

THIRD AMENDATORY AGREEMENT

THIS THIRD AMENDATORY AGREEMENT is made by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the "City"), and **WORK OPTIONS FOR WOMEN**, a nonprofit corporation authorized to do business in the State of Colorado, with offices located at 1200 Federal Boulevard, Denver, Colorado 80204 (the "Concessionaire").

RECITALS:

A. The City leases from the Denver Public Facilities Leasing Trust 2005A certain real property and leasehold improvements located in the southeast corner of Federal Boulevard and West Holden Place in Denver, Colorado (the "Property") pursuant to a Lease Purchase Agreement No. 2005A (Human Services Center Properties) dated August 9, 2005 (the "DPFLT Master Lease").

B. The City granted certain concession rights to the Concessionaire under a Concession Agreement dated December 28, 2006, as amended by an Amendatory Agreement dated June 29, 2010, and a Second Amendatory Agreement dated April 3, 2015, to conduct cafeteria operations on the Property (together, the "Concession Agreement").

C. The parties now desire to amend the Concession Agreement to extend its term for an additional year to allow the City to complete a program review concerning workforce opportunities related to the cafeteria.

Now, therefore, the parties agree as follows:

1. Paragraph 2 of the Agreement, entitled "**TERM**", is amended by deleting and replacing it with the following:

“ **2.** **TERM**: The term of this Concession Agreement shall commence on January 1, 2005 (the "Commencement Date") and shall expire on the June 30, 2016 (the "Expiration Date"), unless sooner terminated pursuant to the terms of this Concession Agreement.

If, however, the Master Lease is terminated for any reason prior to the expiration or sooner termination of this Concession Agreement, then the term of this Concession Agreement shall terminate as of the date of termination of the Master Lease. The City agrees it will use its best efforts to provide notice to the Concessionaire of any such termination.”

2. In accordance with Paragraph 50 of the Agreement, this Third Amendatory Agreement is made with the full knowledge and consent of Lessor under the Master Lease. This

Third Amendatory Agreement shall not be effective until the Lessor under the Master Lease has provided the parties with its written consent to the terms and conditions of the Concession Agreement, as further amended by this Third Amendatory Agreement, by signing Attachment 1 to this Third Amendatory Agreement.

3. The DPFLT Master Lease allows subleasing of portions of the Human Services Center Properties to charitable organizations that are Internal Revenue Code Section 501(c) (3) organizations. The Concessionaire hereby affirms that its 501(c)(3) status has not been revoked, rescinded or adversely amended and that, as of the date of execution of this Third Amendatory Agreement which is written on the City signature page below, it meets certain other obligations under the Concession Agreement concerning the Concessionaire's tax exempt status and Concession rights under the Concession Agreement, as amended herein. Concessionaire represents that Exhibit D and Attachment 1 to Exhibit D, as attached to the Amendatory Agreement dated June 29, 2010, remains accurate and correct as of the date of execution of this Third Amendatory Agreement as set forth on the City's signature page below.

4. Except as herein amended, the Agreement is affirmed and ratified in each and every particular.

5. This Third Amendatory Agreement will not be effective or binding on the City until it has been fully executed by all signatories of the City and County of Denver, and if required by Charter, approved by the City Council.

END

**SIGNATURE PAGES AND ATTACHMENT 1 TO THIRD AMENDATORY AGREEMENT
FOLLOW THIS PAGE**

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 _____



Contract Control Number: SOCSV-RC55006-03

Contractor Name: Work Options for Women

By: Catherine J. Henry

Name: CATHERINE J. HENRY
(please print)

Title: Executive Director
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)



ATTACHMENT 1 to THIRD AMENDATORY AGREEMENT

City Alfresco No. RC55006-03

**ACKNOWLEDGED AND CONSENTED TO:
DENVER PUBLIC FACILITIES LEASING TRUST 2005A**

By: _____

Title: _____

LESSOR UNDER MASTER LEASE