



RESOLUTION

AUTHORIZING THE CITY OF NASHUA TO AMEND THE LEASE FOR THE
HERITAGE RAIL TRAIL COMMUNITY GARDEN

CITY OF NASHUA

In the Year Two Thousand and Seventeen

RESOLVED by the Board of Aldermen of the City of Nashua that the City is authorized to amend the Lease to redefine the leased space for the community garden by entering into the attached Third Lease Amendment.

LEGISLATIVE YEAR 2017

RESOLUTION: R-17-111

PURPOSE: Authorizing the City of Nashua to amend the lease for the Heritage Rail Trail Community Garden

ENDORSER(S): Mayor Jim Donchess

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: None

ANALYSIS

This resolution authorizes the City of Nashua to amend the lease for the Heritage Rail Trail Community Garden by entering into the Third Lease Amendment.

Approved as to form: Office of Corporation Counsel

By: 

Date: June 21, 2017

**THIRD
LEASE AMENDMENT**

THIS THIRD LEASE AMENDMENT ("Amendment") is made and entered into as of July 1, 2017, by and between the **City of Nashua** ("City") and **Great American Downtown** as successor in interest to Gate City Community Gardens, Inc. ("Lessee"). City consented to the assignment of the Lease in R-16-076.

In consideration of the covenants and obligations contained herein and of other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. LEASE: The parties executed a Lease agreement dated as of June 13, 2013 for Lessee to construct and operate a community garden to be known as the Heritage Rail Trail Community Garden, on a certain portion of the Heritage Rail Trail located in the City of Nashua ("Lease") with a term of lease commencing on June 13, 2013 and expiring three (3) years after commencement on June 12, 2016. The Lease was amended by a First Amendment to Lease dated May 27, 2014, to allow Lessee to use a portion of the Expansion Area pursuant to Section 1 of the Lease. The Lease was further amended by Lease Extension dated November 10, 2016, which expanded the lease area and exercised the first renewal term allowing an additional three (3) year term, commencing on June 13, 2016 and expiring on June 12, 2019. All terms, conditions, and provisions of said Lease, as amended and extended, are incorporated herein by reference unless specifically amended hereby.

2. PREMISES REDEFINED: To allow for a new pedestrian trail, City has requested and Lessee hereby agrees to release from the Lease that certain portion of the 2016 Expansion Area as shown on the attached plan as "Released Lease Area." Further, Lessee has requested an 11,000 square foot expansion of the Premises as follows: a rectangular parcel of land located on the south side of the paved portion of the Heritage Rail Trail with its northwest corner, and point of beginning, being 49' south and 168' west from the westerly edge of Everett Street, then southerly 30' to its southwest point, then running easterly 344' to its southeast point, then turning north and running 30' to its northeast point, then turning and running westerly along the paved portion of the trail 344' to the point of beginning as shown on the attached plan as the "2017 Lease Area Expansion." The term "Premises" shall apply to all land used and occupied by Lessee under the Lease, as amended by the First Amendment to Lease, Lease Extension and herein.

IN WITNESS OF THIS AGREEMENT, City and Lessee execute this agreement as of the day and year first above written.

LESSEE:

