

FIRST AMENDMENT TO LEASE AND LICENSE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AND LICENSE AGREEMENT is made and entered into on the date indicated on the City signature page below, by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, on behalf of its Department of Aviation (“**City**”), and **OAK LEAF SOLAR XVIII LLC**, a Colorado limited liability company (“**Operator**”).

WITNESSETH

WHEREAS, the Parties have entered into a Lease and License Agreement for the array known as “Solar VII,” Jaggaer 202053422 (the “**Existing Lease**”); and

WHEREAS, the Parties desire to amend the **Existing Lease** to clarify the process applicable if DEN elects to permanently revoke the license granted in the Existing Lease; and

NOW, THEREFORE, for the reasons and consideration stated herein, the Existing Lease is hereby amended to read as follows:

1. The following sentence is added to the end of Section 3.04.A of the Existing Lease:

“Such license may only be revoked by the City during the Term in conjunction with (1) a relocation of the Facilities in accordance with Section 3.04.F of this Agreement, or (2) a termination of this Agreement in accordance with Section 4.02.A of this Agreement, or (3) the Default and Remedies provisions of Section 10 of this Agreement.”
2. The parties agree that the provisions herein constitute the entire agreement concerning the subject matter of this First Amendment and that all representations made by any officer, agent, or employee of the respective parties unless included here are null and void and of no effect. In the event of a conflict between the Existing Lease and this First Amendment, the terms and conditions of this First Amendment shall prevail. All capitalized terms used herein but not defined shall have the meaning assigned to them in the Existing Lease.
3. Except as expressly modified or amended herein, all terms and conditions of the Existing Lease shall remain in full force and effect as though set out in full here, and are hereby ratified and reaffirmed.
4. This First Amendment is expressly subject to and shall not be or become effective or binding on the City until approved by the Denver City Council and fully executed by all signatories of the City.

[SIGNATURE PAGES FOLLOW]

Contract Control Number:
Contractor Name:

PLANE-202055787-01 / 202053422-01
OAK LEAF SOLAR XVIII 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:

PLANE-202055787- 01 / 202053422-01
OAK LEAF SOLAR XVIII LLC

By: See Attached

Name: John Hereford
(please print)

Title: Mr. John Hereford
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

Contract Control Number:
Contractor Name:

PLANE-202055787- 01 / 202053422-01
OAK LEAF SOLAR XVIII LLC

By:  _____
911B74303E2040B...

Name: John Hereford
(please print)

Title: Mr John Hereford
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)