



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

March 16, 2017

Council President Joseph P. Lopes  
Members of the City Council  
City Hall  
133 William Street, Room 215  
New Bedford, MA 02740

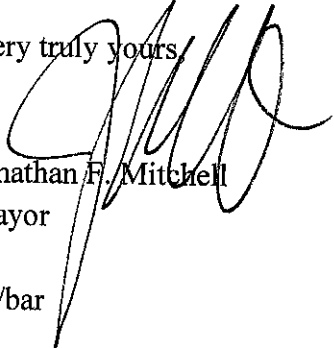
Dear Council President Lopes & Honorable Members:

At the request of the Airport Commission, I am submitting herein for your consideration a proposed Order authorizing the Mayor and the Chairman appointed by the Airport Commission to execute a lease amendment with Claremont Aviation, LLC on behalf of the City. As you may recall, the Council previously approved a lease for construction of a hangar by Claremont Aviation, LLC at the Airport.

As a result of a survey commissioned by the Airport Commission, a slight discrepancy in the property description was discovered by the Airport. The proposed Lease Amendment reflects a slight decrease in the square footage of the Claremont Lease and an according slight reduction in rent. The new metes and bounds description and plan are attached to the Lease Amendment as Exhibit A.

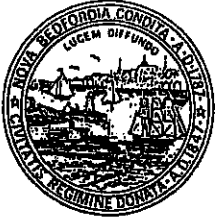
Thank you for your consideration in this matter.

Very truly yours,

  
Jonathan F. Mitchell  
Mayor

EJ/bar

Enclosure



# CITY OF NEW BEDFORD

## CITY COUNCIL

March 16, 2017

**Ordered**, that the Chairman of the Airport Commission and the Mayor are hereby authorized on behalf of the City to execute an Amendment to Lease between the City of New Bedford and Claremont Aviation, LLC for leasee's construction of a hangar at the New Bedford Regional Airport. The leased property is approximately 42,450 square feet. A copy of the Lease Amendment is attached hereto and made a part hereof.

**1<sup>st</sup> Amendment to Lease  
By and Between**

**NEW BEDFORD  
AIRPORT COMMISSION**

**and**

**CLAREMONT AVIATION, LLC**

**ORIGINAL LEASE Approved by the  
New Bedford Airport Commission on**

**May 1, 2017**

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## LEASE AMENDMENT

**THIS AMENDMENT TO AGREEMENT OF LEASE**, (herein called “Amendment to Agreement of Lease) entered into on the First day of May, 2017 by and between the City of New Bedford, a municipal corporation with a place of business at 133 William Street, New Bedford, Massachusetts acting by and through its Airport Commission (herein after called the “LESSOR” or NBAC), a Massachusetts Municipal Corporation having its office at 1569 Airport Road, New Bedford, Massachusetts, 02746-1369, and CLAREMONT AVIATION, LLC (herein after called “LESSEE”), a Massachusetts corporation with a mailing address of One Lakeshore Center, Bridgewater, Massachusetts 02324 amends a prior lease between the parties dated May 20, 2015 as follows:

Article 1.1 shall be stricken in its entirety and the following language inserted in its place:

**“1.1 Property Description and Use.** LESSOR hereby lets to LESSEE and LESSEE hereby hires and takes from LESSOR that certain tract of land on the Airport comprising a parcel of land of approximately forty two thousand four hundred fifty (42,450) square feet, or as determined by survey and agreed to by the parties, such parcel being described on Exhibit "A" attached hereto and as depicted on a Plan attached hereto, both incorporated herein. The LESSOR grants to LESSEE a lease to use a parcel of land for purpose of operating an aircraft storage hangar together with the right of use and enjoyment of all improvements thereon and to be placed thereon; free and clear of any encumbrances, (other than right of reverter to United States Government) subject to the terms of this Agreement and applicable federal and state laws and regulations and Airport Rules and Regulations incorporated herein.”

