

FOURTH AMENDMENT TO LEASE AGREEMENT

THIS FOURTH AMENDMENT TO 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 **THE DENVER CENTER FOR THE PERFORMING ARTS**, a Colorado nonprofit corporation, whose address is 1101 13th Street, Denver, Colorado 80204 (“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 1385 Curtis Street, Space 1-B, and Space 3-E, in Denver, Colorado 80202 (the “Leased Premises”) to the Lessee pursuant to a Lease Agreement dated November 27, 2018 (City Clerk File No. 201952110-00) to operate a theatre and office space (the “Agreement” or “Lease”); 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”)(the “COVID-19 Crisis”); and

WHEREAS, the Denver 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, due to the COVID-19 Crisis, on June 8th, 2020, the Lease was modified to provide for the forgiveness of base rent payments for three months in 2020 to provide worker protections for Lessee’s workers, and to extend the term of the Lease for three months beyond the then-current expiration date of the Term; and

WHEREAS, due to the COVID-19 Crisis, on August 27, 2020, the Lease was again modified to provide for the forgiveness of base rent payments for three months in 2020, and to further extend the term of the Lease for three months until December 31, 2022; and

WHEREAS, due to the COVID-19 Crisis, on December 30, 2020, the Lease was modified to address Lessee’s 2021 rental obligations and reactivation of the Leased Premises; and

WHEREAS, Lessee cancelled performances due to the COVID-19 Crisis that would have otherwise occurred in November and December 2020; and

WHEREAS, the parties agree that Lessee's rental obligations should be abated for the months of November and December, 2020.

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

1. Article 4 of the Lease, entitled "**RENT**" is hereby amended in part by addition of the following language:

"Notwithstanding anything contained herein to the contrary, the Lessee shall be excused from paying its monthly base rent obligation during November and December 2020 due to the COVID-19 crisis."

2. All employee benefits guaranteed by Lessee in the First Amendment are hereby ratified and shall in no way be diminished by anything contained in this Fourth Amendment during the Term and/or Extension Term, if exercised by City. In addition, and notwithstanding the terms of the First Amendment, the Employee Benefits guaranteed by Lessee, including but not limited to the reporting requirement, shall apply for the months of November and December 2020.

3. Except as herein amended, the Lease is revived, affirmed and ratified in each and every particular.

4. This Fourth Amendment to 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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Contract Control Number:
Contractor Name:
ARTS

THTRS-202157519-04/ Alfresco FINAN-201843731-00
THE DENVER CENTER FOR THE PERFORMING

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:
ARTS

THTRS-202157519-04/ Alfresco FINAN-201843731-00
THE DENVER CENTER FOR THE PERFORMING

By: _____

Name: _____
(please print)

Title: _____
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

Contract Control Number:
Contractor Name:
ARTS

THTRS-202157519-04/ Alfresco FINAN-201843731-00
THE DENVER CENTER FOR THE PERFORMING



By:

Name: Janice Sinden
(please print)

Title: President & CEO
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)