

LEASE AMENDMENT NO. 3

to the

FRESNO CHANDLER EXECUTIVE AIRPORT
AIRPORT LEASE AGREEMENT

Between

CITY OF FRESNO, CALIFORNIA

And

JOHN TOMAINO AN INDIVIDUAL
D.B.A. AMERICAN HELICOPTERS

THIS LEASE AMENDMENT NO. 3 ("Amendment 3") is effective the __ Day of __, 2017, by and between the CITY OF FRESNO, CALIFORNIA, a municipal corporation hereinafter referred to as "LESSOR" and John Tomaino, an individual, doing business as American Helicopters, located at 612 West Kearney Avenue, Fresno California 93706, hereinafter referred to as "LESSEE."

RECITALS

WHEREAS, the Parties entered into a Fresno Chandler Executive Airport Lease Agreement dated March 1, 2010 (the "Agreement"), for a paved parcel of land measuring approximately 36,000 square feet, including a 6,560 square foot hangar (Lease Lot No. FBO-6) at the Fresno Chandler Executive Airport; and

WHEREAS, the Parties entered Amendment No. 1, effective March 1, 2013, extending the term of the Agreement to February 28, 2016; and

WHEREAS, the Parties entered Amendment No. 2, effective March 1, 2016, extending the term of the Agreement to February 28, 2019; and

WHEREAS, the Parties now desire with this Amendment No. 3 to increase the size of the Premises and adjust Rent.

AGREEMENT

In consideration of the above, the parties therefore agree as follows:

1. Article I (Grant and Description of Leased Premises), Section A(1), of the Agreement is replaced and re-written as follows:

1. **Premises:** Lessor, in consideration of the rentals, fees, charges, warranties, terms, covenants, conditions and agreements set forth herein, does hereby lease to Lessee and Lessee hereby leases from Lessor that real property located at 612 West Kearney Boulevard at the Airport shown on Exhibit A attached hereto and made a part hereof, comprising a paved parcel of approximately 36,015 square feet including a 6,560 square foot hangar, and Exhibit A1 attached hereto and made a part hereof, comprising a paved parcel of approximately 45,232 square feet including a 7,853 square foot hangar.

2. Article V (Rental, Other Charges, Late Payment, and Security Deposit), Section A(1), of the Agreement is replaced and re-written as follows:

1. **Rent:** Monthly rent in the amount of \$2,893.98 (which is the sum of \$1,038.98 for FBO-6 and surrounding ramp area, plus \$1,855.00 for FBO-9 and surrounding ramp area) shall be due in advance on the first day of each month, and shall be late if not paid by the 10th day of each month.

3. Exhibit A to the Agreement shall be updated with **Exhibit A and Exhibit A1**, attached.
4. Except as expressly provided in this Amendment 3, all other terms and provisions of the Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 3 as of the day and year first above written.

CITY OF FRESNO, CALIFORNIA
A Municipal Corporation

AMERICAN HELICOPTERS

By: _____
Kevin Meikle
Director of Aviation

JOHN TOMAINO
DBA AMERICAN HELICOPTERS
By: _____

Address for Notice:
City of Fresno
Airports Department
4995 E. Clinton Way
Fresno, CA 93727

Title: _____

Address for Notice:

