



RESOLUTION

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

CITY OF NASHUA

In the Year Two Thousand and Sixteen

RESOLVED by the Board of Aldermen of the City of Nashua that the City is authorized to extend the Lease for the Heritage Rail Trail Community Garden for an additional three (3) years and amend the Lease to include more space for the community garden by entering into the attached extension.

FURTHER RESOLVED by the Board of Aldermen of the City of Nashua that the City is authorized to consent to an assignment of the Lease for the Heritage Rail Trail Community Garden from Gate City Community Gardens, Inc. to Great American Downtown.

LEGISLATIVE YEAR 2016

RESOLUTION: R-16-076

PURPOSE: Authorizing the City of Nashua to extend and 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 extend the lease for the Heritage Rail Trail Community Garden, amend the lease to include more space for the community garden and authorizes the assignment of the lease from Gate City Community Gardens, Inc. to Great American Downtown.

Approved as to form: Office of Corporation Counsel

By: 

Date: 10/18/2016

LEASE EXTENSION

THIS LEASE EXTENSION AGREEMENT ("Lease Extension") is made and entered into as of _____, 2016, by and between the **City of Nashua** ("City") and **Gate City Community Gardens, Inc.** ("Lessee").

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. PRIOR 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. All terms, conditions, and provisions of said Lease, as amended, are incorporated herein by reference unless specifically amended hereby.

2. EXTENSION OF PRIOR LEASE TERM: Section 1 of the Lease provided for two (2) additional three (3) year terms upon mutual agreement of the parties, which agreement by the city "shall not be unreasonable withheld." The parties wish to exercise the first renewal term and extend the Lease for an additional three (3) year term, commencing on June 13, 2016 and expiring on June 12, 2019.

3. PREMISES EXPANDED: Lessee has requested a 5,500 square foot expansion of the Premises as follows: a parcel of land located at the North side of the paved portion of the Heritage Rail Trail from the East side of Everett Street, Nashua, New Hampshire, 164 feet along said Rail Trail and 34 feet wide as shown on the attached Exhibit A ("2016 Expansion Area") The term "Premises" shall apply to all land used and occupied by Lessee under the Lease, as amended by the First Amendment to Lease and herein.

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

LESSEE:

Gate City Community Gardens, Inc.

CITY:

City of Nashua

Print Name: _____

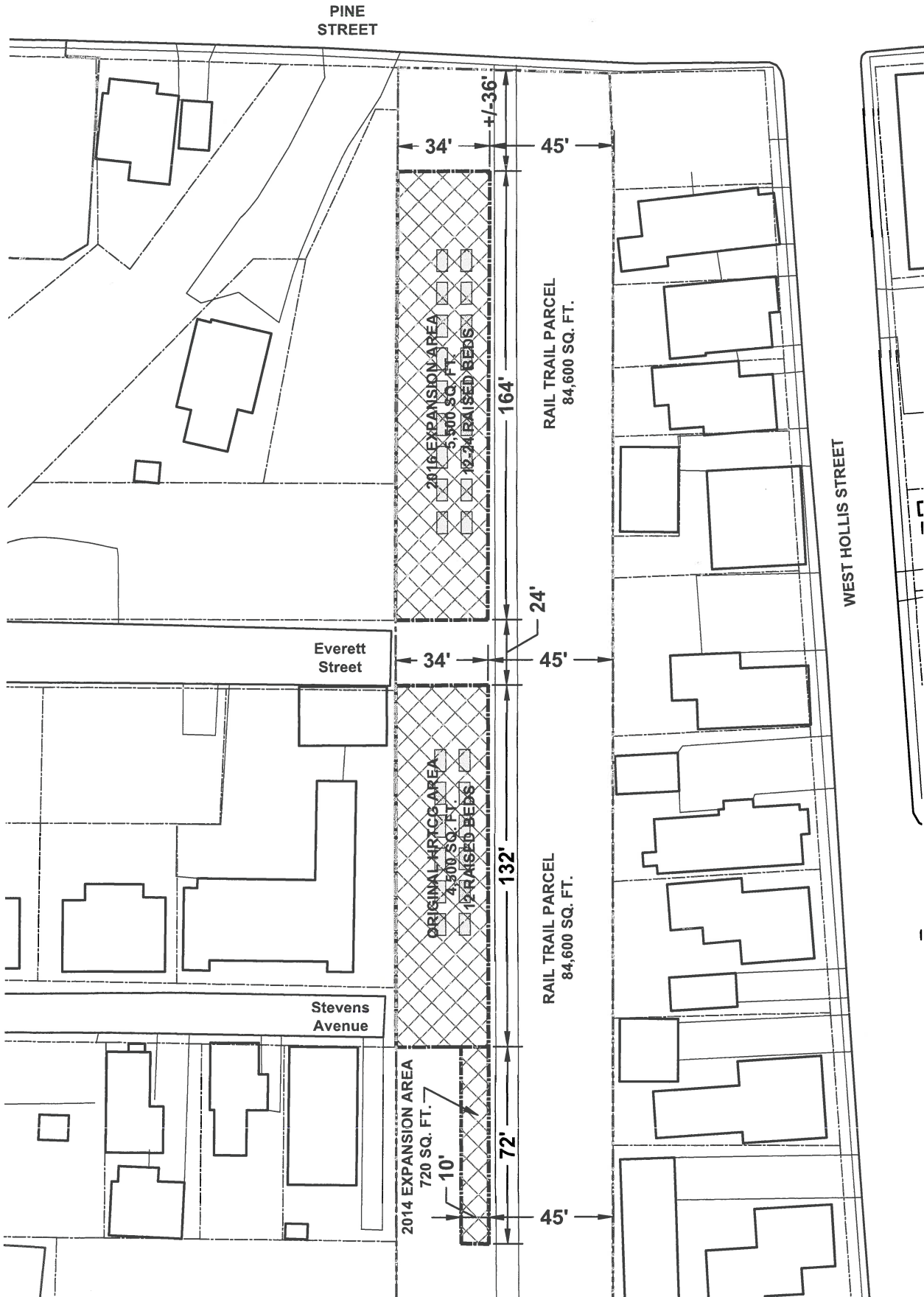
Title: _____

Duly Authorized

James W. Donchess, Mayor,

Duly Authorized

Exhibit A



HERITAGE RAIL TRAIL COMMUNITY GARDEN (HRTCG)

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

DATE: 10/18/2016