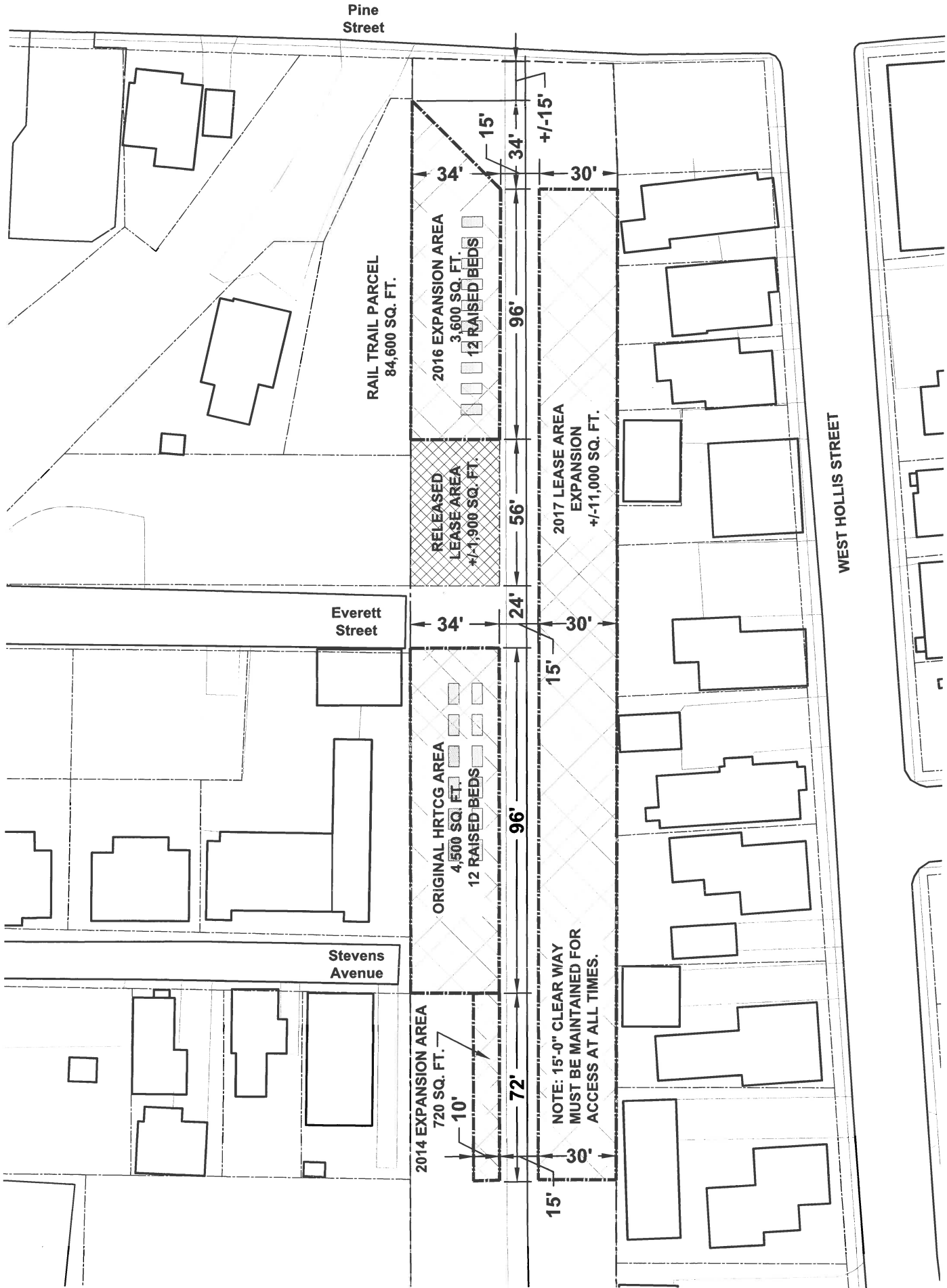
Great American Downtown

CITY:

City of Nashua

Print Name: _____
Title: _____,
Duly Authorized

James W. Donchess, Mayor,
Duly Authorized



Pine Street

Everett Street

Stevens Avenue

WEST HOLLIS STREET

RAIL TRAIL PARCEL
84,600 SQ. FT.

2016 EXPANSION AREA
3,600 SQ. FT.
12 RAISED BEDS

RELEASED
LEASE AREA
+/-1,900 SQ. FT.

2017 LEASE AREA
EXPANSION
+/-11,000 SQ. FT.

ORIGINAL HRTCG AREA
4,500 SQ. FT.
12 RAISED BEDS

2014 EXPANSION AREA
720 SQ. FT.

NOTE: 15'-0" CLEAR WAY
MUST BE MAINTAINED FOR
ACCESS AT ALL TIMES.

HERITAGE RAIL TRAIL COMMUNITY GARDEN (HRTCG)

SITE PLAN DRAWING SCALE: 1"=50'-0"

DATE: 06/12/2017