

**RESOLUTION NO. 9**  
**Series of 2018**

**A RESOLUTION APPROVING THE FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE TOWN OF VAIL AND THE EAGLE COUNTY SCHOOL DISTRICT; AND SETTING FORTH DETAILS IN REGARD THERETO.**

WHEREAS, the Town of Vail (the "Town"), in the County of Eagle and State of Colorado is a home rule municipal corporation duly organized and existing under the laws of the State of Colorado and the Town Charter (the "Charter");

WHEREAS, the members of the Town Council of the Town (the "Council") have been duly elected and qualified;

WHEREAS, the Eagle County School District (the "District") is a State of Colorado school district duly organized and operated pursuant to Article IX of the Colorado Constitution and C.R.S. § 22-30-101, *et seq.*;

WHERRAS, on April 12, 2006, the Parties entered into a lease of certain real property owned by the Town to the District for the Red Sandstone Elementary School, (the "Lease");

WHEREAS, the term of the Lease is through June 30, 2035;

WHEREAS, by an Intergovernmental Development the Parties agreed to construct a parking structure on a portion of the Property not needed by the District for the Red Sandstone Elementary School; and

WHEREAS, now the Parties wish to amend the Lease with to modify the leased premises to exclude the parking structure.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO THAT:

1. The First Amendment to Lease is hereby approved in substantially the same form attached hereto as **Exhibit A** and in a form approved by the Town Attorney, and the Town Manager is hereby authorized to execute the First Amendment to Lease on behalf of the Town.
2. This resolution shall take effect immediately upon its passage.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Vail held this 20<sup>th</sup> day of March 2018.

\_\_\_\_\_  
Dave Chapin,  
Mayor of the Town of Vail, Colorado

ATTEST:

\_\_\_\_\_  
Patty McKenny,  
Town Clerk

## EXHIBIT A

### FIRST AMENDMENT TO LEASE

THIS FIRST AMENDMENT TO LEASE (the "Amendment") is made this \_\_\_\_ day of \_\_\_\_\_, 2018 (the "Effective Date"), by and between the Town of Vail, a Colorado home rule municipality with an address of 75 South Frontage Road, Vail, Colorado 81657 (the "Town"), and the Eagle County School District, a Colorado school district with an address of 948 Chambers Avenue, P.O. Box 740, Eagle, Colorado 81631 (the "District").

WHEREAS, the District is a State of Colorado school district duly organized and operated pursuant to Article IX of the Colorado Constitution and C.R.S. § 22-30-101, *et seq.*

WHEREAS, the Town is a Colorado municipality organized and operated pursuant to its home rule charter and Colorado law;

WHEREAS, on April 12, 2006, the Parties entered into a lease of certain real property owned by the Town to the District for the Red Sandstone Elementary School, recorded in the records of the Eagle County Clerk and Recorder at Reception No. 200619320 (the "Lease");

WHEREAS, the term of the Lease is through June 30, 2035;

WHEREAS, by an Intergovernmental Development Agreement dated \_\_\_\_\_, 2017, the Parties agreed to construct a parking structure on a portion of the Property not needed by the District for the Red Sandstone Elementary School; and

WHEREAS, now the Parties wish to amend the Lease to modify the leased premises to exclude the parking structure.

NOW, THEREFORE, in consideration of the mutual performance of the covenants, agreements, and stipulations contained herein, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The Lease is hereby modified as follows:

a. **Exhibit A-1**, attached hereto and incorporated herein by this reference, is hereby substituted for Exhibit A in the Lease and shall be referred to as the "Premises."

b. The driveway, as depicted on **Exhibit A-1**, will be open to public use and emergency access.

c. The location and use of the Premises are subject to all easements of record now existing or hereafter granted by the Town.

2. All remaining provisions of the Lease shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the Effective Date.

EAGLE COUNTY SCHOOL DISTRICT

---

ATTEST:

---

TOWN OF VAIL

---

Greg Clifton, Town Manager

ATTEST:

---

Patty McKenny, Town Clerk