

**9662. RESOLUTON 07-42 AUTHORIZING AN AMENDMENT TO A LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND A NEW JERSEY COMPANY FOR PREMISES SITUATE AT THE SALEM BUSINESS CENTRE, SALEM, NEW JERSEY**

WHEREAS, The Delaware River and Bay Authority (the "Authority") owns a two story 80,000 square foot office building (the "Building") in the Salem Business Centre (the "Centre"), located in Carneys Point Township, Salem County, New Jersey; and

WHEREAS, the Authority desires to lease office space at the Centre; and

WHEREAS, the Clement Pappas Company (the "Company") desires to amend a lease between the Company and the Authority to lease an additional approximately 11,324 rentable square feet of lab and office space in the Building pursuant to a written lease agreement (the "Lease Agreement") dated December 19, 2006; and

WHEREAS, the term of the Lease Agreement will be for an initial term coterminous with the current lease between the parties for space on the second floor of the site at an average rental rate of Nineteen dollars and 10 cents (\$19.10) per square foot (i.e., rental rates between \$17.50 per square foot in year 1 and \$20.50 per square foot in year 15) plus Tenant electric and utility charges; and

WHEREAS, the Company will be responsible for its share of all Operating Expenses over the base year of the Lease; and

WHEREAS, the Company will have an Early Termination Option after ten (10) years with an agreed upon early termination fee and reimbursement fee; and

WHEREAS, the Lease Agreement shall provide a certain lease inducement in the form of a mutually agreed rent abatement; and

WHEREAS, the Company. will receive a Tenant Improvement Allowance of Thirty Three dollars and seventy five cents (\$33.75) per square foot; any overage in tenant improvements to be the responsibility of the Company; and

WHEREAS, the Company will have the option to extend the term of the Lease Agreement for three (3) consecutive periods of five (5) years each at the then mutually determined (or appraised) fair market rental; and

WHEREAS, Landlord and Tenant are to agree to a mutually acceptable form of Amendment to the Lease Agreement; and

WHEREAS, the Economic Development Committee has reviewed the terms of the proposed Amendment to the Lease Agreement and recommends approval thereof by the Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director, or his designee, is hereby authorized to negotiate the final terms and conditions of the Amendment to a Lease Agreement between the Authority and the Company for an additional approximately 11,324 square feet of rental space in the Building and, with the advice and consent of Counsel, have such Amendment to a Lease Agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

A motion to table Resolution 07-42 was made by Commissioner Smith, seconded by Commissioner Dorn and approved by a roll call vote of 10-0.