO SUBSTANCE:
[Signature]
Department Director

APPROVED AS TO FORM:
[Signature]
Sr. Asst County Attorney Signature

Jermaine A. Walker
Sr. Asst County Attorney Name (Typed or Printed)

AUTOCASH, INC.

By: [Signature] (SEAL)
Signature

Tracy Young
Name (Typed or Printed)

CEO / Sec
Title

90-0837156
Federal Tax I.D. Number

ATTEST:

[Signature]
Signature

Ben Gregg
Name (Typed or Printed)

Director of Leasing
Title

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

Dorothea Johnson Rogers (Seal)
Notary Public
My Commission Expires: 7/26/19

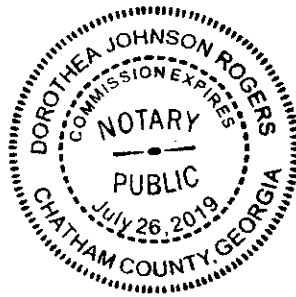
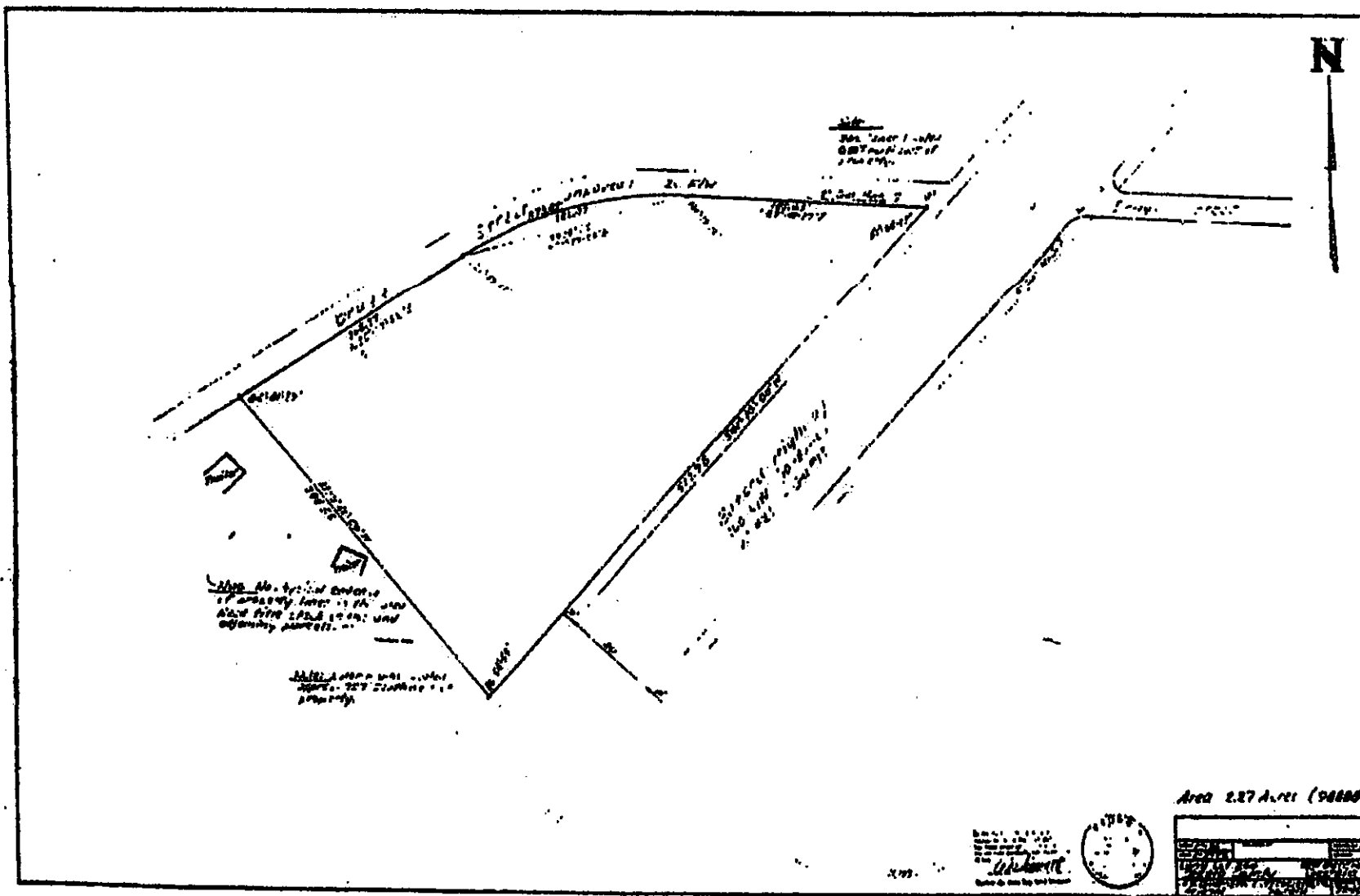


