

**FIRST AMENDMENT TO  
FUNDING AND ASSIGNMENT AGREEMENT**

**THIS FIRST AMENDMENT TO FUNDING AND ASSIGNMENT AGREEMENT** (the “Amendment”) is by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **THE COLORADO MUSEUM OF NATURAL HISTORY d/b/a DENVER MUSEUM OF NATURE & SCIENCE**, a Colorado nonprofit corporation (the “Museum”).

**RECITALS**

**WHEREAS**, the City and the Museum entered into a Funding and Assignment Agreement dated August 28, 2014 (the “Agreement”) to provide for the construction of the Project and provide for funding for the Project from the Proceeds, all as defined in the Agreement; and

**WHEREAS**, a definition of Project was attached to and incorporated in the Agreement as Exhibit A; and

**WHEREAS**, the incorrect Exhibit A was inadvertently attached to the Agreement and executed; and

**WHEREAS**, the parties now desire to attach the correct Exhibit A to properly define the Project.

**NOW, THEREFORE**, in consideration of the above, and the mutual promises and covenants contained herein, the City and the Museum agree as follows:

1. All references in the Agreement to the Project shall be to the project described in Exhibit A-1, attached hereto and incorporated herein. All references in the Agreement to Exhibit A shall be replaced with reference to Exhibit A-1.

2. Except as herein amended, the Agreement is affirmed and ratified in each and every particular.

3. The Museum consents to the use of electronic signatures by the City. The Agreement, and any other documents requiring a signature hereunder, may be signed electronically by the City in the manner specified by the City. The Parties agree not to deny the legal effect or enforceability of the Agreement solely because it is in electronic form or because

an electronic record was used in its formation. The Parties agree not to object to the admissibility of the Agreement in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

**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: PWADM-201417203-01

Contractor Name: Denver Museum of Nature and Science

By: Edward Scholz

Name: Edward Scholz  
(please print)

Title: VP Finance & Operations  
(please print)

**ATTEST: [if required]**

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

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

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



## EXHIBIT A-1

### PROJECT DESCRIPTION

#### **DMNS Better Denver Bonds Additional Strategic Investments - \$2.2 million**

**A. Build-out of the new Discovery Zone:**

The new Discovery Zone is a space dedicated to 3-5 year olds to build science skills through hands-on, highly experiential experiences. The total construction cost for the build-out of this space is \$3,400,000. We are asking for a \$280,000 contribution towards this project. The balance is being funded with private fundraising. Requested amount: \$280,000.

**B. Build-out of the new Rocky Mountain Science Collections Center:**

The primary cost to build-out this space is for cabinets to house over 1.5m artifacts, a significant portion of which are owned by the City and County of Denver. The cabinets, and the carriages they are attached to, are part of a compactor system that is built into the floor of the collection storage spaces. In part because of the climate controlled environment they are being installed in, these cabinets have a life expectancy of over 50 years. Of the \$5,000,000 in cabinets that are needed, \$1.3m has been raised through private fundraising and grants. We are asking for a \$1,920,000 contribution towards this project. The balance will be funded through additional fundraising. Requested amount: \$1,920,000.