

STATE OF GEORGIA

COUNTY OF DEKALB

LEASE AMENDMENT NO. 7

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 commencing on January 1, 2047 and terminating on December 31, 2056; and

WHEREAS, the Lease was amended by Lease Amendment No. 5 dated December 21, 2021, whereby 0.132 acre (5,745 square feet) of undeveloped property not utilized by the Lessee

was deleted from the leased premises and Section 5.A, Rent and Section 5.B, Rent Payment were amended; and

WHEREAS, the Lease was amended by Lease Amendment No. 6 dated January 24, 2023, whereby the Lease was extended for an additional ten (10) years in return for capital improvements and the Lease Area was revised by Lease Survey dated January 7, 2022, revised April 6, 2022, prepared by Atwell; and

WHEREAS, the County and Lessee desire to revise Section 5, Lease Payment, Paragraph C., Rent Escalation; and

WHEREAS, the County and the 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 5, LEASE PAYMENT, Delete Section 5, Paragraph C No. 2, Rent Escalation in its entirety and REPLACE it with the following revised Paragraph C No. 2 as follows:
 - C. Rent Escalation.
 2. 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, January 1, 2052, January 1, 2057, and January 1, 2062.

B. SECTION 18, TITLE. DELETE Paragraph C, Reversion of Title, in its entirety and REPLACE with the following revised Paragraph C as follows:

C. Reversion of Title: Title to any and all new improvements (including newly constructed buildings and/or replacement structures) on the Leased Property shall revert to the ownership of Lessor on December 31, 2067.

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. 7 shall govern over any inconsistent terms and conditions contained in the Lease Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Lease Amendment No. 6 to be executed in one (1) electronic original, which is considered as the original by their authorized representatives, on this ____ day of _____, 2023 ("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



APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

[Signature]
Department Director

County Attorney Signature

County Attorney Name (Typed or Printed)

**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' R/W);

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.

Exhibit B
(Page 2 of 3)

'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' R/W);

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.

LEASE SURVEY FOR:
MERCURY AIR CENTER
DEKALB-PEACHTREE AIRPORT
 2040 AIRPORT ROAD
 CHAMBLEE, GEORGIA 30341

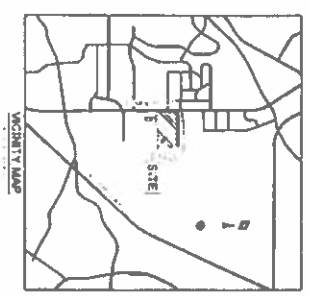
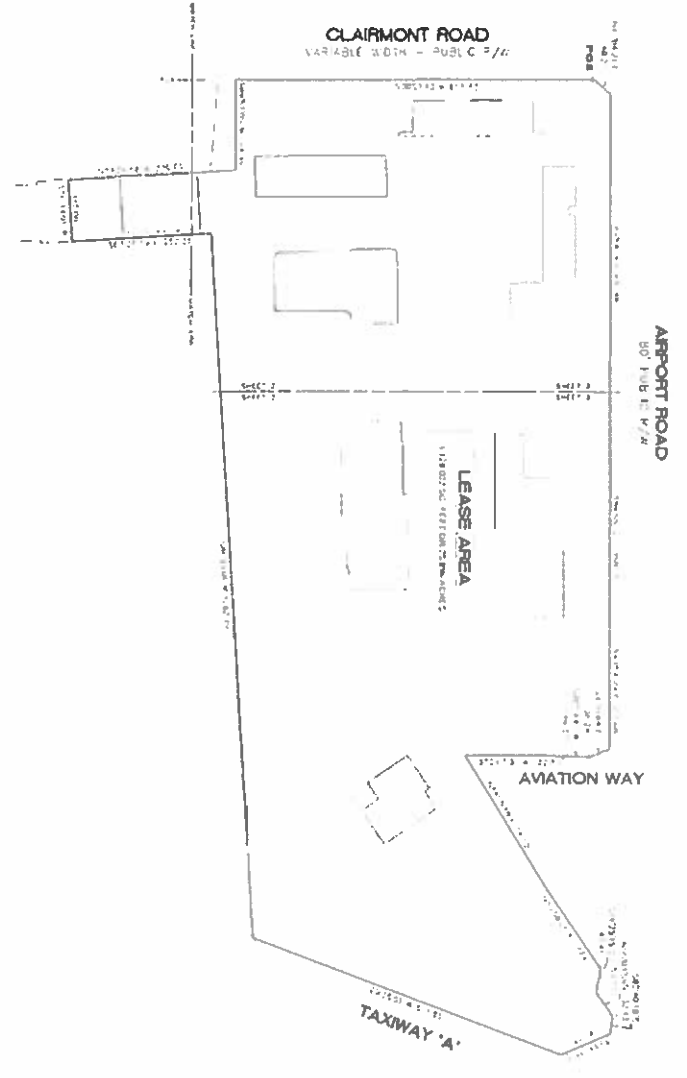
ADMINISTRATIONS
 Surveyed by: [Name]
 Date: [Date]
 Scale: [Scale]

