

05-361-A

**FIRST AMENDATORY AGREEMENT TO  
INSTITUTIONAL NETWORK  
MAINTENANCE AND COLLOCATION AGREEMENT  
ORIGINALLY ENTERED INTO BY AND BETWEEN  
THE CITY AND COUNTY OF DENVER AND  
MILE HI CABLE PARTNERS, L.P.**

THIS AMENDATORY AGREEMENT to INSTITUTIONAL NETWORK MAINTENANCE AND COLLOCATION AGREEMENT is entered to this \_\_\_\_ day of \_\_\_\_\_, 2010, by and between the CITY AND COUNTY OF DENVER, a municipal corporation organized pursuant to the Constitution of the State of Colorado, and MILE HI CABLE PARTNERS, L.P.

**WITNESSETH**

**WHEREAS**, the parties hereto previously entered into an Institutional Network Maintenance and Collocation Agreement (“I-Net Agreement”), dated January 1, 2005, approved via Ordinance No. 416, Series 2005, and recorded at City Clerk Filing No. 05-361; and.

**WHEREAS**, the term of the I-Net Agreement was designed by the parties to be co-terminus with the term of the Cable Franchise Agreement previously entered into between the parties.

**WHEREAS**, pursuant to Ordinance No. 532, Series 2008, the city approved a three-year extension of the Cable Franchise Agreement term; and

**WHEREAS**, the parties now wish to conform the term of the I-Net Agreement to the amended term of the Cable Franchise Agreement.

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

1. Section 3 (a) of the I-Net Agreement is hereby amended to read as follows:

“ 3. TERM.

(a) The collocation license shall be effective as of January 1, 2005 (the “Effective Date”) and shall continue in full force and effect until December 31, 2012, unless terminated sooner by either party.”

2. Except as herein amended, all of the terms, provisions and conditions contained in the I-Net Agreement shall remain in full force and effect as though set out in full herein.

3. This Amendatory Agreement will be executed in two (2) counterparts, each of which shall be deemed to be an original, and all of which, taken together, shall constitute one and the same instrument.

4. This Amendatory Agreement is expressly subject to and shall not become effective or binding on the City until approved by Denver's City Council and fully executed by all signatories of the City and County of Denver.

**[Remainder of this page left intentionally blank.]**

IN WITNESS WHEREOF, the parties hereto have executed this Amendatory Agreement as of the day and year first above written.

**CITY AND COUNTY OF DENVER**

**ATTEST:**

\_\_\_\_\_  
STEPHANIE Y. O'MALLEY, Clerk  
and Recorder, Ex-Officio Clerk of the  
City and County of Denver

By: \_\_\_\_\_  
JOHN W. HICKENLOOPER,  
Mayor

**RECOMMENDED AND APPROVED:**

**APPROVED AS TO FORM:**

DAVID R. FINE, Attorney  
for the City and County of Denver

By:   
DARRYN ZUEHLKE, Director  
Office of Telecommunications

By: \_\_\_\_\_  
Assistant City Attorney

**REGISTERED AND COUNTERSIGNED:**

By: \_\_\_\_\_  
DENNIS GALLAGHER, Auditor of the  
City and County of Denver

By: \_\_\_\_\_  
Manager of Finance


Contract Control No. CE55020-1

“CITY”

**MILE HI CABLE PARTNERS, LP**

By: Comcast of Florida, its general partner

By: Tele-Communications of Colorado, Inc.,  
its general partner

  
Scott Binder, Regional Vice President, *Cable Mgmt*