

**FIRST AMENDMENT TO CONCESSION LICENSE
WELLSHIRE**

THIS FIRST AMENDMENT TO CONCESSION LICENSE (WELLSHIRE)

(“Amendment”) is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a home rule municipal corporation of the State of Colorado (“City”), acting by and through its Executive Director of the Department of Parks and Recreation, and **WELLSHIRE, LLC**, a Delaware corporation (“Concessionaire”), jointly “the Parties”.

WITNESSETH:

WHEREAS, the Parties entered into a Concession License (Wellshire) effective as of January 1, 2014 for the Concessionaire to have the exclusive right to operate an event center, restaurant or both at what has been historically known as the Wellshire Inn and to provide food and beverage and other services at the Premises, as defined in the Concession License (Wellshire).

WHEREAS, the Parties desire to amend the Agreement to extend the deadline for the City to replace the roof system.

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

1. The first sentence of Article 8. C) (3) of the Concession License (Wellshire) entitled “**Roof and HVAC Systems**” is hereby amended to read as follows:

“**Roof and HVAC Systems**: Notwithstanding anything to the contrary herein, the City agrees it will replace the entire roof system by November 1, 2016. The City shall not be in breach of its obligation in this Section if an event of force majeure prevents the City from replacing the roof system by the time set forth above. In such an event, the City shall perform its obligations herein as soon as is reasonably practicable.”

2. Except as herein amended, the Concession License (Wellshire) is affirmed and ratified in each and every particular.

[SIGNATURES ON FOLLOWING PAGES]

Contract Control Number: PARKS-201414844-01

Contractor Name: Wellshire, LLC

By: Howard H. Tongue

Name: Howard H. Tongue
(please print)

Title: Managing Member
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)



Contract Control Number:

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:

By _____

By _____

By _____

