

FIRST AMENDMENT TO LEASE AGREEMENT

This FIRST AMENDMENT TO LEASE AGREEMENT ("Amendment") is made and entered into this 1st day of June, 2021 (the "Effective Date"), by and between the Clayton County Board of Education (the "Landlord") and Utopian Academy for the Arts: The Miller Foundation, Inc. (the "Tenant").

RECITALS

WHEREAS, Landlord and Tenant entered into that certain Lease Agreement executed on May 30, 2019, with an effective date of July 01, 2019 (the "Lease"); and

WHEREAS, Landlord and Tenant desire to amend the description of the Term to further extend the Term in accordance with this First Amendment;

NOW THEREFORE, for and in consideration of the mutual covenants contained in the Lease, and herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Lease is amended as follows:

- A. Section 2 ("TERM; POSSESSION") of the Lease Agreement is hereby amended by deleting the below text in quotes:

"TERM. The lease term ("Lease Term") shall be for a term of five (5) years and shall commence on July 1, 2019 ("the Effective Date") and shall, unless terminated earlier as provided herein, expire at 11:59 p.m. on June 30, 2024 (the "Expiration Date").

Provided this Lease is still in effect and has not been terminated for any reason, this Lease shall renew at the end of the Term for one (1) additional five (5) year term ("Renewal Term"), unless either party gives to the other party written notice of intent not to renew at least ninety (90) days prior to the expiration of the Lease Term, or of any Renewal Term. All provisions of this Lease applicable to the original term thereof shall apply with equal force to any Renewal Term."

Section 2 ("TERM; POSSESSION") of the Lease Agreement is hereby further amended by inserting the following text in lieu of the stricken text in quotes above:

2. TERM; POSSESSION.

TERM. Unless terminated in accordance with O.C.G.A. § 36-60-13, the Lease Agreement Term shall commence on the Effective Date and extend through December 31, 2021, and shall automatically extend thereafter for eight (8) consecutive one (1) year renewal terms, until June 30, 2029 (the "Expiration Date"), unless written notice is provided by either Party, at least ninety (90) days prior to the end of the then current term, that the Lease will not renew beyond the then current term. Provided this Lease Agreement is still in effect and has not been terminated for any reason, the Lease Agreement may be extended beyond the terms set forth herein by mutual written agreement of the parties.

- B. Except as expressly amended and modified hereby, the terms and conditions of the Lease Agreement shall remain in full force and effect.**
- C. This Amendment shall inure to the benefit of, and be binding upon, the successors, assigns and legal representative of the Parties hereto.**

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, this Amendment has been executed on behalf of each of the parties hereto, as of the date and year first above written.

LANDLORD:

Clayton County Board of Education

By: 
Name: Morcease Beasley
Title: Superintendent

Signed, sealed and delivered

in the presence of:

Charlotte Dawn Blile

Notary Public

Commission Expires Date: Oct. 11, 2021



TENANT:

Utopian Academy for the Arts: The Miller Foundation, Inc.

By: 
Name: Dr. Arkesha Miller
Title: Executive Director

Signed, sealed and delivered

in the presence of:

Amy B.

Notary Public

Commission Expires Date: SEPT. 21, 2021

