

STATE OF GEORGIA

COUNTY OF DEKALB

LEASE AMENDMENT NO. 4

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 County and Lessee desire to extend the lease for an additional ten (10) years in return for capital improvements to the leased ground and improvements thereon and memorialized in Lease Amendment No. 3; 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. The Lease is hereby amended as follows:

A. **Section 4, Term of Lease. Delete Subparagraph B, Extension of Term, and Subparagraph C, Option for Renewal Term, in their entirety. Add the following revised Subparagraphs B and C:**

B. Extension of Term. This Lease Agreement is hereby extended for a period of ten (10) years, commencing January 1, 2047. This Lease shall terminate absolutely and without further obligation on the part of either the Lessor or Lessee on December 31, 2056, unless terminated earlier in accordance with the termination provision of the lease.

C. Option for Renewal Term. Thereafter, (after December 31, 2056), Lessee may renew this Lease in accordance with Section 6-136 of the DeKalb County Code as Revised, 1988. Failure to comply with Section 6-136 of the DeKalb County Code as Revised, 1988 shall be grounds to terminate this Lease and the parties shall have no further rights, duties of obligations hereunder, other than obligations that are accrued but unsatisfied as of the date of the termination.

B. **Section 5, Lease Payment. DELETE Section 5, Paragraph C, Rent Escalation, in its entirety from Contract No. 06-800202 and from Amendments 2 and 3 thereto. REPLACE with the following Paragraph 5.C:**

C. Rent Escalation.

1. The Basic Rent for the Leased Property is subject to a ten percent (10%) increase every five (5) years commencing on January 1, 2022 and every five (5) years thereafter. The Basic Rent shall increase by Ten Percent (10%) on January 1, 2022, January 1,

2027, January 1, 2032, January 1, 2037, January 1, 2042, January 1, 2047 and January 1, 2052.

II. 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. 4 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. 3 to be executed in four (4) counterparts, each to be considered as an original by their authorized representative, on this _____ day of _____, 2020 ("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:

RUTH ANNELLE VEREEN

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 3/1/2020

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

[Signature]
Department Director

County Attorney Signature

County Attorney Name (Typed or Printed)

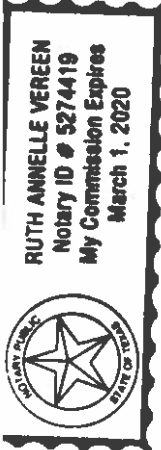
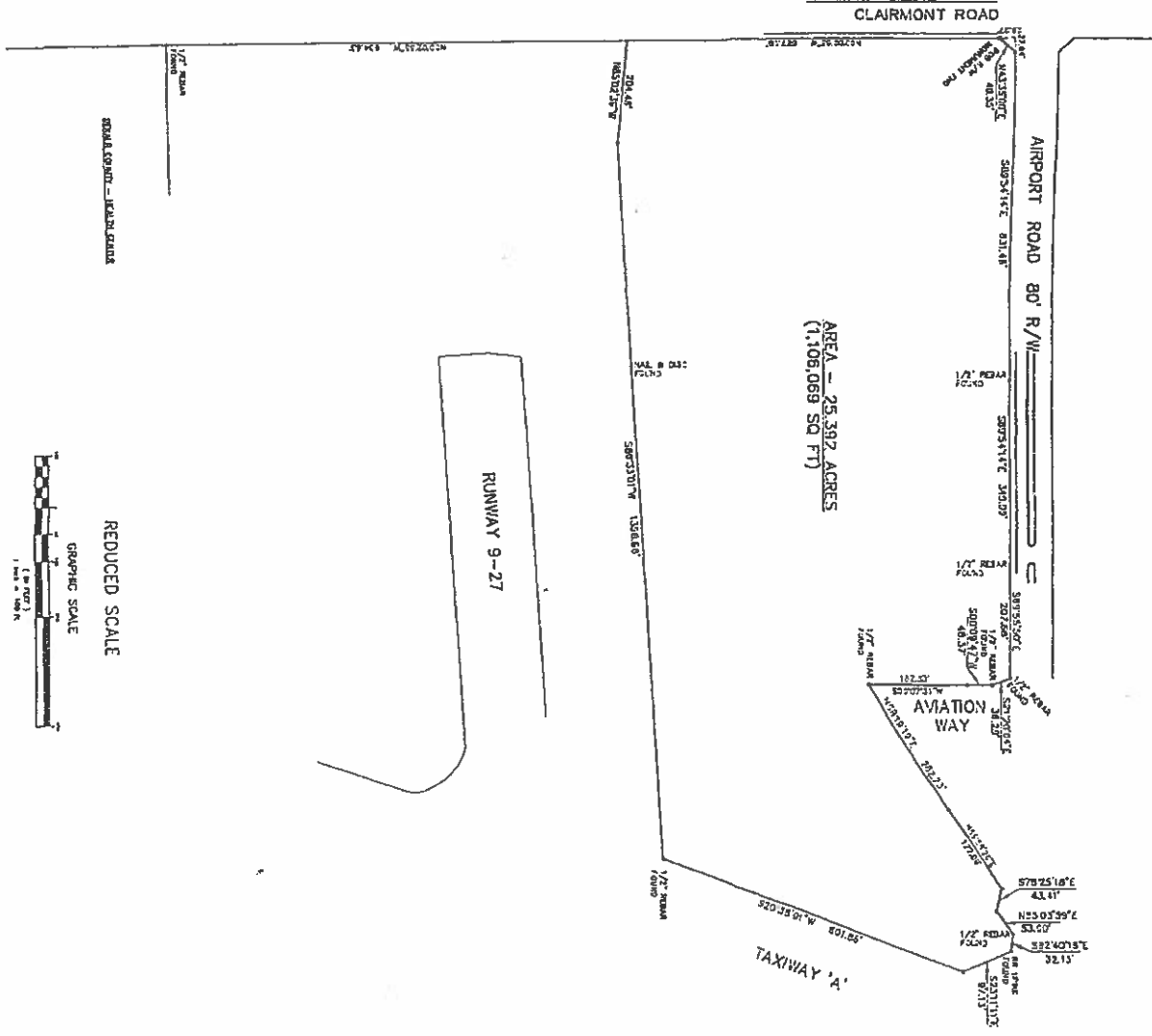


