

AMENDMENT NO. 2 TO FORM OF CONTRACT

Contractor: **Cherry Street Investment Holdings, LLC**

Contract No. **City of Atlanta FC-9696, Solar Energy Program**

Address: **1000 Marietta Street NW, #290**

City, State **Atlanta, GA 30318**

Telephone: **(404) 747-589-1830**

E-mail: michael@cherrystreetenergy.com

Contact: **Michael Chanin**
CEO

W I T N E S S E T H

WHEREAS, Fulton County ("County") entered into a Contract with **Cherry Street Investment Holdings, LLC** to provide financing of installation and operation of solar technology, dated April 1, 2020, on behalf of the Department of Real Estate Asset Management; and

WHEREAS, the purpose for this amendment is to amend the existing contract to provide battery back-up power and demand management at the Metropolitan Library Resilience Hub at no cost to the County.; and

WHEREAS, the Contractor has performed satisfactorily over the period of the contract; and

WHEREAS, this amendment was approved by the Fulton County Board of Commissioners on **July 10, 2024, BOC Item #24-** .

NOW, THEREFORE, the County and the Contractor agree as follows:

This Amendment No. 2 to Form of Contract is effective as of the 10th day of July, 2024, between the County and **Cherry Street Capital Fund VI, LLC**, who agree that all Services specified will be performed in accordance with this Amendment No. 2 to Form of Contract and the Contract Documents.

1. **SCOPE OF WORK TO BE PERFORMED:** To provide battery back-up power and demand management at the Metropolitan Library Resilience Hub at no cost to the County located at 1332 Metropolitan Parkway, Atlanta, GA 30310.

The original contract provides solar panels at County-owned facilities at no cost

to the County. Cherry Street Investment Holdings, LLC owns and operates the panels, and the County pays a \$.07/kWh price for the electricity that is on less than what we pay Georgia Power. We will pay a separate fee for the electricity provided by the battery, which is still less than the county's average Georgia Power rate. A portion of the battery's cost is being bought down from a grant for the Resilience Hub.

Resilience Hubs are placing that community members can go to get information about preparing for and recovering from natural disasters. If there is a power outage in the community, the Resilience Hub at the Metropolitan Library will now have back-up power so that community members can gather indoors, charge their devices, and get information about other resources that are available. The Department of Real Estate and Asset Management anticipates launching the Resilience Hub early 2025.

2. **COMPENSATION:** The services described will be at no additional cost to Fulton County. The cost and term will remain the same as the original intent.
3. **LIABILITY OF COUNTY:** This Amendment No. 2 to Form of Contract shall not become binding on the County and the County shall incur no liability upon same until such agreement has been executed by the Chair to the Commission, attested to by the Clerk to the Commission and delivered to Contractor.
4. **EFFECT OF AMENDMENT NO. 2 TO FORM OF CONTRACT:** Except as modified by this Amendment No. 2 to Form of Contract, the Contract, and all Contract Documents, remain in full force and effect.

[INTENTIONALLY LEFT BLANK]

IN WITNESS THEREOF, the Parties hereto have caused this Contract to be executed by their duly authorized representatives as attested and witnessed and their corporate seals to be hereunto affixed as of the day and year date first above written.

OWNER:

FULTON COUNTY, GEORGIA

Robert L. Pitts, Chairman
Fulton County Board of Commissioners

ATTEST:

Tonya R. Grier
Clerk to the Commission

(Affix County Seal)

APPROVED AS TO FORM:

Office of the County Attorney

APPROVED AS TO CONTENT:

Joseph N. Davis, Director
Department of Real Estate and Asset
Management

CONSULTANT:

**CHEERY STRET INVESTMENT
HOLDINGS, LLC**

Michael Chanin
CEO

ATTEST:

Secretary/
Assistant Secretary

(Affix Corporate Seal)

ATTEST:

Notary Public

County: _____

Commission Expires: _____

(Affix Notary Seal)

ITEM#: _____ RCS: _____ RECESS MEETING	ITEM#: _____ RM: _____ REGULAR MEETING
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