

AMENDATORY AGREEMENT REGARDING CONCESSION LICENSE

THIS AMENDATORY AGREEMENT REGARDING CONCESSION LICENSE

is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (“City”), and **DENVER PALM CORPORATION, dba THE PALM RESTAURANT**, a Colorado corporation, with an address of 1672 Lawrence Street, Denver CO 80202, (the “Concessionaire”). City and Foundation shall be individually referred to herein as a “Party” and jointly as the “Parties”.

WITNESSETH:

WHEREAS, Concessionaire and the City entered into a Concession License agreement, as amended, for the use of space within and adjacent to Skyline Park, executed November 23, 2004 (“License”), Contract Control Number RC42028; and

WHEREAS, the Parties, from time to time, have mutually agreed to extend the License, with an agreed upon expiration date of October 31, 2017; and

WHEREAS, the City intends to allow Concessionaire to increase the amount of space used; and

WHEREAS, Concessionaire shall pay to City an increased compensation for continued use of the space; and

WHEREAS, the Parties intend to renegotiate a new Concessionaires License at the expiration of the License and this Amendatory Agreement.

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

1. Exhibit A-1 to this Amendatory Agreement, depicting the licensed space, shall be incorporated into the License;

2. Section I of the License entitled “CONCESSION SITE” shall be amended as follows:

“An area of land within Skyline Park (Block 76, East Denver, Denver, Colorado) not to exceed 944 square foot of area (8 feet by 118 feet) as located and described in **Exhibit A-1** attached hereto.”

3. Section IV(b) of the License entitled “CONCESSIONAIRE’S RESPONSIBILITIES” shall be amended as follows:

“Public access along the Concession Site boundary must maintain a clear width of 5 feet minimum as depicted in **Exhibit A-1**. The railings shall be located within the boundaries of the Concession Site in a manner to maintain the 5-foot minimum, and constructed so as not to cause any damage to surfaces owned by the City, and arranged so as to satisfy any licensing requirements for the service of alcohol beverages.”

4. Section VII of the License is entitled “COMPENSATION TO BE PAID TO THE CITY” amended to read as follows:

“Concessionaire shall pay the City Nine Hundred Forty-Four Dollars and Zero Cents (\$944.00) a month, to be paid to the Manager in advance on a quarterly basis.”

5. The City shall calculate any remaining compensation owed in accordance with the Paragraph 4, above, prorated from the date of execution of this Amendatory Agreement through the end of the quarter.

6. In accordance with Section VI of the License and the June 15, 2016 letter from the City to Concessionaire agreeing to an extension of the License term, the Parties mutually agree that the License shall expire by its terms on October 31, 2017. A new agreement regarding use of the space depicted in **Exhibit A-1** shall be required, with an intended start date of November 1, 2017.

7. Except as herein amended, the License is affirmed and ratified in each and every particular.

[SIGNATURE PAGES FOLLOW]

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: PARKS-201734362-00

Contractor Name: Palm Management Corp. dba The Palm
Restaurant

By: James A Longo

Name: JAMES A LONGO
(please print)

Title: EVP & CFO
(please print)

ATTEST: [if required]

By: Kirk Drumming

Name: KIRK DRUMMING
(please print)

Title: SPECIAL PROJECTS MANAGER
(please print)



Palm Restaurant Concession

Tabor Center Building

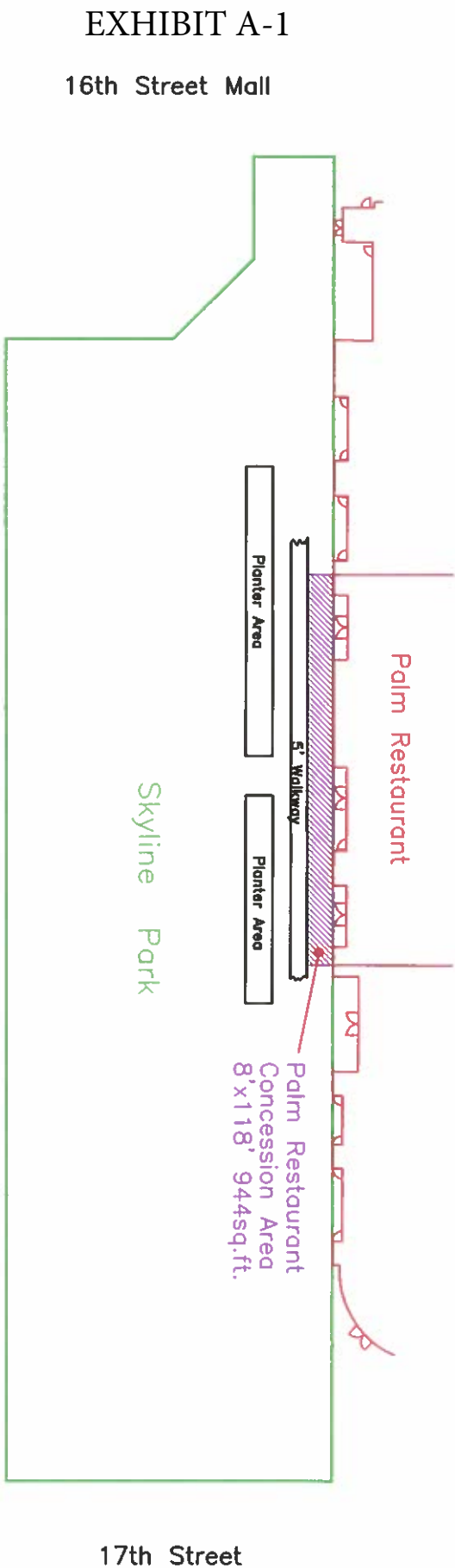


EXHIBIT A-1

16th Street Mall



Arapahoe Street

Skyline Park

Palm Restaurant
Concession Area
8'x118' 944sq.ft.

Planter Area

5' Walkway

Planter Area



DENVER
THE MILE HIGH CITY

Date: March 13, 2017
By: Gregory S. Neitzke PLS

17th Street