

TOWN OF PALMER LAKE, COLORADO

RESOLUTION NO. 18-2024

A RESOLUTION APPROVING ADDENDUM NO. 1 TO LEASE AGREEMENT WITH ECOSPA LLC, PALMER LAKE, COLORADO

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Town of Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado;

WHEREAS, the Town and EcoSpa previously entered into a Lease Agreement for certain real property owned by the, which includes among structures, a building known as the “annex building” or gymnasium; and

WHEREAS, the EcoSpa LLC, has agreed to pay and the Town has agreed to receive certain revenue derived from rental of the annex building; and

WHEREAS, the parties have entered into Addendum No. 1 to the Lease Agreement, which is attached.

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

1. The Board of Trustees for the Town of Palmer Lake hereby approves Addendum No. 1 to the lease agreement with EcoSpa LLC as presented and attached hereto.
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 Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.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 22nd DAY OF FEBRUARY 2024.

ATTEST:

TOWN OF PALMER LAKE, COLORADO



Dawn A. Collins
Town Administrator/Clerk

BY: 

Grant Havenar
Mayor

**ADDENDUM NO. 1 TO
LEASE AGREEMENT WITH ECOSPA LLC**

This Addendum No. 1 to Lease Agreement with EcoSpa, LLC, (“Addendum No. 1”) is made this 22nd day of February, 2024, by and between EcoSpa LLC, a Colorado limited liability company (“EcoSpa”) and the Town of Palmer Lake, Colorado (“Town”), collectively “the Parties”.

WHEREAS, the Parties previously entered into a Lease Agreement (“the Lease Agreement”) dated September 29, 2023 leasing certain real property owned by the Town (“the Property”) to EcoSpa; and

WHEREAS, part of the Property leased to EcoSpa includes what is referred to by the Parties as “the annex building” aka the gymnasium; and

WHEREAS, the Parties desire to amend the Lease Agreement to reflect an additional payment agreed to by EcoSpa and the Town for a portion of the revenue generated from renting the annex building, as set forth below.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL RIGHTS AND OBLIGATIONS OF THE PARTIES UNDER THE LEASE AGREEMENT AND THIS ADDENDUM NO. 1, AND OTHER GOOD AND VALUABLE CONSIDERATION, THE PARTIES AGREE AS FOLLOWS:

1. Section 1.3 of the Lease Agreement is amended by adding the following language as subpart c.:

“c. an amount equal to 8% of all funds received by EcoSpa for rental of the annex building. EcoSpa shall account to the Town for the rental fees collected each calendar month and remit the rental fees accrued within ten (10) days of the last day of the month.”
2. Subparts c. and d. of Section 1.3 of the Lease Agreement shall be re-lettered as “d.” and “e.” respectively.
3. Except as specifically altered by this Addendum No. 1, all other provisions of the Lease Agreement shall remain in full force and effect.

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

ECOSPA LLC, COLORADO

By: _____
Owner

By: _____
Owner

TOWN OF PALMER LAKE, COLORADO

By: _____
Mayor Glant Havenar

Attest: _____
Town Administrator/Clerk