Article 2.4 shall be stricken in its entirety and the following language inserted instead:

**“2.4 Rental Rate for Years Three (3) through Twenty (20).** The annual rent ('Rent') for years three through twenty of the Primary Term of the agreement shall be charged at the rate of \$.20 per square foot (\$8,914.50 per year or \$742.88 per month). Total rent for year one and two of the lease is \$9,576.00 per year or \$798.00 per month.”

Exhibit A entitled description of leased premises shall be stricken in its entirety and the Exhibit A attached hereto entitled “Description of Leased Premises” and the Plan attached thereto shall be inserted instead as Exhibit A to the original lease.

**IN WITNESS HEREOF**, the City of New Bedford has caused its corporate seal to be hereto affixed to this First Amendment to Lease and these presents to be signed by Mayor Jonathan F. Mitchell and Paul W. Barton, Chairman of the New Bedford Airport Commission, and Claremont Aviation, LLC has executed these presents by its Manager Elias Patoucheas.

Claremont Aviation, LLC

City of New Bedford

By: \_\_\_\_\_  
Elias Patoucheas, Manager

By: \_\_\_\_\_  
Mayor Jonathan F. Mitchell

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

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

New Bedford Airport Commission

By: \_\_\_\_\_  
Paul L. Barton  
Chairman, New Bedford Airport Commission

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

Approved as to Form and Legality:

By: \_\_\_\_\_  
Eric Jaikes  
Assistant City Solicitor

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

EXHIBIT A

**Description of Leased Premises**

A certain lease area situated on the north side of Airport Road in the City of New Bedford, being shown on a plan entitled "Lease Area, Airport Road, Assessors May 123 Lot 3, New Bedford, Massachusetts, prepared for Claremont Companies, Scale 1" = 20', January 30, 2017, by Farland Corp." and is further bounded and described as follows:

Beginning at a point north of Airport Road, said point being the southeasterly corner of land now or formerly leased to Noreast Aviation Services Inc. and the southwesterly corner of the herein describer property;

Thence N34° 35' 54"E, 29.42 feet to a point;

Thence turning and running N37° 14' 03"E, 294.02 feet to a corner;

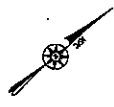
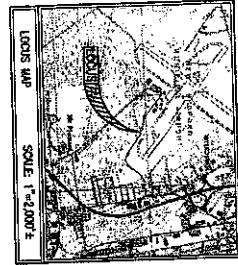
Thence turning and running S52 ° 27' 36"E, 156.16 feet to a corner;

Thence turning and running S37° 14' 03"W, 219.63 feet to a corner;

Thence turning and running N86° 23' 22"W, 185.91 feet to the point of beginning.

Said lease area contains 42,450 square feet more or less.