ADDITIONAL NOTES
 [Notes regarding survey details and legal disclaimers]

ADDITIONAL NOTES
 [Detailed notes regarding the survey process, including references to previous surveys and legal notices]

SURVEY REFERENCES
 [References to other surveys and legal documents]

LEGEND
 [Legend for symbols and colors used in the survey map]



SURVEY NOTES
 [Detailed notes regarding the survey process, including references to previous surveys and legal notices]

MERCURY AIR LEASE AREA
 [Detailed notes regarding the lease area, including dimensions, bearings, and area calculations]

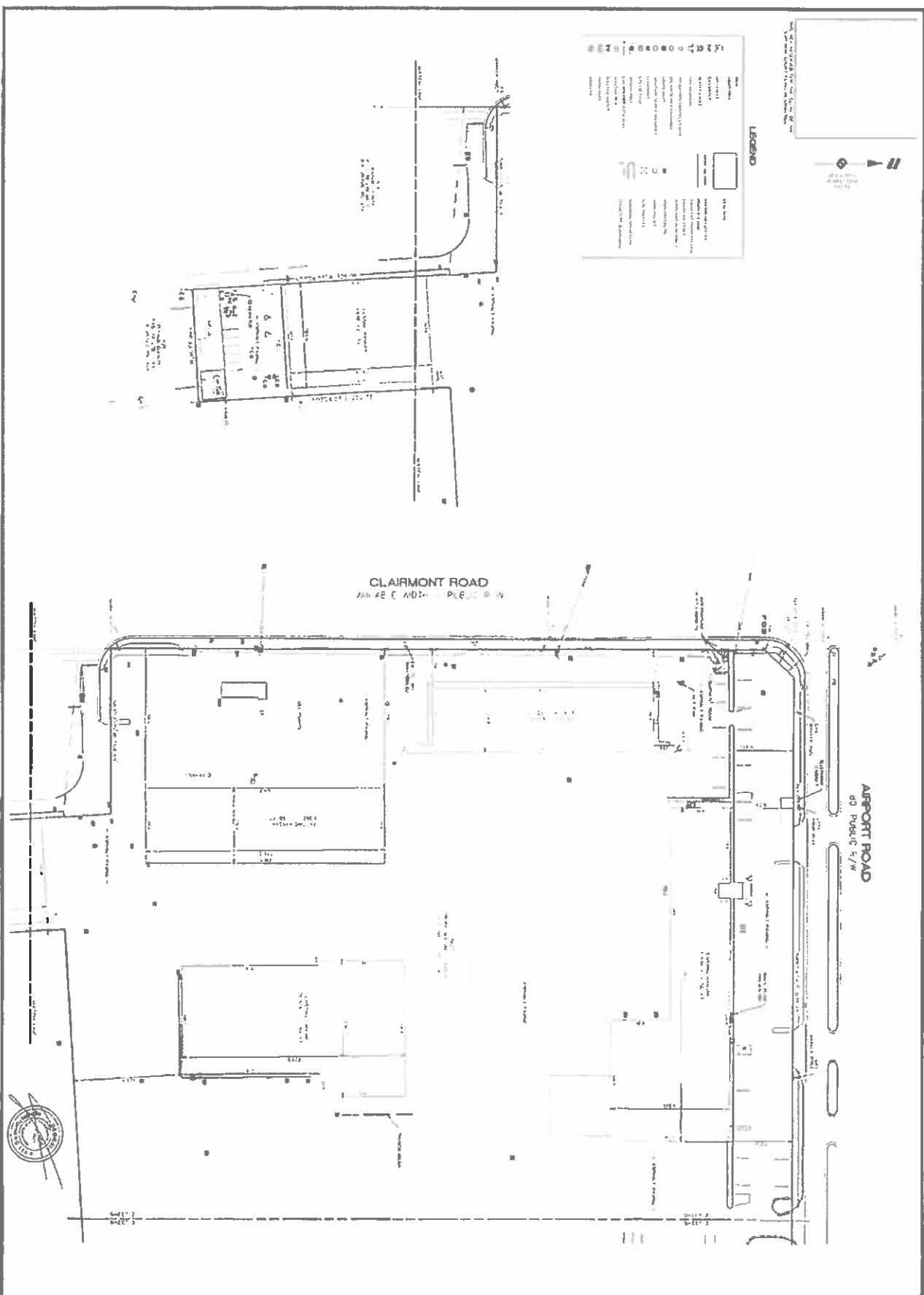
SURVEY CERTIFICATION
 [Certification statement regarding the accuracy and legality of the survey]