AMERICAN HELICOPTERS
612 West Kearney
Fresno, CA 93706

Phone (559) 240-1111

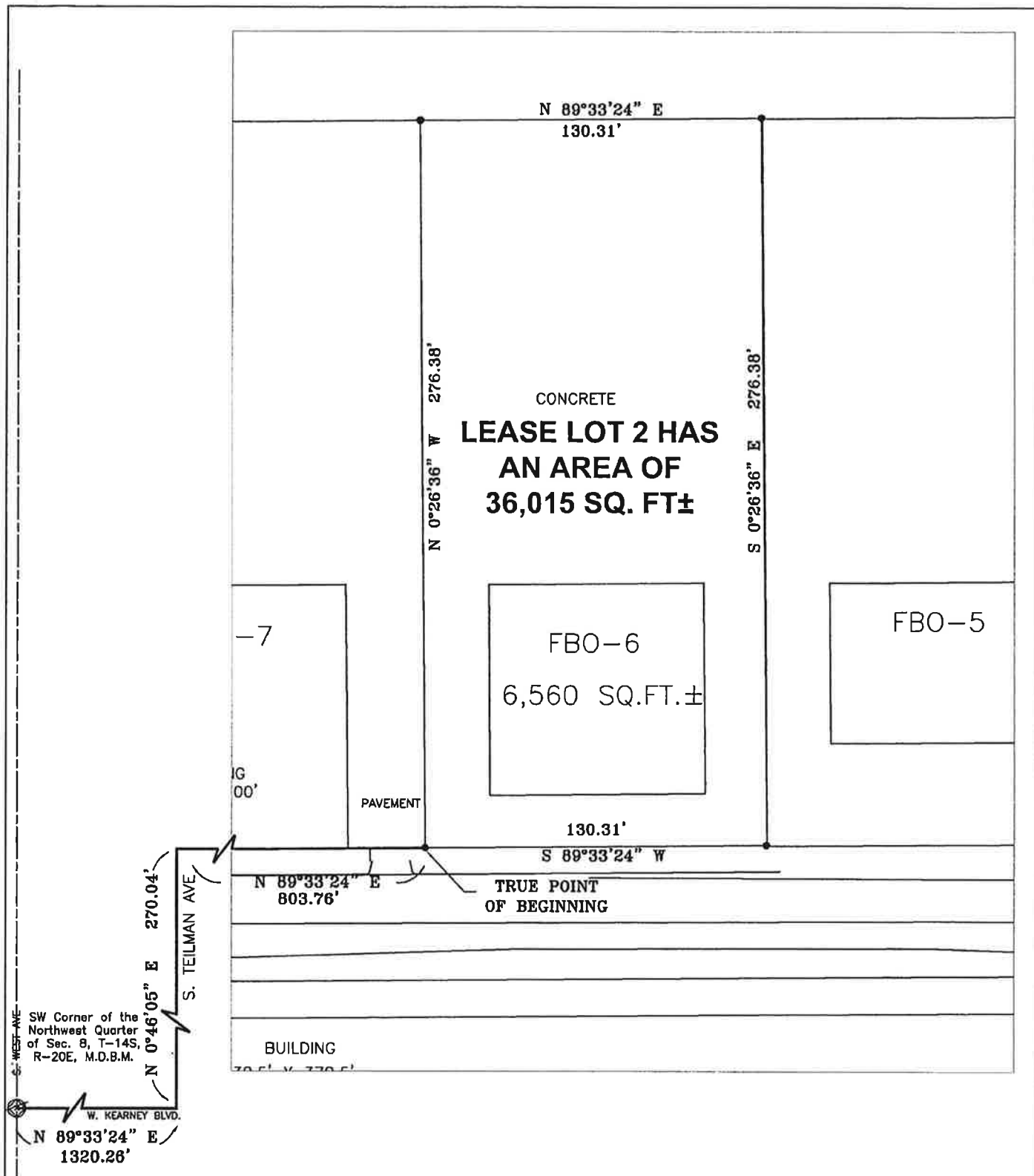
ATTEST:
Yvonne Spence, CMC
City Clerk

By: _____
Deputy

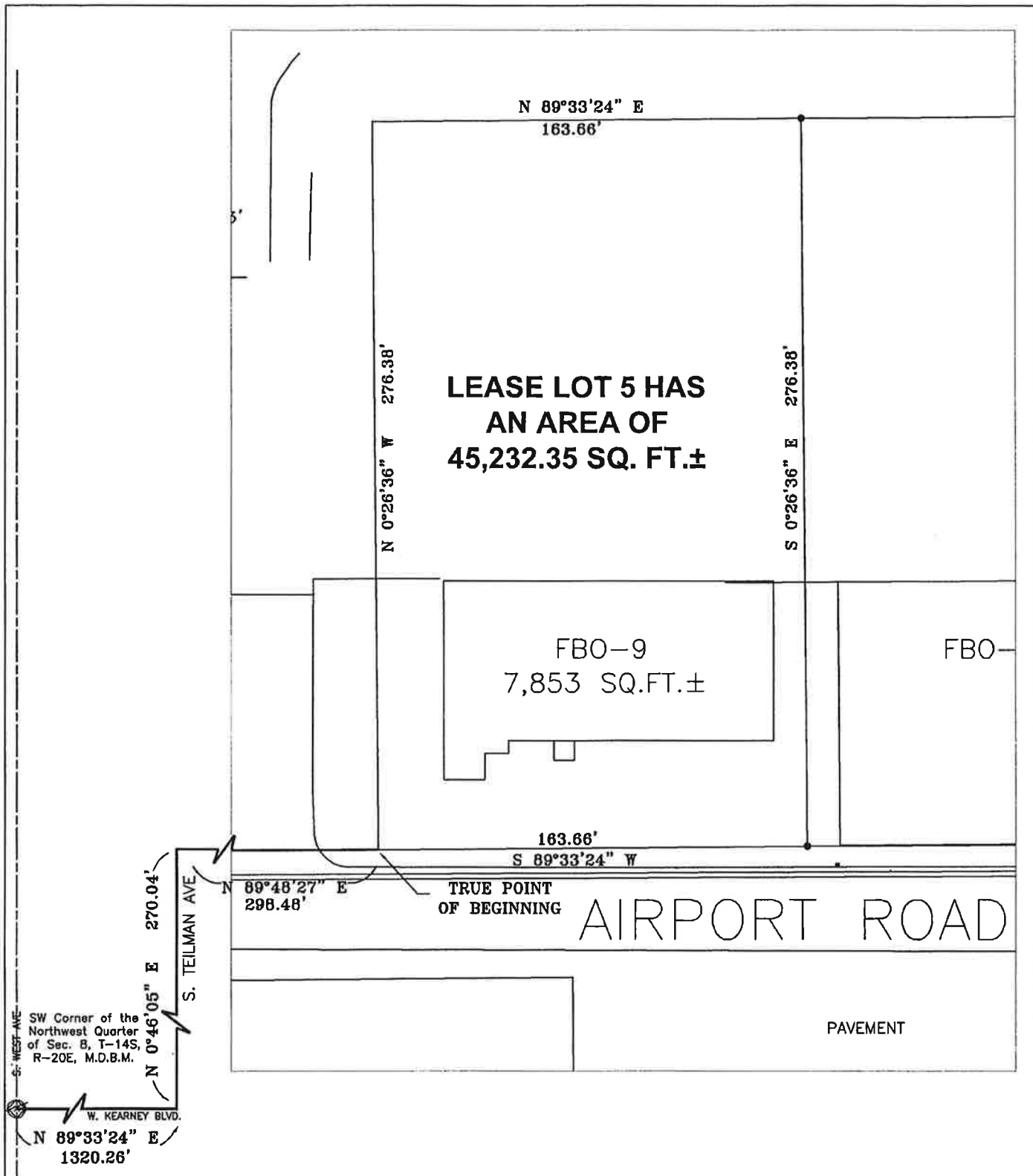
APPROVED AS TO FORM:
Douglas T. Sloan
City Attorney

By: Amanda B. Freeman 5/4/17
Amanda B. Freeman
Deputy

Exhibits A and A1 Descriptions of Leased Premises



ACC'T. NO. _____ FILE NO. _____ W/O NO. _____	<h2>CITY OF FRESNO</h2>	<h2>AIRPORTS DEPARTMENT</h2>															
REF. & REV. 26-A-84	<h3>FRESNO CHANDLER EXECUTIVE AIRPORT</h3> <h3>LEASE LOT 2, PORTION LOT 42</h3> <h3>OF CHANDLER TRACT</h3> <h3>EXHIBIT "A"</h3>		<table border="1"> <tr> <td colspan="2" style="text-align: center;">APPROVED</td> </tr> <tr> <td>CONST. ENG. _____</td> <td>OFFICE ENG. _____</td> </tr> <tr> <td>CITY DESIGN ENG. _____</td> <td></td> </tr> <tr> <td>DR. BY: <u>JSG</u></td> <td>SHEET NO. <u>1</u></td> </tr> <tr> <td>CH. BY: <u>MWD</u></td> <td>OF <u>2</u> SHEETS</td> </tr> <tr> <td>DATE: <u>04/28/2017</u></td> <td></td> </tr> <tr> <td>SCALE: <u>1:50</u></td> <td style="text-align: center;">26-A-94</td> </tr> </table>	APPROVED		CONST. ENG. _____	OFFICE ENG. _____	CITY DESIGN ENG. _____		DR. BY: <u>JSG</u>	SHEET NO. <u>1</u>	CH. BY: <u>MWD</u>	OF <u>2</u> SHEETS	DATE: <u>04/28/2017</u>		SCALE: <u>1:50</u>	26-A-94
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