

**STATE OF GEORGIA**

**COUNTY OF DEKALB**

**CONSENT TO SUBLEASE**

**DEKALB COUNTY CONTRACT NO. 11-800862**

**THIS CONSENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, 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 **FIESTA TRUCKS, INC.**, a Georgia Corporation.

**WHEREAS**, the County and Lessee entered into a certain Lease Agreement dated the 24<sup>th</sup> day of January, 2012 (hereinafter referred to a "Lease"), whereby County leased certain premises (hereinafter referred to as "Premises"), located in DeKalb County, Georgia, and as more particularly described in the Lease as 8.1827 acres of land, more or less, identified as Leased Ground at DeKalb Peachtree Airport, situated in Land Lot 269 of the 18<sup>th</sup> District of DeKalb County, Georgia, according to a survey by Patterson & DeWar Engineers, Inc., dated June 10, 2004, and more particularly described in Exhibit A, attached hereto and by reference made a part hereof; and

**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 a portion of the Lease identified consisting of a 2.675 acres, more or less, identified as Parcel C with physical address of 4342 Buford Highway.

A 1000 square feet building is located on the Leased Property. Said property is more particularly described in Exhibit B, attached hereto and incorporated herein; 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 FIESTA TRUCKS, 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 FIESTA TRUCKS, 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: G. Richard Pope  
Signature (SEAL)

\_\_\_\_\_ by Dir.(SEAL)

G. Richard Pope  
Name (Typed or Printed)

MICHAEL L. THURMOND  
Chief Executive Officer  
DeKalb County, Georgia

Manager  
Title

20-1429188  
Federal Tax Identification Number

3-20-20  
Date Signed by Lessee

ATTEST:

ATTEST:

Jane S. Seal (Seal)  
Name (Typed or Printed)

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

Pope Retail General Counsel  
Title

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

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

Jane S. Seal  
Notary Public  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
(Seal)

Notary Public  
My Commission Expires:

APPROVED AS TO SUBSTANCE  
[Signature]  
Department Director

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
County Attorney Name (Typed or Printed)

FIESTA TRUCKS, INC.

By:

*Samer Dah*

Signature



*Samer Dahabreh*

Name (Typed or Printed)

*Chief Executive Officer*

Title

*82-4919552*

Federal Tax Identification Number

*3-27-20*

Date Signed by Sub-Lessee

ATTEST:

*Derek Griffin*

(Seal)

Name (Typed or Printed)

*Property Manager*

Title

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

*Priscilla Demera*

Notary Public

My Commission Expires: *02/28/2024*



**CERTIFICATE OF CORPORATE RESOLUTION**

I, Samer Dahabreh, certify the following:

That I am the duly elected and authorized Secretary of Fiesta Trucks, Inc., hereinafter referred to as the "corporation"), a corporation organized and incorporated to do business under the laws of the State of Georgia;

That said corporation has, through lawful resolution of the Board of Directors of the corporation, duly authorized and directed Samer Dahabreh, in his official capacity as CEO of the corporation, to enter into and execute the following described Agreement with DeKalb County, a political subdivision of the State of Georgia:

Consent to Sublease under Contract No. 11-800862 with Pope Retail Properties, LLC, for premises identified as 4342 Buford Highway. That the foregoing Resolution of the Board of Directors has not been rescinded, modified, amended, or otherwise changed in any way since the adoption thereof, and is in full force and effect on the date hereof.

IN WITNESS WHEREOF, I have set my hand and corporate seal;