DEKALB-PEACHTREE AIRPORT
 [Information regarding the airport authority and the survey's purpose]



DEKALB-PEACHTREE AIRPORT
 LEASE SURVEY OF
 75,000 SQ. FT.
 FOR:
 MERCURY AIR CENTER
 CHAMBLEE, GEORGIA

DATE: 01/27/2021
SCALE: 1" = 100'
PROJECT: 20001515
FILE: 1054

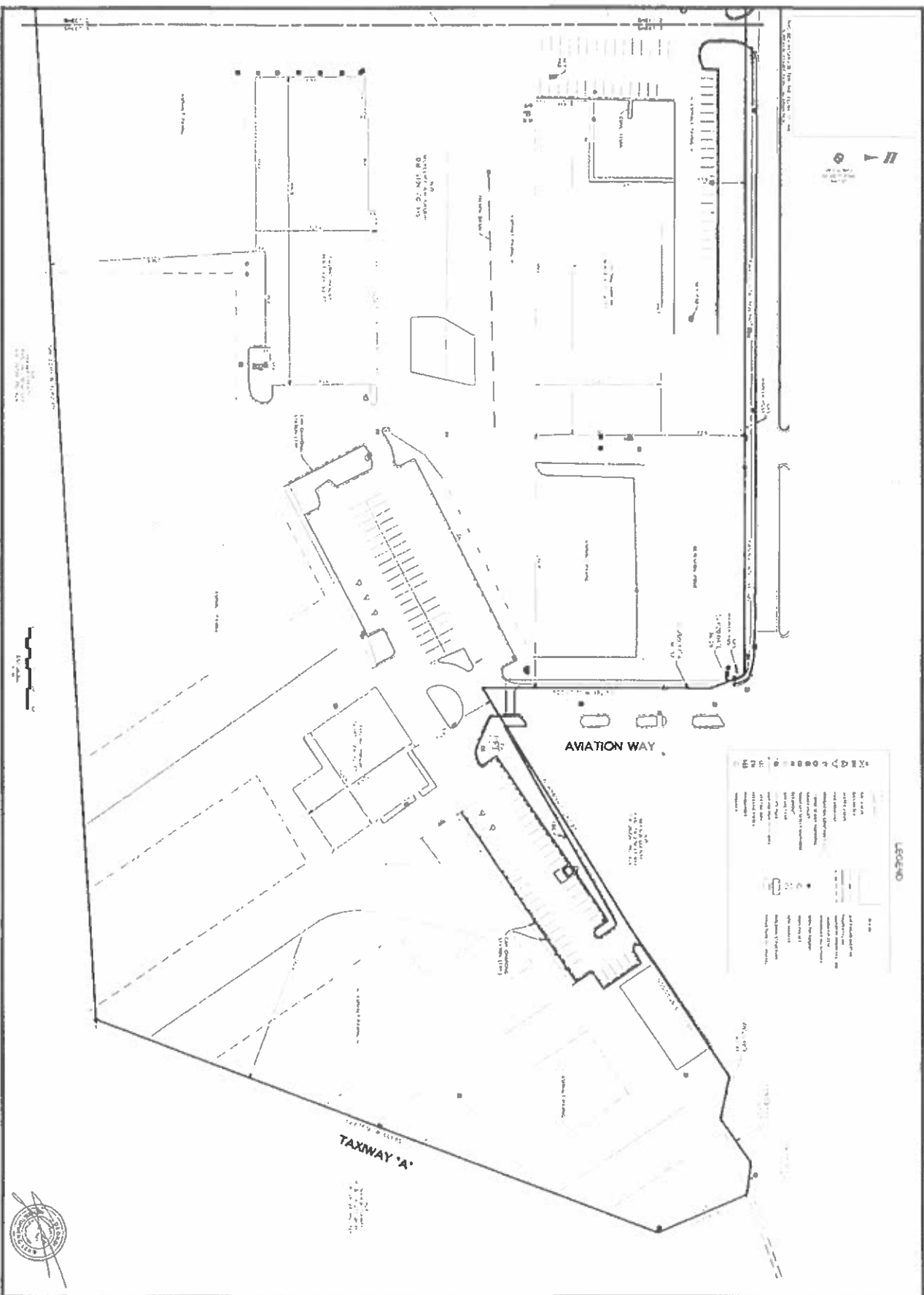


LEGEND

	BUILDING
	PARKING
	EASEMENT
	UTILITY
	SURVEY BOUNDARY
	RIGHT-OF-WAY
	ACCESS ROAD
	UTILITY LINE
	SURVEY POINT
	EASEMENT BOUNDARY
	RIGHT-OF-WAY BOUNDARY
	ACCESS ROAD BOUNDARY
	UTILITY BOUNDARY



DATE: 01/21/2022 SHEET: 2 OF 4	BEAULIEU-BEAD-REE AIRPORT LEASE SURVEY OF 25.896 ACRES FOR: MERCURY AIR CENTER 2540 AIRPORT ROAD CHAMBLEE, GEORGIA	0021914 A LAND LOT 372 18TH LAND DISTRICT CITY OF CHAMBLEE CLARKE COUNTY, GEORGIA	ATWELL 800.226.4360 www.atwell-survey.com 2951 Peachtree Dunwoody Road, Suite 100 Atlanta, GA 30328	Call before you dig 811
	This drawing is the property of ATWELL SURVEYING, INC. and is not to be used, copied, or reproduced in any form without the written consent of ATWELL SURVEYING, INC.			

