

## FOURTH AMENDATORY LEASE AGREEMENT

**THIS FOURTH 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 **COFFEE ETCETERA, LLC**, a Colorado Limited Liability Company, whose address is 3401 Quebec Street, Suite 9350, Denver, CO 80207 (the “Lessee”). The City and the Lessee 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 502 West Colfax, Denver, Colorado (the “Property”) which is a judicial courthouse, to the Lessee by a Lease Agreement dated **May 23, 2010** (City Clerk File No. 11-356) to operate a food and beverage concession area at the Property; as amended by an Amendatory Agreement dated **September 21, 2015** (City Clerk File No. 11-356-A); and a Second Amendatory Agreement dated **June 8, 2020** (City Clerk File No. FINAN-202054776-02); and a Third Amendatory Agreement dated **August 19, 2020** (City Clerk File No. FINAN-202054776-03) (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 two months in 2020 and one month in 2021 and to extend the term of the Agreement for three months 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 **March 1, 2011** and expire on **September 30, 2021**, unless terminated earlier pursuant to the terms of this Lease Agreement.”

2. **Article 3(a)** of the Agreement, entitled “**RENT AND OPERATING EXPENSES**,” is hereby amended by adding the following to the end of Article 3(a):

“**3(a). RENT AND OPERATING EXPENSES**: The Lessee shall be excused from paying its base rent for the months of **November 2020 through January 2021** in the amount of **\$1,075.00** per month. For the two-month period of the extended Term, Lessee shall pay the City the monthly rent amount due during the last year of the Term in the amount of **\$1,075.00** per month. Lessee shall be required to pay percentage rent, if applicable, and the cost of utilities, if applicable, for the months of **November 2020 through January 2021.**”

3. Except as herein amended, the Agreement is revived, affirmed and ratified in each and every particular.
4. This Fourth 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-202054776-04 / ALF RC15001-04  
COFFEE ETCETERA

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-202054776-04/ ALF RC15001-04  
COFFEE ETCETERA

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-202054776-04 / ALF-RC15001-04  
COFFEE ETCETERA, LLC

By:  \_\_\_\_\_

Name: Wayne VADEN  
(please print)

Title: Member  
(please print)

ATTEST: [if required]

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(please print)

Title: \_\_\_\_\_  
(please print)