

**TOWN OF EMPIRE,
COLORADO**

ORDINANCE 262

**AN ORDINANCE OF THE TOWN OF EMPIRE, COLORADO AUTHORIZING
THE SECOND AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE
TOWN OF EMPIRE AND GUANELLA PASS BREWING COMPANY IN
ACCORDANCE WITH C.R.S. § 31-15-713**

WHEREAS, the Town of Empire (the “Town”) is the owner of certain real property known as the “Hard Rock Cafe”; and

WHEREAS, the Town has leased that real property to the Guanella Pass Brewing Company (“Lessee”) for use as a brewery/restaurant pursuant to a lease agreement executed on January 21, 2020; and

WHEREAS, due to the Corona Virus 2020 through 2021 crisis, breweries and restaurants have not been permitted to allow in-person dining, creating significant economic stress for these businesses; and

WHEREAS, the Town amended the lease agreement on June 16, 2020 to provide rent relief through December 31, 2020 as fully reflected in the First Amendment to the Lease Agreement; and

WHEREAS, the Corona Virus crisis persisted beyond December 31, 2020; and

WHEREAS, the Town desires to amend the lease agreement to provide rent relief through June 30, 2021 as fully reflected in the Second Amendment to the Lease Agreement, attached hereto as **Exhibit A** and incorporated by reference; and

WHEREAS, the Town deems the Second Amendment to be in the best interests of the Town; and

WHEREAS, pursuant to C.R.S. § 31-15-713(1)(c), municipalities may lease any real estate deemed by the governing body to be in the best interest of the municipality and may do so, through ordinance, for a period of more than one year.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE TOWN OF EMPIRE, COLORADO, AS FOLLOWS:**

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Board of Trustees hereby:

- (a) Approves the Second Amendment for the Project in substantially the form attached as **Exhibit A**.

- (b) Authorizes the Town Clerk and the Town Attorney, in consultation with the Mayor, to make such changes as may be necessary to correct any non-material errors or language in the Second Amendment that does not increase the obligations of the Town.
- (c) Authorizes the Mayor to execute the Second Amendment and the Town Clerk to attest such signature.

INTRODUCED AND PASSED ON FIRST READING THIS 15th DAY OF JUNE 2021.

ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 20th DAY OF JULY 2021.

TOWN OF EMPIRE, COLORADO

Mayor

ATTEST:

Town Clerk