

SIXTH AMENDATORY LEASE AGREEMENT

THIS SIXTH AMENDATORY LEASE AGREEMENT is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation and home rule city of the State of Colorado, hereinafter referred to as the “City”, and **DAZBOG DENVER BLDG. LLC**, a Colorado limited liability company, whose address is 1090 Yuma Street, Denver, Colorado 80204 (the “Concessionaire”). The City and the Concessionaire may each be referred to as a “Party” and collectively as “the Parties”.

RECITALS:

WHEREAS, the City leased certain real property and improvements located at 201 W. Colfax, Denver, Colorado 80202 (the “Property”) to the Concessionaire by a Concession Agreement dated **June 12, 2018** (City Clerk File No. 201840933-00) to operate a coffee kiosk, and a First Amendment to Concession Agreement dated **June 8, 2020** (City Clerk File No. FINAN202054775-01), a Second Amendment dated **August 24, 2020** (City Clerk File No. FINAN202054775-02), a Third Amendment dated **January 5, 2021** (City Clerk File No. FINAN202054775-03), a Fourth Amendment dated **April 8, 2021** (City Clerk File No. FINAN202054775-04), exercised an option to extend the Agreement on **April 15, 2021**, and a Fifth Amendatory Agreement dated **January 12, 2022** (City Clerk File No. FINAN-202054775-05) (collectively the “Agreement”); and

WHEREAS, the Mayor declared a state of local disaster emergency on **March 12, 2020**, pursuant to C.R.S. 24-33.5-701, et seq. (“City Emergency Declaration”), due to the spread of COVID-19, as may be amended, the Governor of the State of Colorado declared a Disaster Emergency (D 2020 003) dated **March 11, 2020**, as may be amended, on the same basis, and the President of the United States issued a Declaration of Emergency on **March 13, 2020**, due to the COVID-19 crisis (“Nationwide Emergency Declaration”); and

WHEREAS, the City Council, pursuant to Proclamation No. 20-0350 passed on **April 13, 2020**, urged and supported a moratorium on rent because many people are unable to pay as a result of repercussions from the COVID-19 crisis; and

WHEREAS, the Parties now desire to amend the Agreement to provide for the forgiveness of base rent payments for an additional three months in 2022 and to extend the term of the Agreement beyond the current expiration date of the Agreement term.

NOW, THEREFORE, in consideration of the promises and the mutual covenants and obligations set forth herein, the Parties agree as follows:

1. **Article 2** of the Agreement, entitled “**TERM**,” is hereby amended in part to read as follows:

“2. **TERM**: The term of this Agreement shall begin on **May 1, 2019** and expire on **March 31, 2026** (the “Term”) unless terminated earlier pursuant to the terms of this-Agreement.”

2. **Article 3** of the Agreement, entitled “**COMPENSATION AND FEES**,” is hereby amended by adding the following to the end of the existing contents of Article 3:

“3. **COMPENSATION AND FEES**:

- a. The Concessionaire shall be excused from paying its base rent for the months of **January 2022 through March 2022**, at a rate equal to \$800.00 per month. Starting

in **August 2024** and continuing through the end of this Lease, Lessee agrees to pay a rental rate of \$900 per month.

- b. Concessionaire has earned a rent credit of \$2,768.72 for employee health insurance subsidies it paid from **May 2020 through December 2020.**”
3. Except as herein amended, the Agreement is revived, affirmed and ratified in each and every particular.
4. This Sixth Amendatory Lease Agreement will not be effective or binding on the City until it has been fully executed by all required signatories of the City and County of Denver.

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SIGNATURE PAGES FOLLOW THIS PAGE

Contract Control Number:
Contractor Name:

FINAN-202054775-06
DAZBOG DENVER BLDG LLC

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals at Denver, Colorado as of:

SEAL

CITY AND COUNTY OF DENVER:

ATTEST:

By:

APPROVED AS TO FORM:

REGISTERED AND COUNTERSIGNED:

Attorney for the City and County of Denver

By:

By:

By:

Contract Control Number:
Contractor Name:

FINAN-202054775-06
DAZBOG DENVER BLDG LLC

By: *Please see next page for signature*

Name: _____
(please print)

Title: _____
(please print)

ATTEST: [if required]

By: _____

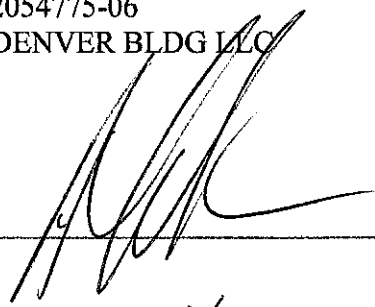
Name: _____
(please print)

Title: _____
(please print)

Contract Control Number:
Contractor Name:

FINAN-202054775-06
DAZBOG DENVER BLDG LLC

By: _____



Name: ANATOLY YOFFA
(please print)

Title: member
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)