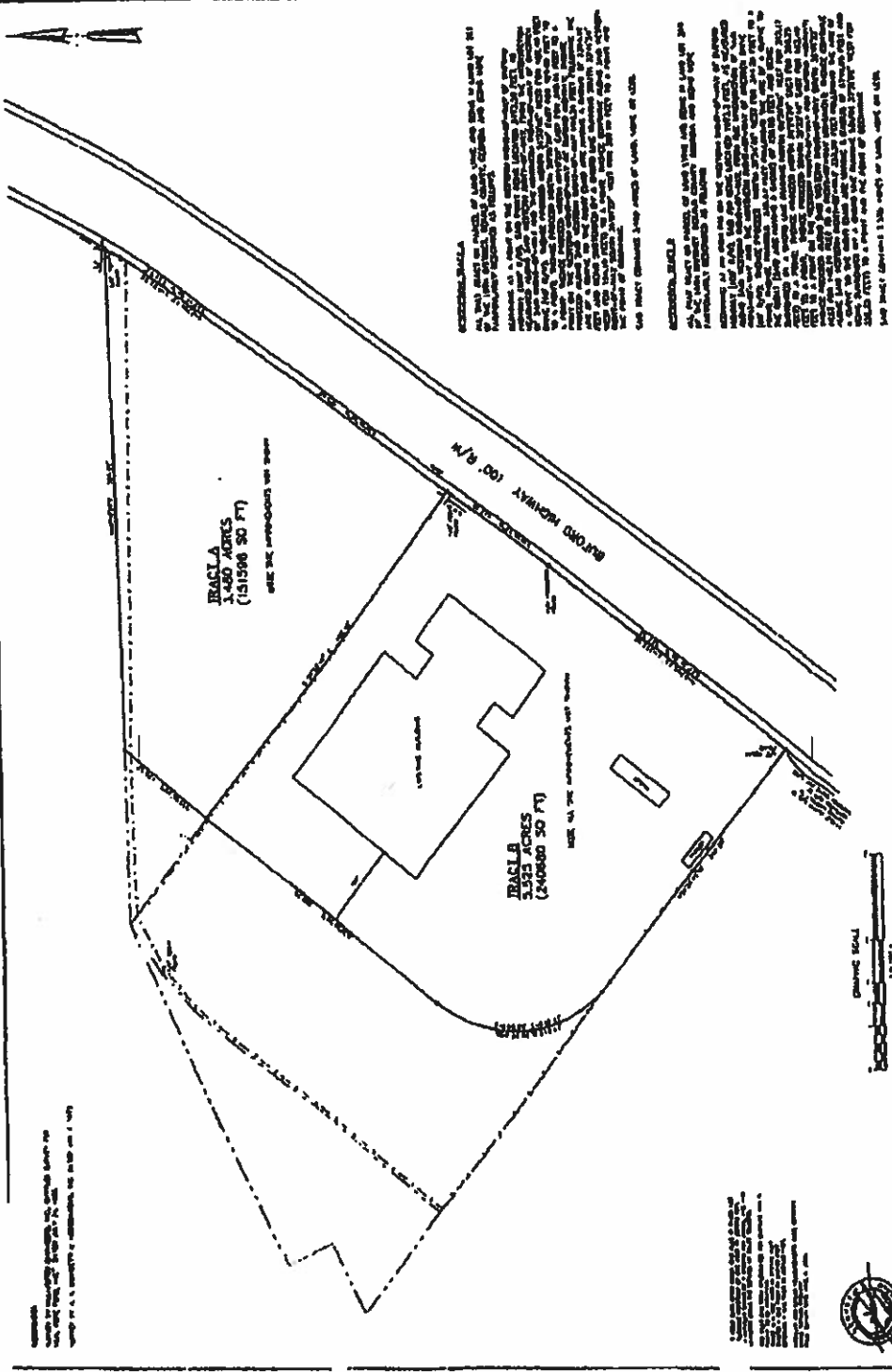
This the 27 day of March, 2020.

  
  
(Secretary)