Exhibit A

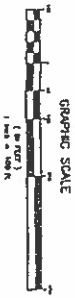
**Survey prepared by Patterson & Dewar Engineers, Inc.
Dated November 13, 2006**

Exhibit A



SMALL SCALE - MARK GUIDE

REDUCED SCALE



DESCRIPTION
 ALL THAT TRACT OR PARCELS OF LAND (VINO AND BEING IN LAND LOT 729 OF THE 18th DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEING AT A POINT-OF-VIEW MONUMENT LOCATED ON THE EASTERN RIGHT-OF-WAY OR CLAIRMONT ROAD, SAID MONUMENT BEING 10.27 FEET SOUTH OF A POINT WHERE SAID EASTERN RIGHT-OF-WAY AND THE SOUTHERN RIGHT-OF-WAY OF AIRPORT ROAD (VINO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 THENCE PROCEED NORTH 89°10'00\"/>

THIS FIELD BOOK WAS MADE BY THE SURVEYOR OF THE STATE OF GEORGIA AT A POINT WHERE SAID CLAIRMONT ROAD AND AIRPORT ROAD INTERSECT AND WAS CHECKED BY THE SURVEYOR OF THE STATE OF GEORGIA AND THE FIELD BOOK WAS FOUND TO BE ACCURATE TO WITHIN ONE HUNDREDTH (1/100) OF AN INCH.
 GEORGIA
 SURVEYOR GENERAL



	PATTERSON & DEWAR ENGINEERS, INC. 410 CENTER WAY • NORTWICKS • GA • 30271 P.O. BOX 200 • NORTWICKS • GA • 30271 PHONE 770-433-1410 TEL 770-433-1412 ENGINEERS - SURVEYORS - PLANNERS		DATE NOV 13, 2004 PLOT NO. 84 FILE DRAWN BY PBA SCALE 1" = 100'	2005-01-26 MERCURY AIR GROUP PEACHTREE-DEKALB AIRPORT 18TH DISTRICT DEKALB COUNTY GEORGIA	<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	REVISION									
	NO.	DATE	REVISION														
LAND LOT 270																	
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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 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' 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 167.96 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 James, dated 7 April 2015, last revised December 16, 2016 and incorporated hereinto 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' RW);

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 hereinto by reference.