

30. BROKERAGE
(fill in)

TENANT warrants and represents to LANDLORD that it has not dealt with any broker, finder or similar person concerning the leasing of the leased premises other than Malone Commercial Brokers, Inc. ("TENANT'S BROKER"). TENANT agrees to pay TENANT'S BROKER any commission due upon execution of this Lease, and in the event of any brokerage claims against LANDLORD by TENANT'S BROKER, TENANT agrees to defend the same and indemnify LANDLORD against any such claims. LANDLORD warrants and represents to TENANT that it has not dealt with any broker, finder or similar person concerning the leasing of the leased premises other than Malone Commercial Brokers, Inc. ("LANDLORD'S BROKER"). LANDLORD agrees to pay LANDLORD'S BROKER any commission due upon execution of this Lease, and in the event of any brokerage claims against TENANT by LANDLORD'S BROKER, LANDLORD agrees to defend the same and indemnify TENANT against any such claim.
424 Warren Avenue, LLC agrees to pay Malone Commercial Brokers, Inc. a commission upon execution of this Lease.

31. OTHER PROVISIONS
(fill in or delete)

It is also understood and agreed that:

1. Landlord and Tenant will agree on an addendum that fully describes Landlord improvements to the site per the Lease of Intent dated November 30, 2004 between Western Supply Corp. d/b/a Western Tool Supply and 424 Warren Avenue, LLC. This addendum shall be drafted and executed by December 22, 2004.
2. Signage
Tenant has permission to install a lighted sign on the building above the leased space described in exhibit A as well as access to the pylon sign. All of Tenant's signage shall be subject to Landlord's written approval, which shall not be unreasonably withheld, or delayed, and shall be in accordance with all local and state governmental codes.

DISCLAIMER: THIS IS A LEGAL DOCUMENT. IF NOT FULLY UNDERSTOOD, CONSULT AN ATTORNEY.

IN WITNESS WHEREOF, the said parties herunto set their hands and seals this ____ day of _____, 2004.

TENANT:

LANDLORD:

Western Tool Supply Corp. d/b/a Western Tool Supply
Legal Name of Tenant

424 Warren Avenue, LLC
Legal Name of Landlord

Signature

Signature

NAME/TITLE

Fred Holmes

NAME/TITLE

Witness to Tenant

Witness to Landlord

32. GUARANTY
(fill in or delete)

For value received, and in consideration for, and as an inducement to LANDLORD to enter into the foregoing Lease with Western Supply Corp. d/b/a Western Tool Supply TENANT, Western Tool Supply Corp. d/b/a Western Tool (GUARANTOR) does hereby unconditionally guaranty to LANDLORD the complete and due performance of each and every agreement, covenant, term and condition of the Lease to be performed by TENANT, including without limitation the payment of all sums of money stated in the Lease to be payable by TENANT. The validity of this guaranty and the obligations of the GUARANTOR hereunder shall not be terminated, affected, or impaired by reason of the granting by LANDLORD of any indulgence to TENANT. This guaranty shall remain and continue in full force and effect as to any renewal, modification, or extension of the Lease, whether or not GUARANTOR shall have received any notice of or consented to such renewal, modification or extension. The liability of GUARANTOR under this guaranty shall be primary, and in any right of action which shall accrue to LANDLORD under the Lease, LANDLORD may proceed against GUARANTOR and TENANT, jointly and severally, and may proceed against GUARANTOR without having commenced any action against or having obtained any judgment against TENANT. All of the terms and provisions of this guaranty shall inure to the benefit of the successors and assigns of LANDLORD and shall be binding upon the successors and assigns of GUARANTOR.

IN WITNESS WHEREOF, GUARANTOR has executed this Guaranty this ____ day of _____, 2004.

GUARANTOR:

Legal Name of Guarantor

CITY OF PORTLAND, MAINE

PLANNING BOARD

Jaimey Caron, Chair
Mark Malone, Vice Chair
Orlando E. Delogu
Kevin Beal
Lee Lowry III
Michael Patterson
Janice E. Tevanian

December 8, 2003

Mr. Peter Holmes
424 Warren Avenue LLC
401 Warren Avenue
Portland, ME 04103

RE: Warehouse/Office Proposal, 429 Warren Avenue
Job #2003-0105, CBL #304-B-032

Dear **Mr.** Holmes:

On November 25, 2003, the Portland Planning Board voted unanimously (6-0, Malone abstained) to approve the site plan for the office/warehouse project proposed at 429 Warren Avenue. The approval was granted for the project with the following conditions:

- i. that at such time as Mr. Waxler develops roadway on his reserved easement, the applicant be required to close his driveway onto Warren Avenue and construct an access onto this roadway, subject to Planning staff review and approval with respect to dimensions and location of new driveway.
- ii. that the City Arborist review and approve the landscape plan.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #55-03, which is attached.

Please note the following provisions and requirements for all site plan approvals:

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF files with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.

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State of Maine
 Department of Public Safety
Construction Permit



Reviewed
 for **Barrier**
 Free

13756

Sprinkled
Sprinkler Supervised

304 B 032

PETER HOLMES BUILDING #1 SHELL ONLY

Located **at: 424 WARREN AVE LLC**

PORTLAND

Occupancy/Use: INDUSTRIAL

Permission is hereby given to:

PETER HOLMES

401 WARREN AVE.
 PORTLAND, ME 04103

to construct or alter the afore referenced building according to the plans hitherto filed with the Commisioner and now approved.

No departure from application form/plans shall be made without prior approval in writing. This permit is issued under the provision of Title 25, Chapter 317, Section 2448 and the provisions of Title 5, Section 4594 - F.

