

TOWN OF PALMER LAKE, COLORADO

RESOLUTION NO. 19-2020

**A RESOLUTION TO AUTHORIZE THE MEMO OF UNDERSTANDING (MOU)
WITH TRI-LAKES DISC GOLF CLUB**

WHEREAS, the Town of Palmer Lake, Colorado, has a Disc Golf Course historically maintained by the Parks members; and

WHEREAS, the Town Parks has limited resources; and

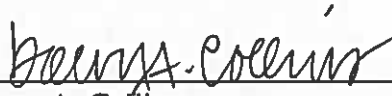
WHEREAS, the Tri-Lakes Disc Golf Club is made up of a local group of people that regularly use the Palmer Lake Disc Golf Course and are willing to take responsibility to maintain the course as described in exchange for the cost of using the course each calendar year.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:

1. The Tri-Lakes Disc Golf Club core members shall commit to maintaining the Palmer Lake Disc Golf Course generally as described in the MOU for exchange of course fees as laid forth in the MOU. Upon any dissatisfaction with the agreed maintenance or a change of club leadership, this arrangement shall be reviewed by the Town of Palmer Lake Parks members for recommendation to the Town Board.
2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The Board of Trustees hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
3. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

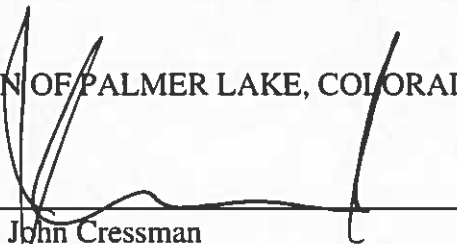
INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS __ DAY OF NOVEMBER, 2020.

ATTEST:



Dawn A. Collins
Town Administrator/Clerk

TOWN OF PALMER LAKE, COLORADO

BY: 

John Cressman
Mayor

MEMORANDUM OF UNDERSTANDING
TRI-LAKES DISC GOLF CLUB, COLORADO
AND THE
TOWN OF PALMER LAKE, COLORADO

This Memorandum of Understanding (“MOU”) is made this ____ day of November, 2020, by and between the core members of the Tri-Lakes Disc Golf Club, Colorado (“Club”) and Town of Palmer Lake, Colorado (“Town”). The Club and Town may be collectively referred to herein as the “Parties”.

BACKGROUND

1. The Town developed and owns the Palmer Lake Disc Golf Course, Palmer Lake, and has historically maintained the property.
2. The Club is made up of a local group of people who enjoy and regularly use the Palmer Lake Disc Golf Course and has assisted with maintenance of the grounds.
3. The Town Parks have limited resources and the Club is willing to commit to maintain the course in exchange for the cost to use the course.

PURPOSE

The purpose of the MOU is to formalize a cooperative relationship between the Parties for the purpose of maintaining the Palmer Lake Disc Golf Course, Palmer Lake. Upon any dissatisfaction with the agreed maintenance or a change of club leadership, this arrangement shall be reviewed by the Town of Palmer Lake Parks members for recommendation to the Town Board.

CLUB RESPONSIBILITY

The Tri-Lakes Disc Golf Club core members shall commit to maintaining the Palmer Lake Disc Golf Course generally as described:

1. Schedule course clean up/maintenance time;
2. Mow and maintain course grounds;
3. Design hole and tee pad layout – with review and approval by the Parks and, if outside the current grounds, by the Town Board;
4. Maintain safety signage, tee pad and baskets as necessary;

5. Fundraise to help offset costs of course maintenance.

TOWN RESPONSIBILITY

Waive the following fees for the Club use each calendar year this agreement is in effect:

1. Course usage fee (\$250/year) for routine league play;
2. Special event fee (\$150/day) for one (1) approved special event; and
3. Damage deposit (\$250/event) for approved special events.

INDEMNIFICATION

The Club and the Town, to the extent allowed by law, shall at all times indemnify and hold harmless the other Party against all actions, claims, demands, costs, damages and expenses of any kind which may be brought or made against the other party, or which the Club or Town may pay or incur including reasonable attorney's fees, by reason of the negligent performance or failure to perform, any of the obligations and duties of the Club or Town, its employees, members or agents, under the provisions of this agreement. Nothing herein shall be construed as a waiver by the Town of any of the immunities, privileges and defenses available to it under the Colorado Governmental Immunity Act, as may be amended from time to time, or arising under common law.

TERMINATION

This agreement may be terminated at any time by either the Town Board of the Town of Palmer Lake and the Club leader of the Tri-Lakes Disc Golf Club, of El Paso County, Colorado with a written notice of thirty days.

NOTICES

All notices or other communications to the Parties shall either be personally delivered or be sent by email, to the addresses set forth below or to any other address which the Parties may substitute in writing upon provision of such notice as provided herein.

To the Club: Attn: Greg Feuerhaken
Tri-Lakes Disc Golf Club
chopfeue@gmail.com

To the Town: Town Administrator / Clerk
Town of Palmer Lake
P.O. Box 208
Palmer Lake, CO 80133
dawn@palmer-lake.org

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

TRI-LAKES DISC GOLF CLUB, COLORADO

By: _____
Greg Feuerhaken

Attest: _____
Club Member

TOWN OF PALMER LAKE, COLORADO

By: _____
Mayor Cressman

Attest: _____
Town Administrator / Clerk