

From: Lauer Thompson Fax: (888) 481-3846

To:

Fax: (949) 454-0694

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Amendment No. 2 to Tesuque Electronic Site Lease
(Agreement No. 2015-0151-FD/SO/BT)**AMENDMENT NO. 2
TO ELECTRONIC SITE LEASE
WITH TESUQUE RADIO COMPANY**

This amendment is made and entered into this 2nd day of May, 2017, by and between Santa Fe County, (hereinafter referred to as the "Lessee"), a New Mexico political subdivision, and Tesuque Radio Company, Inc., a New Mexico corporation ("Lessor").

WHEREAS, the Lessor and Lessee entered into an Electronic Site Lease Agreement in 2012 (the Lease) for the Lessee's lease of the Electronic Site for a term of three years subject to automatic renewal if the Lessee does not affirmatively terminate the Lease; and

WHEREAS, certain terms and conditions of the Lease were set forth in Exhibit A to the Lease. By Amendment No. 1 to the Lease, Exhibit A was replaced with an updated Exhibit A and the parties acknowledged that the term of the Lease was extended to June 30, 2018; and

WHEREAS, according to Article 22 (o) (Miscellaneous Provisions) of the Lease, the Lease may be modified by an instrument in writing executed by the parties; and

WHEREAS, Lessee has been informed that pursuant to 3(c) of the Lease and effective January 2017, the Lessor estimates a \$16.50 increase in the monthly charge for electricity thereby increasing the Lessee's monthly payment for electricity from \$25.00 to \$41.50.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. Exhibit A to the Lease is amended by deleting and replacing the descriptions of the Base Rent and charges for the terms of July 1, 2016 through June 30, 2017 and July 1, 2017 through June 30, 2018, as follows:

Base Rent and charges from July 1, 2015 through December 31, 2016 (Base Rent for period, as subject to revision in accordance with the Lease Agreement):

Monthly Base Rent:	\$1,099.75
GRT (7%)	\$ 76.98
Electricity	\$ 25.00
	$\$1,201.73 \times 6 = \$7,210.38 + \text{FS Fee } \$275.00 = \$7,485.38$

Base Rent and charges from January 1, 2017 through June 30, 2017 (Base Rent for period, as subject to revision in accordance with the Lease Agreement):

Monthly Base Rent:	\$1,099.75
GRT (7%)	\$ 76.98
Electricity	\$ 41.50
	$\$1,218.23 \times 6 = \$7,309.38 + \text{FS fee } \$275.00 = \$7,584.38$

From: Lauren Thompson Fax: (888) 481-3848

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Base Rent and charges from July 1, 2017 through June 30, 2018 (Base Rent for period, as subject to revision in accordance with the Lease Agreement):

Monthly Base Rent:	\$1,154.73
GRT (7%)	\$ 80.83
Electricity	\$ 41.50
	\$ 1,277.06 X 12 = \$15,324.72 + \$550.00 (FS fee) = \$15,874.72

2. All other provisions and terms and conditions of the Lease, not specifically amended or modified by Amendment No. 1 and this Amendment No. 2 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment.

LESSEE - SANTA FE COUNTY:

Katherine Miller
Katherine Miller
Santa Fe County Manager

4.5.2.17
Date

Approved as to form:

Gregory S. Shaffer
Gregory S. Shaffer
Santa Fe County Attorney

3-16-17
Date

Finance Department

Don D. Moya
Don D. Moya
Finance Director

3-20-17
Date

LESSOR - TESUQUE RADIO COMPANY, INC.,
A New Mexico Corporation

John C. Herklotz
John C. Herklotz, President

4/4/17
Date