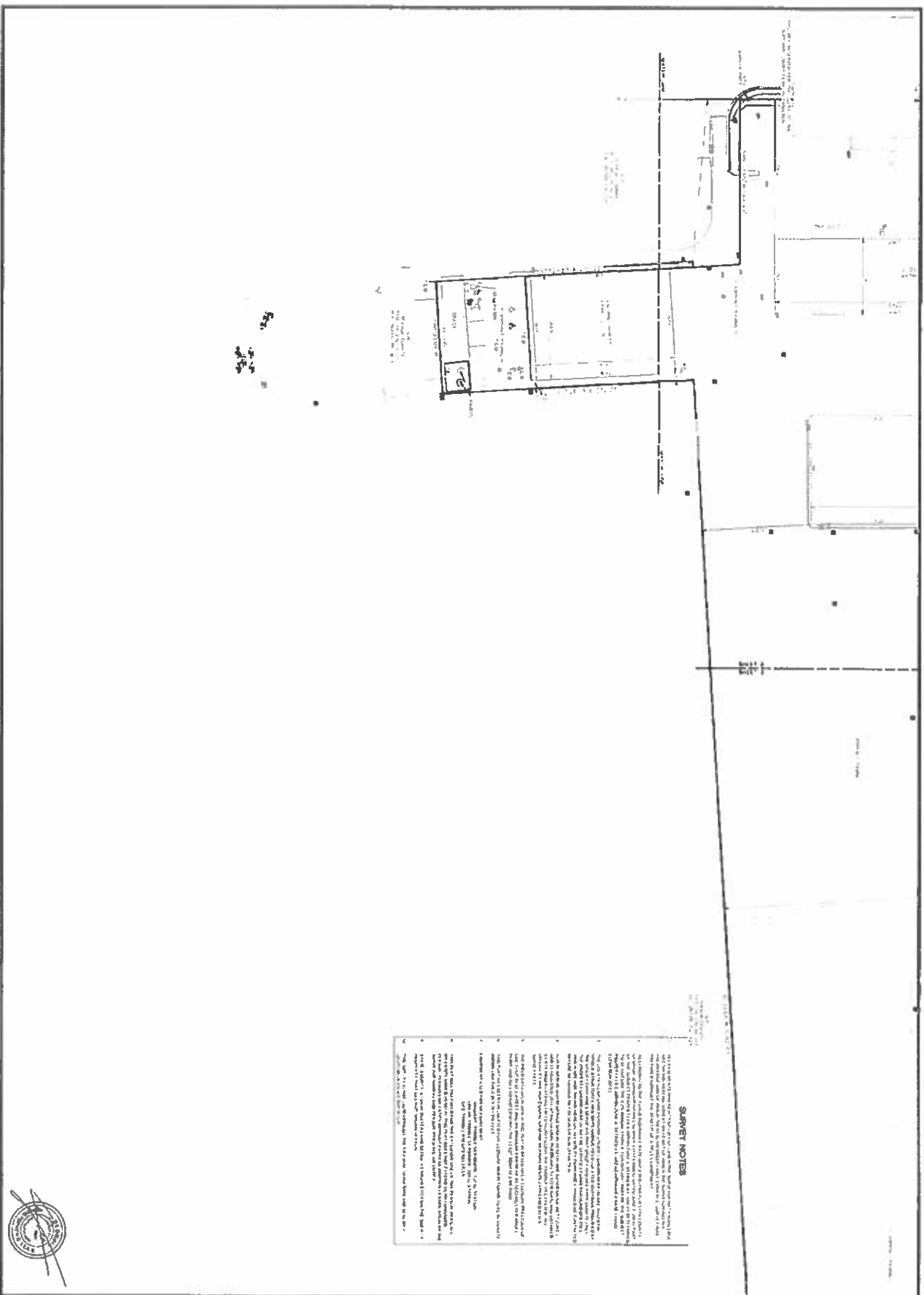


LEGEND

[Symbol]	Building
[Symbol]	Parking
[Symbol]	Car Garage
[Symbol]	Other



DEKALB-Peachtree Airport LEASE SURVEY OF 25.876 ACRES FOR MERCURY AIR CENTER 2800 AIRPORT ROAD DUBLIN, GEORGIA	LOCATED IN LAND DISTRICT CITY OF DEKALB COUNTY, GEORGIA	 800.888.4300 www.atwell-survey.com	 Call before you dig 1-800-4-A-DAWG
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SHEET NOTES

1. THIS SURVEY WAS MADE BY THE SURVEYOR ON THE 11TH DAY OF FEBRUARY, 2022, AT THE REQUEST OF THE CLIENT. THE SURVEY WAS MADE IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF THE SURVEYING PROFESSION IN THE STATE OF GEORGIA.

2. THE SURVEY WAS MADE BY THE SURVEYOR USING THE FOLLOWING METHODS AND INSTRUMENTS: TOTAL STATION, GPS, AND PHOTOGRAMMETRY. THE SURVEY WAS MADE IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF THE SURVEYING PROFESSION IN THE STATE OF GEORGIA.

3. THE SURVEY WAS MADE BY THE SURVEYOR USING THE FOLLOWING METHODS AND INSTRUMENTS: TOTAL STATION, GPS, AND PHOTOGRAMMETRY. THE SURVEY WAS MADE IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF THE SURVEYING PROFESSION IN THE STATE OF GEORGIA.

4. THE SURVEY WAS MADE BY THE SURVEYOR USING THE FOLLOWING METHODS AND INSTRUMENTS: TOTAL STATION, GPS, AND PHOTOGRAMMETRY. THE SURVEY WAS MADE IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF THE SURVEYING PROFESSION IN THE STATE OF GEORGIA.