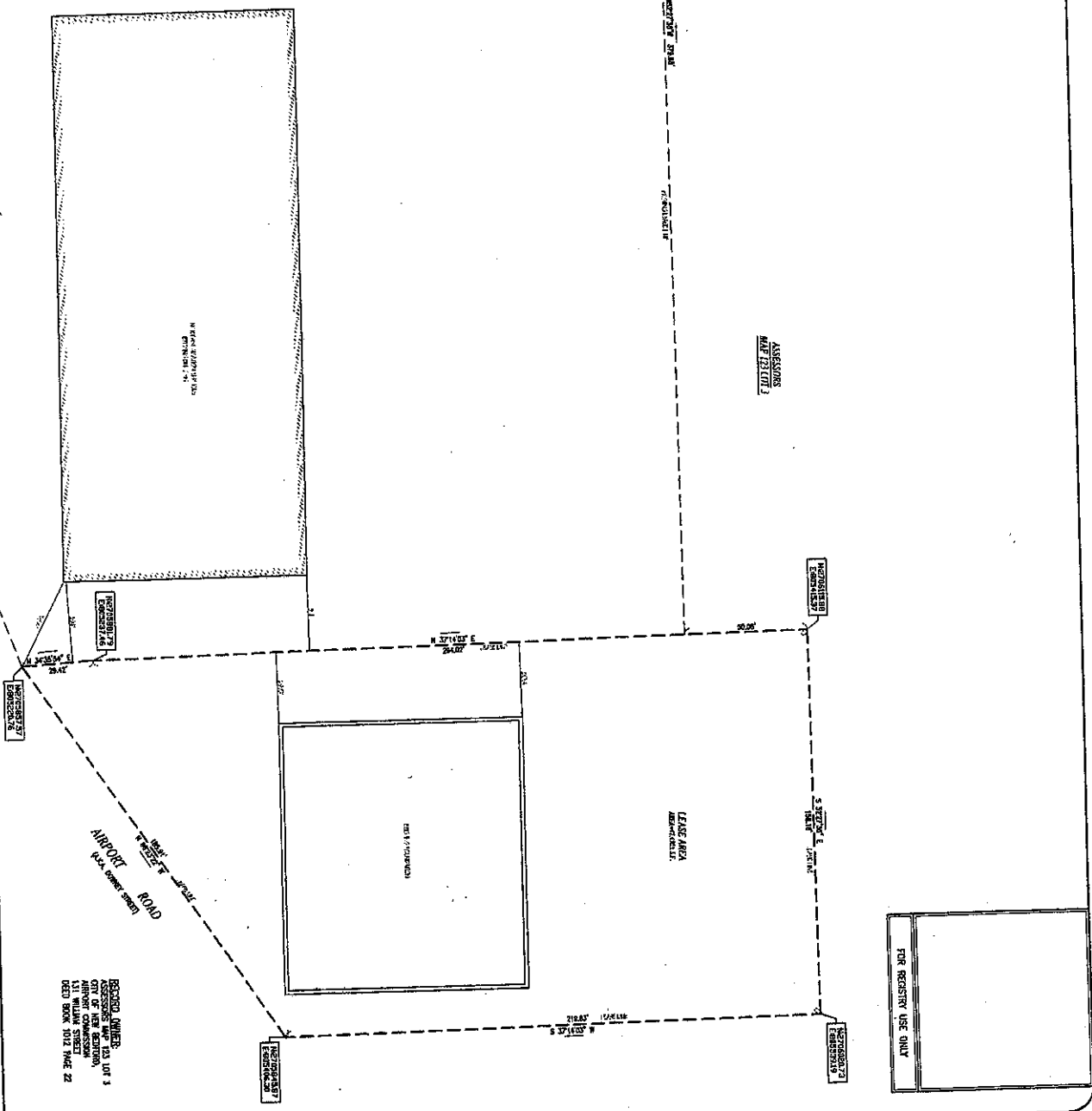
(See attached "Leased Area" Plan dated January 30, 2017 attached hereto)



I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES SHOWN BY THE SURVEYING ENGINEER AND THE LINES OF THE STREETS AND ALIEN SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR MOST ALIEN LOTS SHOWN ON THIS PLAN. THE LINES OF THE STREETS OR ALIEN LOTS SHOWN ON THIS PLAN ARE SHOWN BY THE SURVEYING ENGINEER FOR THE PURPOSES OF THIS PLAN.

BRUCE T. WARDEN, P.L.S.  
 DATE \_\_\_\_\_

NOTES:  
 1. SURVEY PERFORMED BY THOMPSON BRADY, INC. IN DECEMBER, 2016.



<b>LEASE AREA</b>	
<b>AIRPORT ROAD</b>	
<b>ASSESSORS MAP 123 LOT 3</b>	
<b>NEW BEDFORD, MASSACHUSETTS</b>	
PREPARED FOR:	CLAREMONT COMPANIES 1 LAKESHORE CENTER BRIDGEWATER, MA
DRAWN BY:	SP/CK
CHECKED BY:	SP/CK
DATE:	01/23/17
SCALE:	1"=400'
DATE:	JANUARY 20, 2017
PROJECT:	ASSESSORS MAP 123 LOT 3 NEW BEDFORD, MASSACHUSETTS 131 WILLIAM STREET DEED BOOK TIDE TIDE 22
SHEET:	1 OF 1