



Town of West Seneca

TINA M. HAWTHORNE

TOWN ATTORNEY

thawthorne@twyny.org

MEMO

To: The Honorable Town Board

From: Tina M. Hawthorne, Town Attorney

Date: April 22, 2020

Subject: Spot Coffee Lease Addendum

Please see the attached proposed Lease Addendum for Spot Coffee. You will note that the Addendum provides for Spot to not be responsible for paying April, May, or June 2020 rent. Rather, those three rent payments have been spread out monthly in a rent increase in years 4 through 6.

Kindly adopt the attached resolution and authorize the Supervisor to execute the Addendum.

RESOLUTION
Spot Coffee West Seneca, LLC
Spot Coffee Express Café
Lease Addendum

WHEREAS the Town of West Seneca and Spot Coffee previously entered into a Lease Agreement, dated April 8, 2018, for the lease of a Café and Community Room located in the Town of West Seneca Community Center and Library together with the right to use 150 square feet of dry goods storage and customer use of public seating areas (as set forth in the Lease Agreement); and

WHEREAS on or about March 20, 2020, the Town of West Seneca Community Center and Library was closed due to COVID-19 and mandates issued by the New York State Governor, resulting in the Tenant not having access to the leased premises to operate the Café; and

WHEREAS both the Town of West Seneca and Spot Coffee desire to amend the terms of the Lease Agreement in consideration of circumstances described above, and the Town Board of West Seneca has determined it is not against the interest of its residents

NOW THEREFORE, be it resolved that the Town Board of the Town of West Seneca authorizes the Supervisor to execute the Lease Addendum between the Town of West Seneca and Spot Coffee.

LEASE ADDENDUM
SPOT COFFEE WEST SENECA, LLC
dba SPOT COFFEE EXPRESS CAFE

THIS AGREEMENT, entered into this _____ day of April, 2020, by and between the Town of West Seneca, New York (the "Landlord"), a municipal corporation organized and existing under the laws of the State of New York, with offices located at 1250 Union Road, West Seneca, New York, and Spot Coffee West Seneca, LLC, dba Spot Coffee Express Café, with offices located at 225 Delaware Avenue, Suite 2, Buffalo, New York 14207 (the "Tenant").

WHEREAS the Landlord and Tenant previously entered into a Lease Agreement, dated April 8, 2018, for a Café and Community Room located in the Town of West Seneca Community Center and Library together with the right to use 150 square feet of dry goods storage and customer use of public seating areas (as set forth in the Lease Agreement); and

WHEREAS on or about March 20, 2020, the Town of West Seneca Community Center and Library was closed due to COVID-19 and mandates issued by the New York State Governor, resulting in the Tenant not having access to the leased premises to operate the Café; and

WHEREAS both the Landlord and Tenant desire to amend the terms of the Lease Agreement in consideration of circumstances described above.

NOW, THEREFORE, the Landlord and Tenant agree as follows:

1. The Lease Agreement sets forth the monthly rental rate during Years 1 through 3 as \$708.50. The Landlord agrees that the Tenant shall not be responsible for the monthly rental rate for the months of April, May, or June of the year 2020.
2. The Lease Agreement further sets forth the monthly rental rate during the Years 4 through 6 as \$779.20. The Landlord and the Tenant agree that the monthly rental rate for the Years 4 through 6 will be modified to \$838.24.
3. All other terms of the Lease Agreement, dated April 8, 2018, not modified herein shall remain in full force and effect.
4. This Agreement contains the entire agreement between the Landlord and Tenant. All prior negotiations, statements, or representations are merged herein. The Landlord and

Tenant acknowledge that they have not made or relied upon any representations, statements, or agreements except those specifically set forth herein.

TOWN OF WEST SENECA

By: _____

Gary A. Dickson

Title: Supervisor

By: _____

Title:

Spot Coffee West Seneca, LLC

dba Spot Coffee Express Cafe