

## FIRST AMENDATORY AGREEMENT

THIS FIRST AMENDATORY AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, (the "City"), and **SMG**, a Pennsylvania general partnership, whose address is 701 Market Street, 4<sup>th</sup> Floor, Philadelphia, PA 19106, hereinafter referred to as "SMG".

### BACKGROUND:

A. The City and SMG entered into an Agreement dated November 18, 2008 ("Agreement"), to retain SMG to provide management services at the Colorado Convention Center ("CCC"); and

B. The City and SMG desire to amend the Agreement as set forth below.

**NOWTHEREFORE**, in consideration of the premises and the mutual covenants and agreements contained in the Agreement and herein contained, the parties agree as follows:

1. That subsection F of section 3.2 of the Agreement entitled "Specific Services," is hereby amended to read as follows:

"F. To the extent the City has made funds available therefor, pay, on behalf of the City, all Approved Budgeted Operating Expenses for the CCC. Provided, however, the City shall pay Operating Expenses related to utilities (electricity, solar power, gas, chilled water, steam, water, sewer, storm drainage)."

2. As herein amended, the Agreement is affirmed and ratified.

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08-1051-7

IN WITNESS WHEREOF, the City and SMG have executed, through their respective lawfully empowered representatives, this First Amendatory Agreement as of the day and year first above written.

**ATTEST**

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

**APPROVED AS TO FORM:**  
DAVID R. FINE, Attorney for the  
City and County of Denver

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

**CITY AND COUNTY OF DENVER**

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

**RECOMMENDED AND APPROVED:**

By: Kent Rice  
Director of Theatres and Arenas Division

**REGISTERED AND COUNTERSIGNED:**

By: \_\_\_\_\_  
Manager of Finance  
Contract Control No. CE. 93003(1)

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

**"CITY"**

**SMG**  
Tax I.D. No. 23-2511871

By: John F. Burns  
Title: **John F. Burns**  
**Chief Financial Officer**

**"SMG"**