

Lib

CONFORMED COPY

Port Authority Lease No. HHT-4
Supplement No. 5

SUPPLEMENTAL AGREEMENT

RECEIVED
98DEC-9 PM 2:15
OFFICE OF THE SECRETARY
FEDERAL MARITIME COMMISSION

THIS AGREEMENT, made as of March 15, 1998 by and between THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY (hereinafter called "the Port Authority") and HOWLAND HOOK CONTAINER TERMINAL, INC. (hereinafter called "the Lessee")

WITNESSETH, That:

WHEREAS, heretofore and as of June 30, 1995, the Port Authority and the Lessee entered into an agreement of lease (hereinafter, as the said agreement of lease has been heretofore amended, modified and supplemented, called "the Lease") covering the Howland Hook Marine Terminal, in the Borough of Staten Island, in the County of Richmond and State of New York; and

WHEREAS, the Port Authority and the Lessee desire to amend the Lease;

NOW, THEREFORE, for and in consideration of the mutual agreements hereinafter contained the Port Authority and the Lessee hereby agree as follows:

1. The date "October 31, 1997" appearing in the fifth line of Section 9(q)(5) of the Lease, as amended by paragraph 1 of Supplement No. 3 to the Lease, shall be and be deemed deleted therefrom and the date "December 31, 1998" shall be and be deemed inserted in lieu thereof. The date for completion of the painting of IHI crane bearing Serial No. 8855, as set forth in the seventh line of Section 9(q)(5) of the Lease, shall be amended such that the date for the completion of said work with respect to said crane shall be December 31, 1999 instead of December 31, 1998.

2. As hereby amended, all the terms, provisions, covenants and conditions of the Lease shall continue in full force and effect.

3. The Lessee represents and warrants that no broker has been concerned in the negotiation of this Agreement and that there is no broker who is or may be entitled to be paid a commission in connection therewith. The Lessee shall indemnify and save harmless the Port Authority of and from all claims for commission or brokerage made by any and all persons, firms or corporations whatsoever for services in connection with the negotiation or execution of this Agreement.



301-200957 005

4. Neither the Commissioners of the Port Authority nor any of them, nor any officer, agent or employee thereof, shall be charged personally by the Lessee with any liability, or held liable to the Lessee under any term or provision of this Agreement, or because of its execution or attempted execution, or because of any breach, or attempted or alleged breach thereof.

5. This Agreement, together with the Lease (to which it is supplementary) constitutes the entire agreement between the Port Authority and the Lessee on the subject matter, and may not be changed, modified, discharged or extended except by instrument in writing duly executed on behalf of both the Port Authority and the Lessee. The Lessee agrees that no representations or warranties shall be binding upon the Port Authority unless expressed in writing in the Lease or in this Agreement.

IN WITNESS WHEREOF, the Port Authority and the Lessee have executed these presents as of the date first above written.

ATTEST:

SECRETARY

THE PORT AUTHORITY OF NEW YORK
AND NEW JERSEY

By
(Title)
(Seal)

ATTEST:

Witness
Secretary

HOWLAND HOOK CONTAINER TERMINAL,
INC.

By
(Title)
(Corporate Seal)

APPROVED:	
FORM	TERMS

FORM XLD - Ack., N.Y. 51380

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

On this 24th day of September, 1998, before me personally came Lillian C. Borroni to me known, who, being by me duly sworn, did depose and say that he resides at maplewood, New Jersey; that he is the Director, Port Commerce Dept of The Port Authority of New York and New Jersey, (one of) the corporations described in and which executed the foregoing instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Commissioners of the said corporation; and that he signed her his name thereto by like order.

Elaine M Costello
(notarial seal and stamp)

ELAINE M. COSTELLO
NOTARY PUBLIC, State of New York
No. 01CO5082011
Qualified in Kings County
Commission Expires July 14, 1999

STATE OF New York)
) ss.
COUNTY OF Richmond)

On the 15th day of July, 1998, before me personally came CHARMINE to me known, who, being by me duly sworn, did depose and say that he resides at 573 JOHNSTON TERRACE STATON Island NY. 10305; that he is the President of Howland Hook Container Terminal, Inc., one of the corporations described in and which executed the foregoing instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of the said corporation; and that he signed his name thereto by like order.

Peter P. Magri
(notarial seal and stamp)

PETER P. MAGRI
NOTARY PUBLIC State of New York
NO. 43-4641466
Qualified in County of Richmond
Commission Expires 5/31/99