

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 08-028**

Approving the Second Amendment to Lease No. R-10 Between Multnomah County, as Landlord, and The Subway Real Estate Corp., as Tenant, to Exercise a Five (5) Year Option Renewal Period for Space in the North Portland Health Clinic Facility

**The Multnomah County Board of Commissioners Finds:**

- a. Subway Real Estate (Tenant) has leased and franchised the operation of a Subway Sandwich Shop in the approximate 1,230 square foot surplus space in the North Portland Health Clinic facility since March 2003, (Original Lease). The Original Lease provides for three (3) five (5) year renewal options at Tenant's option.
- b. The Tenant has sent written notice exercising the first option period and has signed a Second Amendment to Original Lease (Second Amendment); which is attached and which extends the lease term through March 31, 2013 and establishes a new, higher rental rate. The new rent will be \$1,465.75 per month or \$17,589.00 per year in compliance with the renewal rates set forth in the lease.
- c. It is in the best interest of the County to amend Lease #R-10 on the terms and conditions set forth in the attached Second Amendment.

**The Multnomah County Board of Commissioners Resolves:**

1. The Board approves the attached Second Amendment and the County Chair is authorized to execute the Second Amendment on behalf of Multnomah County.
2. The County Chair is authorized to execute any future amendments or renewals of the Original Lease as amended to date without further Board action.

ADOPTED this 20th day of March, 2008

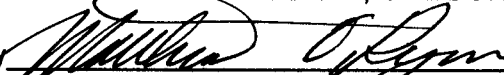


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

Carol M. Ford, Director, Dept. of County Management

**SECOND AMENDMENT TO LEASE**

**BETWEEN:** Multnomah County, Oregon  
Facilities and Property Management  
401 N. Dixon Street  
Portland, OR 97227

**LANDLORD**

**AND:** Subway Real Estate Corp.  
325 Bic Drive  
Milford, CT 06460-3059

**TENANT**

By a Lease dated August 22, 2002, as amended, Tenant leased from Landlord certain space, containing approximately 1,230 square feet, in the facility known as the North Portland Health Clinic, located at 9000 N. Lombard Street, Portland, Multnomah County, Oregon, the parties agree to amend the Lease as follows:

**A. Amended Terms and Conditions:**

1. **Section 1 titled "Term"** is amended by deletion of the existing provision and the substitution of the following:

**1.Term.** The lease term initiated on or about March 31, 2003 shall be extended for five (5) years and continue through March 31, 2013.

2. **Section 2(a) titled "Base Rent"** is amended by deletion of the first sentence which reads as follows:

"The minimum annual rent during the Term ("Base Rent") shall be five dollars and fifty cents (\$5.50) per square foot."

and replacing that deleted sentence with the following:

"The minimum annual rent during the Term ("Base Rent") shall be fourteen dollars and thirty cents (\$14.30) per square foot

3. **Section 36 titled "Option To Renew Rider"** is amended by deleting the first sentence which reads as follows:

"Tenant shall have the option to renew this Lease for three (3) additional terms of five (5) years each, on the same terms and condition contained in this Lease, except for the Base Rent, which shall be at Fair Market Value."

and replacing that deleted sentence with the following:

"Tenant shall have the option to renew this Lease for two (2) additional terms of five (5) years each, on the same terms and condition contained in this Lease, except for the Base Rent, which shall be at Fair Market Value."

**B. Remainder of Agreement**

Except as expressly provided herein, all other terms and conditions of the Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the respective dates set opposite their signature below, but this Agreement on behalf of such party is deemed to have been dated as of the date first above written.

**For Landlord:**  
**Multnomah County, Oregon**

Date: 03.20.08

By: Ted Wheeler  
Ted Wheeler, Chair

Date: 3/20/08

Reviewed  
By: Matthew O. Ryan  
Matthew O. Ryan, Asst. County Attorney

**For Tenant:**  
**Subway Real Estate Corp.,**  
**a Delaware corporation**

Date: \_\_\_\_\_

By: Ernest A. Oliver, Jr.  
Title: Duly Authorized

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-3 DATE 03.20.08  
DEBORAH L. BOGSTAD, BOARD CLERK