Exhibit A

Description of Tract A and Tract B of Lease Agreement with Pope Retail Properties, LLC

Parcel "B"



This No. 100' Easement is hereby given to the owner of the land shown and adjacent thereto.

This easement was given to the owner of the land shown and adjacent thereto.

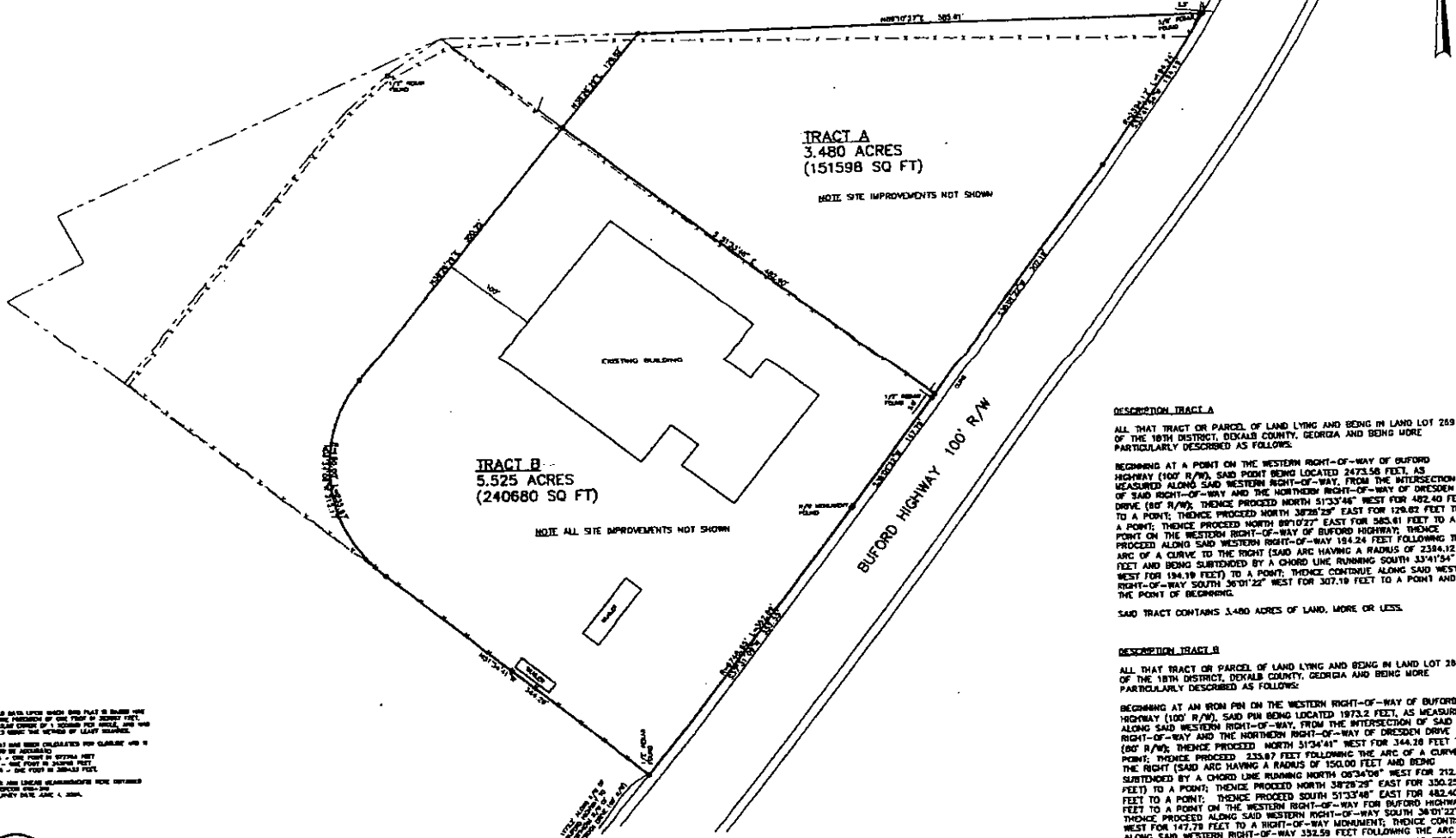
Area 2.27 Acres (98800m)

