



DEPARTMENT OF GENERAL SERVICES

Marc Elrich
County Executive

David Dise
Director

M E M O R A N D U M

August 31, 2023

TO: Jake Weissmann
Assistant Chief Administrative Officer
Office of the County Executive

FROM: David E. Dise, Director
Department of General Services *go* for David Dise

SUBJECT: 401 Hungerford Drive Garage – First Amendment to Right of Entry Agreement
Decision Memorandum

BACKGROUND: The Division of Building Design and Construction, Department of General Services is in the construction phase for the 401 Hungerford Drive Garage Improvement project (CIP #509514). We have requested this First Amendment to Right of Entry Agreement dated March 1, 2023, to provide additional staff parking spaces to implement the improvements to the parking garage.

RECOMMENDATION: Execute the First Amendment to Right of Entry Agreement.

ATTACHMENT: First Amendment to Right of Entry Agreement.

DD/mk

cc: Hamid Omidvar, DBDC
Suresh Patel, DBDC
Michael Kay, DBDC

DBDC, Dept of General Services 101 Monroe Street, 11 th Floor Rockville, Maryland 20850	FIRST AMENDMENT TO RIGHT OF ENTRY AGREEMENT MONTGOMERY COUNTY, MARYLAND	401 Hungerford Drive Parking Garage Condition Construction CIP No. 0509514
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THIS FIRST AMENDMENT TO RIGHT OF ENTRY AGREEMENT (“First Amendment”), is made on this 1st day of September, 2023, by and between **PD 451 HUNGERFORD LLC**, a Maryland limited liability company (hereinafter referred to as “PD 451”) and **MONTGOMERY COUNTY, MARYLAND**, a body corporate and political subdivision of the State of Maryland (hereinafter referred to as the “County”).

WITNESSETH:

WHEREAS, PD 451 and the County entered into a certain Right of Entry Agreement dated March 1, 2023 (the “Agreement”), for the use of certain parking facilities located 451 Hungerford Drive, Rockville, Maryland 20850 (the “PD 451 Property”); and

WHEREAS, such Agreement provided the County with the use of sixteen (16) designated parking spaces on the PD 451 Property, specifically parking spaces 1 through 10 for a period of six (6) months and parking spaces 11 through 16 for a period of two (2) months, together with access over and across the PD 451 Property to access the parking spaces (the “Right of Entry”); and

WHEREAS, PD 451 and the County seek to restate and amend certain provisions of the Agreement; and

WHEREAS, the terms of this First Amendment supersede and control any provisions of the Agreement which conflict herewith; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties undertake and agree to amend the Agreement, effective as of September 1, 2023 (the “Effective Date”), as follows:

A. Recital D of the Agreement is hereby deleted in its entirety and replaced with the following: "The right of entry will include use of parking spaces 1 through 10 for a period of four (4) months and parking spaces 1 through 16 for a period of one (1) month, together with access over and across the PD 451 Property to access the parking spaces (the "Right of Entry"). The area of the PD 451 Property comprising the Right of Entry is set forth on Exhibit A, attached hereto and incorporated herein."

B. The right of entry will further include use of sixty (60) additional parking spaces, shown on Exhibit B, attached hereto and incorporated herein for a period of two (2) months, together with access over and across the PD 451 Property to access said parking spaces.

C. Except as amended in this herein First Amendment, all other terms and provisions of the Agreement are and remain unchanged and are full force and effect between the parties hereto.