5. THE SURVEY WAS MADE BY THE SURVEYOR USING THE FOLLOWING METHODS AND INSTRUMENTS: TOTAL STATION, GPS, AND PHOTOGRAMMETRY. THE SURVEY WAS MADE IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF THE SURVEYING PROFESSION IN THE STATE OF GEORGIA.



<p>01/27/2022</p>	<p>DEKALB-Peachtree Airport LEASE SURVEY OF 25.816 ACRES FOR: MERCURY AIR CENTER 2045 AIRPORT ROAD DUMMERS, GEORGIA</p>	<p>LOCATED AT 443 07 270 87 AND 058 951 CITY OF CHARLIE DEKALB COUNTY, GEORGIA</p>	<p>ATWELL 800.999.9999 www.atwell.com</p>	<p>Call for more information 18</p>
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MERCURY AIR LEASE AREA
AS-SURVEYED LEGAL DESCRIPTION

ALL THAT PARCEL OR TRACT OF LAND, TOGETHER WITH IMPROVEMENTS THEREON, CONTAINING 1,128,022 SQUARE FEET (25.896 ACRES) OF LAND, MORE OR LESS, LYING AND BEING IN LAND LOT 270 OF THE 18TH LAND DISTRICT, CITY OF CHAMBLEE, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT CONCRETE MONUMENT AT THE INTERSECTION OF THE EASTERN RIGHT-OF-WAY OF CLAIRMONT ROAD WITH THE SOUTHERN RIGHT-OF-WAY OF AIRPORT ROAD; THENCE ALONG THE RIGHT-OF-WAY OF AIRPORT ROAD NORTH 43 DEGREES 04 MINUTES 21 SECONDS EAST, 40.23 FEET TO A POINT; THENCE SOUTH 89 DEGREES 54 MINUTES 14 SECONDS EAST, 631.48 FEET TO A POINT; THENCE SOUTH 89 DEGREES 55 MINUTES 02 SECONDS EAST, 350.05 FEET TO A ½ INCH REBAR FOUND; THENCE SOUTH 89 DEGREES 54 MINUTES 29 SECONDS EAST, 207.60 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 21 DEGREES 20 MINUTES 04 SECONDS EAST, 36.29 FEET TO A POINT; THENCE SOUTH 00 DEGREES 09 MINUTES 47 SECONDS WEST, 46.37 FEET TO A POINT; THENCE SOUTH 00 DEGREES 07 MINUTES 31 SECONDS WEST, 182.53 FEET TO A POINT; THENCE NORTH 58 DEGREES 19 MINUTES 19 SECONDS EAST, 282.23 FEET TO A POINT; THENCE NORTH 55 DEGREES 58 MINUTES 26 SECONDS EAST, 177.00 FEET TO A POINT; THENCE SOUTH 78 DEGREES 25 MINUTES 18 SECONDS EAST, 43.41 FEET TO A POINT; THENCE NORTH 55 DEGREES 03 MINUTES 59 SECONDS EAST, 53.00 FEET TO A POINT; THENCE SOUTH 82 DEGREES 40 MINUTES 18 SECONDS EAST, 32.13 FEET TO A POINT; THENCE SOUTH 23 DEGREES 11 MINUTES 11 SECONDS EAST, 97.13 FEET TO A POINT; THENCE SOUTH 20 DEGREES 38 MINUTES 01 SECONDS WEST, 601.85 FEET TO A ½ INCH REBAR; THENCE SOUTH 86 DEGREES 33 MINUTES 01 SECONDS WEST, 1282.79 FEET TO A POINT; THENCE SOUTH 03 DEGREES 26 MINUTES 59 SECONDS EAST, 252.38 FEET TO A POINT; THENCE SOUTH 86 DEGREES 33 MINUTES 01 SECONDS WEST, 112.00 FEET TO A POINT; THENCE NORTH 03 DEGREES 26 MINUTES 58 SECONDS WEST, 305.06 FEET TO A POINT; THENCE SOUTH 89 DEGREES 57 MINUTES 05 SECONDS WEST, 164.49 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF CLAIRMONT ROAD; THENCE ALONG THE RIGHT-OF-WAY OF CLAIRMONT ROAD NORTH 00 DEGREES 01 MINUTES 13 SECONDS WEST, 654.43 FEET TO A CONCRETE MONUMENT AND THE POINT OF BEGINNING.