Nothing herein shall excuse the holder of this permit for failure to comply with local ordinances, zoning laws, or other pertinent legal restrictions. Each permit issued shall be displayed/available at the site of construction.

This permit will expire at midnight on the 01 th of July 2004

Dated the 01 st day of January A.D. 2004

Michael P. Cantara

Commissioner

Copy-3 Code Enforcement Officer

Comments: TENANT FIT OUTS TO OBTAIN INDIVIDUAL PERMITS.

Code Enforcement Officer
 PORTLAND, ME



Application for Construction Permit

SHADED AREAS ARE FOR OFFICE USE ONLY (3-99)

Department of Public Safety
Licensing & Inspections
164 State House Station
Augusta, Maine 04333-0164
Tel: 207-624-8744 x-1
Fax: 207-624-8767

Project Information

Project Name: Peter Holmes Building #2 *Shell only*
 Street Location: 424 Warren Avenue Town Location: Portland
 County: Cumberland
 New Building: Renovation: Addition: Occupancy Change:
 Sprinkler System: _____ Sprinkler System Supervised: _____
 Date of Construction Start-up: 5/1/04 Estimated Project Cost: \$484,715.00
 Date of Construction Completion: 8/1/04 Construction Permit Fee: 292.50
(Fee schedule is on back)

Occupancy Classification

Apartments <input type="checkbox"/>	Nursing Home <input type="checkbox"/>	Educational <input type="checkbox"/>
Hotel / Motel <input type="checkbox"/>	Industrial <input checked="" type="checkbox"/>	Daycare <input type="checkbox"/>
Rooming & Lodging <input type="checkbox"/>	Residential Care Level I <input type="checkbox"/>	Detention <input type="checkbox"/>
Congregate Housing <input type="checkbox"/>	Residential Care Level II <input type="checkbox"/>	Business <input type="checkbox"/>
Hospital <input type="checkbox"/>	Assembly Class A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/>	Other <input type="checkbox"/>
Limited Care <input type="checkbox"/>	Mercantile A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/>	

Construction Type

Fire Resistive: Type I (443), (332) <input type="checkbox"/>	Unprotected Ordinary: Type III (200) <input type="checkbox"/>
Protected Non-Combustible: Type II (222), (111) <input checked="" type="checkbox"/>	Heavy Timber: Type IV (2HH) <input type="checkbox"/>
Unprotected Non-Combustible: Type II (000) <input type="checkbox"/>	Protected Wood Frame: Type V (111) <input type="checkbox"/>
Protected Ordinary: Type III (211) <input type="checkbox"/>	Unprotected Wood Frame: Type V (000) <input type="checkbox"/>

Addresses

Owner's Name: Peter Holmes Telephone: 878-2121 Fax: _____
 Mailing Address: 401 Warren Avenue
 Town: Portland State: Maine Zip Code: 04103

Design Professional: William E. Whited Telephone: 878-4530 Fax: 878-4533
 Maine Registration Number: 1283 PE E-mail: wwhited@wlwhited.com
 Mailing Address: 1321 Washington Avenue
 Town: Portland State: Maine Zip Code: 04103

General Contractor: Biskup Construction Telephone: 892-9800 Fax: 892-9895
 Mailing Address: 16 Danielle Drive
 Town: Windham State: Maine Zip Code: 04062

Signature of Applicant: _____

Preliminary Approval: <input type="checkbox"/>	Date: _____	Approved By: _____
Construction Permit: <input checked="" type="checkbox"/>	Date: <u>1/26/04</u>	Approved By: <u>[Signature]</u>
Approval Letter: <input type="checkbox"/>	Date: _____	Approved By: _____

When a permit is not required

LOG #	DATE PLANS RECEIVED	REVIEW FEE	DATE FEE RECEIVED	CHECK #	PLAN REVIEWER	DATE PERMIT ISSUED	PERMIT #
	<u>5/1/04</u>	<u>292.50</u>	<u>1/26/04</u>	<u>1127</u>	<u>R.M.</u>		

** tenant fit outs to obtain individual permits*

Applicant: Jim ...

Address: 429 Warren Ave

C-B-L: 304-B-032

Bldg #1 CHECK-LIST AGAINST ZONING ORDINANCE

Date - No current Dev. m Site # 04-0086

Zone Location - B-4

Interior or corner lot -

Proposed Use/Work - construct Bldg #1
warehouse/storage of iron bldg
(possible 6 tenants) 60' x 300' (18,000 sq ft)

Sewage Disposal - City

Lot Street Frontage - 60' min - 280' shown

Front Yard - 20' min - 20' + shown

Rear Yard - 20' min - 20' + shown

Side Yard - 1st 2 stories - 10' min - 11' shown at closest
stay shown

Projections -

Width of Lot - 60' min - over 200' shown

Height - MAX 65' - 19.25' shown

Lot Area - 10,000 sq ft min 171,159 sq ft given

Lot Coverage/Impervious Surface - 80% MAX = 136,927.2 sq ft MAX - 60% given

Area per Family - N/A

Off-street Parking - 1 parking space per 1,000 sq ft (18,000 sq ft in bldg #1) - 56 parking spaces shown in total

Loading Bays - 1 bay for up to 40,000 sq ft (18,000 sq ft shown for bldg #1) 7 loading bays shown (bldg #1)

Site Plan - # 2003-0105
MAJOR

Shoreland Zoning/Stream Protection - N/A

Flood Plains - Panel 6 - Zone X

Floor Area Ratio = $\frac{18,000 + 19,500}{171,159} = \frac{37,500}{171,159} = .22$
(R-3 is closest resid) No more than .55

Separate permits required for any New Sighting