PD 451 Hungerford LLC

Witness

By: _____
Robert L. Eisinger
Manager

MONTGOMERY COUNTY, MARYLAND

Lindsay Bolt

Witness

By: 
Yaakov Weissmann,
Assistant Chief Administrative Officer

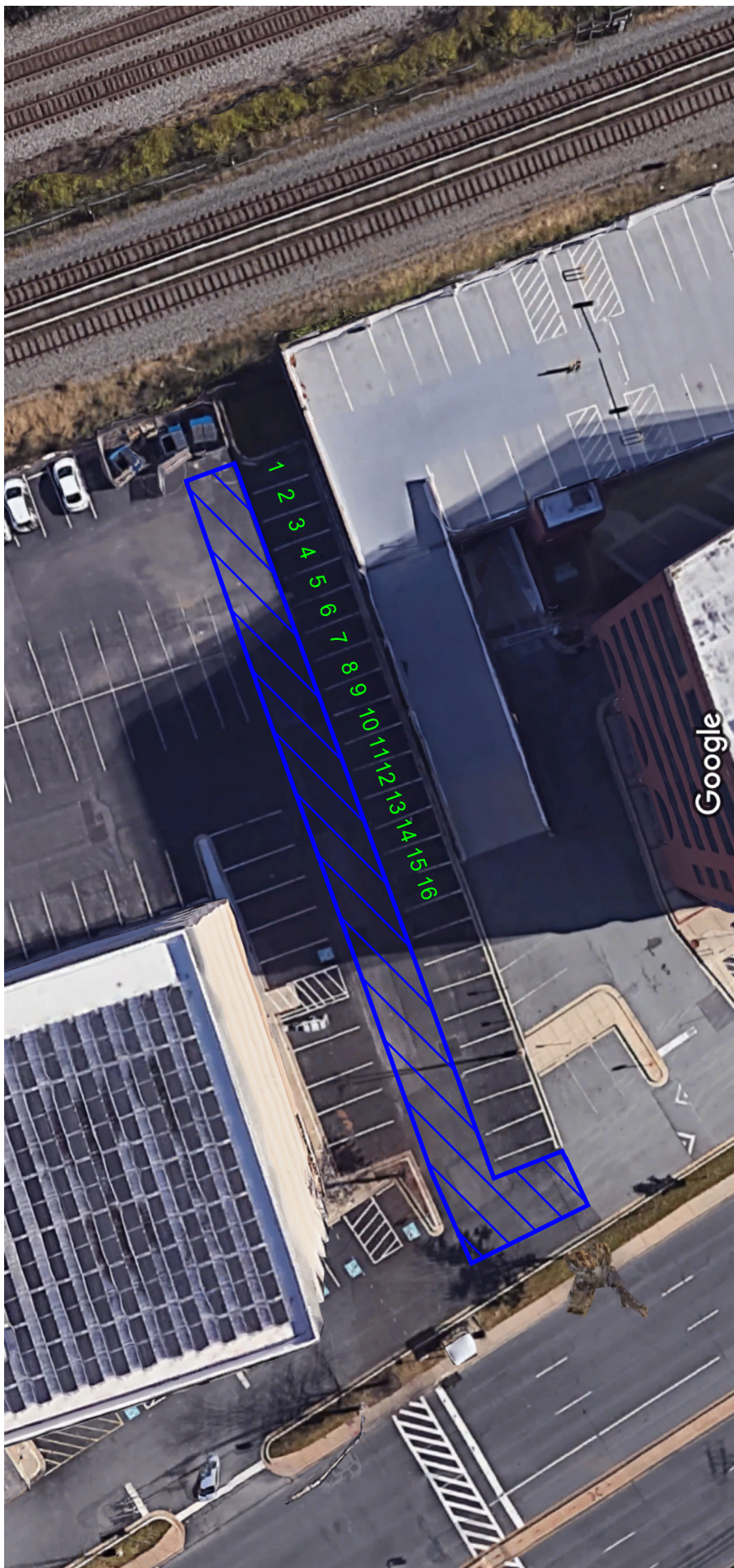
**APPROVED AS TO FORM & LEGALITY
OFFICE OF THE COUNTY ATTORNEY**

Neal Anker

Neal Anker
Assistant County Attorney

Exhibit A - Parking Spaces To Used During Construction

Google Maps 451 Hungerford Dr



Imagery ©2023 Google, Map data ©2023 20 ft

The **GREEN** numbered parking spaces indicated on this Exhibit designate the Parking Spaces subject to this Right Of Entry Agreement.

The **BLUE** hatched area designates access to the rented parking spaces.