A circular seal or stamp is located to the left of the title block. Below it is a small table with the following structure:

No.	Description	Area

Exhibit B
of
Sublease Agreement

REFERENCES
 SURVEY BY HILL-FISHER ENGINEERS, INC., DIVIDED SURVEY FOR
 HEAL POPE FORD, INC., DATED JULY 24, 1988.
 SURVEY BY A. S. GIBBETH & ASSOCIATES, INC. DATED JAN. 7, 1973.



TRACT A
 3.480 ACRES
 (151598 SQ FT)

NOTE: SITE IMPROVEMENTS NOT SHOWN

TRACT B
 5.525 ACRES
 (240680 SQ FT)

NOTE: ALL SITE IMPROVEMENTS NOT SHOWN

DESCRIPTION TRACT A

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 289 OF THE 18TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERN RIGHT-OF-WAY OF BUFORD HIGHWAY (100' R/W), SAID POINT BEING LOCATED 2473.58 FEET, AS MEASURED ALONG SAID WESTERN RIGHT-OF-WAY, FROM THE INTERSECTION OF SAID RIGHT-OF-WAY AND THE NORTHERN RIGHT-OF-WAY OF DREXDEN DRIVE (80' R/W); THENCE PROCEED NORTH 51°33'45\"/>

SAID TRACT CONTAINS 3.480 ACRES OF LAND, MORE OR LESS.

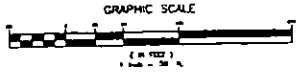
DESCRIPTION TRACT B

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 289 OF THE 18TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE WESTERN RIGHT-OF-WAY OF BUFORD HIGHWAY (100' R/W), SAID PIN BEING LOCATED 1973.2 FEET, AS MEASURED ALONG SAID WESTERN RIGHT-OF-WAY, FROM THE INTERSECTION OF SAID RIGHT-OF-WAY AND THE NORTHERN RIGHT-OF-WAY OF DREXDEN DRIVE (80' R/W); THENCE PROCEED NORTH 51°34'41\"/>

SAID TRACT CONTAINS 5.525 ACRES OF LAND, MORE OR LESS.

THE FIELD DATA UPON WHICH THIS PLAN IS BASED WERE A CAREFUL REVISION OF ONE THAT IS HEREBY FILED. AN ORIGINAL COPY OF A SURVEY PLAN MADE AND WAS HANDY TO THE RECORDS OF DEKALB COUNTY. THIS PLAN HAS BEEN CALCULATED FOR CLARITY AND IS BASED ON THE FOLLOWING:
 TRACT A - ONE POINT IN 5779.84 FEET
 TRACT B - ONE POINT IN 3048.00 FEET
 DISTANCE - ONE FOOT IN 3048.00 FEET
 APPROX. AND LINEAR DIMENSIONS ARE INDICATED
 A SURVEY DATE OF JAN. 1, 2004.



DATE	1/27/04
BY	DEKALB COUNTY
FILE NO.	18TH DISTRICT
PROJECT	DEKALB COUNTY
STATE	GEORGIA

SURVEY FOR
DEKALB PEACHTREE AIRPORT
 LAND LOT 289 18TH DISTRICT DEKALB COUNTY GEORGIA

DATE	JUNE 10, 2004
FILE NO.	18TH DISTRICT
BY	DEKALB COUNTY
PROJECT	DEKALB COUNTY
STATE	GEORGIA

PATKINSON & DEWANE ENGINEERS, INC.
 2148 WILSON DRIVE
 DEKALB COUNTY, GEORGIA 30031
 PHONE (404) 284-3999
 ENGINEERS - SURVEYORS - PLANNERS

SCALE: 1" = 50'

DATE: 1/27/04

PROJECT: DEKALB COUNTY

FILE NO.: 18TH DISTRICT

STATE: GEORGIA