**Exhibit A**

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

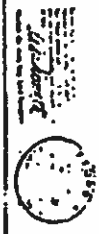
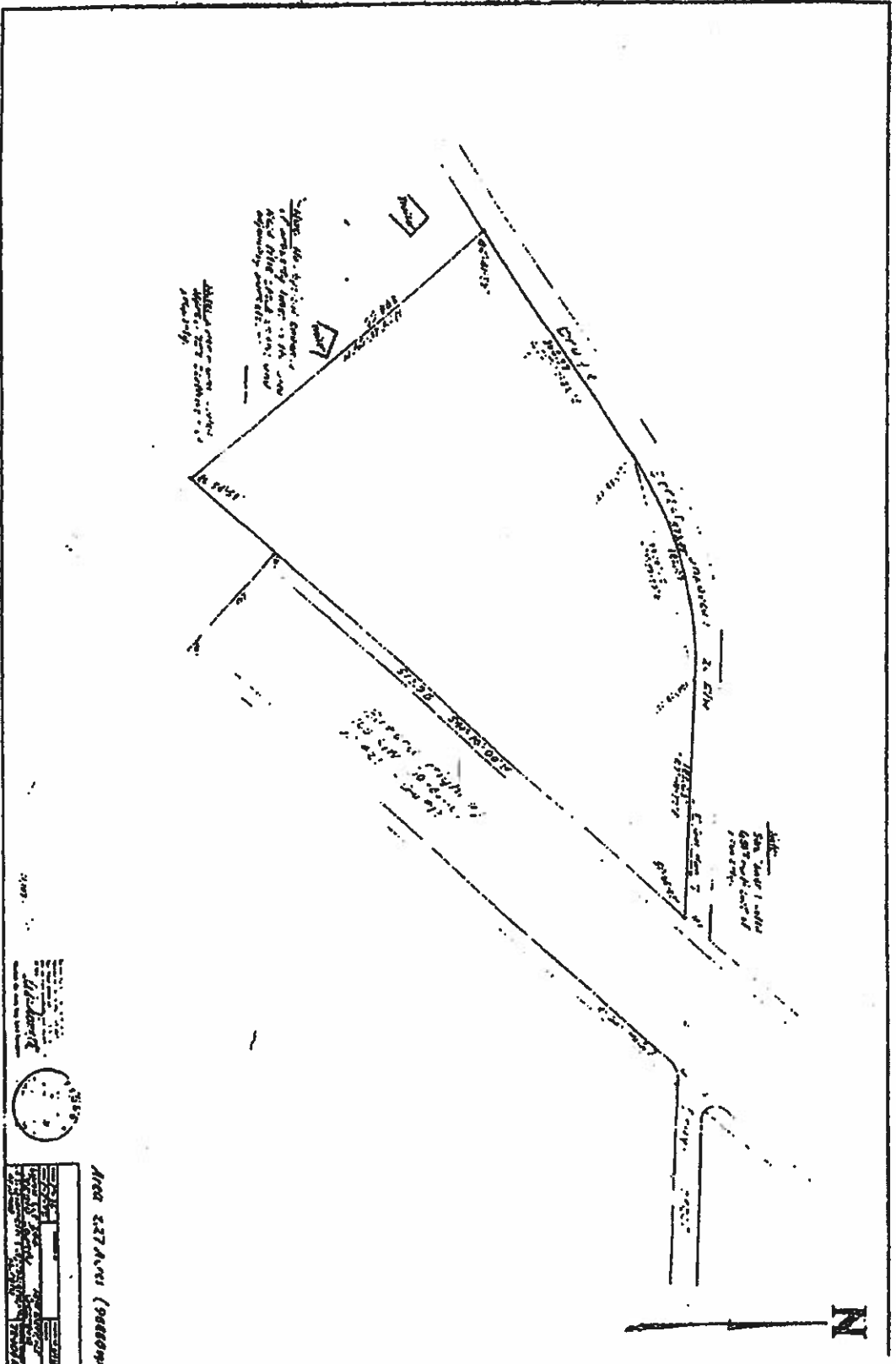
<b>DEKALB PEACHTREE AIRPORT</b> LANE 401 215 1510 DESIGN OFFICE REPORT (CLASS)		DATE: 7-22 DRAWN BY: [ ] CHECKED BY: [ ] SCALE: 1" = 100'	PROJECT: [ ] SHEET: [ ] OF [ ] DRAWING NO.: [ ]
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THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER. THE ENGINEER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE AIRPORT FACILITIES SHOWN ON THIS PLAN. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE SURVEY DATA OR THE LEGAL STATUS OF THE LAND SHOWN ON THIS PLAN. THE ENGINEER'S SERVICES ARE LIMITED TO THE DESIGN AND CONSTRUCTION OF THE AIRPORT FACILITIES SHOWN ON THIS PLAN. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE SURVEY DATA OR THE LEGAL STATUS OF THE LAND SHOWN ON THIS PLAN.

NOT TO SCALE  
SEE THE APPROVED MAP FOR

NOT TO SCALE  
SEE THE APPROVED MAP FOR



Area 227 A, C, D (98880P)
Scale: 1" = 100'
North Arrow: N
Handwritten Annotations:



**Exhibit B**

**Description of Subleased Property  
4342 Buford Highway**

**Exhibit B**

**Description of Subleased Property  
4342 Buford Highway**



**PARCEL 1**

**DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 244 OF THE 187<sup>TH</sup> DISTRICT DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE INTERSECTION OF THE NORTHWESTERN RIGHT-OF-WAY OF BUFORD HIGHWAY (RD R/W) AND THE SOUTHERN RIGHT-OF-WAY OF BRAGG STREET (SC R/W) THENCE PROCEED ALONG SAID NORTHWESTERN RIGHT-OF-WAY SOUTH 36°26'28" WEST FOR 556.76 FEET TO AN IRON PIN, THENCE PROCEED NORTH 52°10'33" WEST FOR 300.40 FEET TO A POINT ON THE SOUTHERN RIGHT-OF-WAY OF BRAGG STREET; THENCE PROCEED ALONG SAID SOUTHERN RIGHT-OF-WAY NORTH 51°42'47" EAST FOR 312.75 FEET TO A POINT, THENCE CONTINUE ALONG SAID SOUTHERN RIGHT-OF-WAY 63.20 FEET FOLLOWING THE ARC OF A CURVE TO THE RIGHT (SAC ARC HAVING A RADIUS OF 289.00 FEET AND BEING SUBTENDED BY A CHORD LINE RUNNING NORTH 71°28'00" EAST FOR 189.52 FEET) TO A POINT, THENCE CONTINUE ALONG SAID SOUTHERN RIGHT-OF-WAY SOUTH 89°26'48" EAST FOR 159.73 FEET TO A POINT AND THE POINT OF BEGINNING

SAC TRACT CONTAINS 2.815 ACRES OF LAND, MORE OR LESS