

**AMENDMENT OF AN
AGREEMENT BETWEEN THE COUNTY OF ALBANY
AND
ELRAC, LLC D/B/A ENTERPRISE RENT-A-CAR**

Original Resolution No. 273 for 2014

THIS AMENDED AGREEMENT is made by and between the County of Albany, a municipal corporation organized and existing under the laws of the State of New York, acting by and through its County Executive, with its principal office located at the Albany County Office Building, 112 State Street, Albany, New York 12207-2021 (hereinafter called the "County" or "Owner") and ELRAC, LLC. d/b/a/ Enterprise Rent-A-Car (hereinafter "Tenant") and SMG, as management agent for the County for the Times Union Center, located at 51 South Pearl Street, Albany, New York 12207. (The County or Owner, Tenant and SMG herein separately or together may be referred to as the "Party" or "Parties" as appropriate)

WITNESSETH:

WHEREAS, the Owner offers for lease certain commercial space at the Albany County Civic Center (hereinafter known as the Times Union Center [TU Center] under a naming rights agreement between the County of Albany and the Hearst Corporation, Capital Newspapers Division), and

WHEREAS the Tenant currently leases commercial space offered by the Owner in the front entry plaza of the TU Center as authorized by Resolution No. 273 for 2014, adopted August 11, 2014, and

WHEREAS, on March 14, 2019, a State of Emergency was declared in Albany County by the County Executive under the authority given to him by Section 24 of the New York State Executive Law in response to the Novel Coronavirus (Covid-19) pandemic public health emergency, and

WHEREAS, the County Executive has issued an Executive Order pursuant to Section 24 of the Executive Law suspending certain Charter functions of County if there is a direct correlation to Covid-1, and

WHEREAS, the County Executive is aware of the financial implications that the County's State of Emergency and New York State's on PAUSE directives have had on Tenant and Tenant's Ability to comply with the rental obligations under the Lease Agreement, and

WHEREAS, the County Executive, under the authority provided him by the Emergency Order, temporarily suspends Tenant's rental obligation, and

NOW THEREFORE THE PARTIES HERETO DO MUTUALLY COVENANT AND AGREE AS FOLLOWS:

1. That except as amended by this Amendment, the original Agreement for lease of commercial space at the Civic Center that was fully executed by the parties shall remain in full force and effect. The original Agreement was adopted pursuant to Resolution No. 273 for 2014.

2. That the Tenant's Rental obligation under the Lease Agreement is suspended effective May 1, 2020. Tenant's obligation to pay rent will resume on July 1, 2020.

3. The Term of the original Agreement will be extended by two months. The Term of the Agreement shall now end on March 31, 2022.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed and effective as set forth above.

County of Albany

By: _____

Date: _____

Daniel P. McCoy
County Executive
or
Daniel C. Lynch
Deputy County Executive

SMG

By: Robert H. Belber

Robert H. Belber
General Manager

Date: 5/11/20

**ELLRAC, LLC. d/b/a
Enterprise Rent-A-Car**

By: [Signature] Ellrac LLC

Date: 5/7/2020

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:

On the ____ day of _____, 2020, before me, the undersigned, a notary public in and for the state, personally appeared Daniel P. McCoy, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the attached instrument and acknowledged to me that s/he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:

On the ____ day of _____, 2020, before me, the undersigned, a notary public in and for the state, personally appeared Daniel C. Lynch, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the attached instrument and acknowledged to me that s/he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:

On the ____ day of _____, 2020, before me, the undersigned, a notary public in and for the state personally appeared Robert H. Belber, G.M. of the T.U.Center, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the attached instrument and acknowledged to me that s/he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or, the person upon whose behalf the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF Albany) SS.:

On the 7th day of May, 2020, before me, the undersigned, a notary public in and for the state, personally appeared Richard J. Asner, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the attached instrument and acknowledged to me that s/he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon whose behalf the individual acted, executed the instrument.

M. Antonio King
Notary Public, State of New York
Qualified in Saratoga County Albany
No. 01K16248198
Commission Expires Sept. 19, 2023


NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF _____) SS.:

On the ____ day of _____, 2020, before me, the undersigned, a notary public in and for the state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the attached instrument and acknowledged to me that s/he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon whose behalf the individual acted, executed the instrument.

NOTARY PUBLIC