

FOURTH AMENDATORY AGREEMENT

THIS FOURTH AMENDATORY AGREEMENT, is made and entered into 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 (the "City"), and **PARKS & GARDENS, LLC**, a Colorado Limited Liability Company, (the "Design Consultant"), whose address is 4309 West 44th Avenue, Denver, Colorado 80212.

WITNESSETH

WHEREAS, the City and the Design Consultant entered into an Agreement dated November 20, 2007, (the "Agreement"), an Amendatory Agreement dated March 18, 2008, a Second Amendatory Agreement dated August 25, 2009, and a Third Amendatory Agreement dated April 14, 2010;

WHEREAS, the City and the Design Consultant desire to amend the Agreement to extend the term;

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

1. Subparagraph 1 of Paragraph D of Article VIII of the Agreement, entitled "**Term and Termination:**" is hereby amended to read as follows:

"1. "The Term of the Agreement shall commence on October 1, 2007 and shall end on November 30, 2011. However, nothing contained herein shall preclude the Design Consultant from completing any task order authorized prior to the expiration of this Agreement and the Agreement shall be extended until the completion of and payment for all such authorized tasks."

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

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07-1017-D

IN WITNESS WHEREOF, the City and the Consultant have executed this Fourth 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:

By: _____
Manager of Parks and Recreation

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

By: _____
Assistant City Attorney

REGISTERED AND COUNTERSIGNED:

By: _____
Manager of Finance
Contract Control No: OC 71238(4)

By: _____
Auditor of the
City and County of Denver

"CITY"

PARKS & GARDENS, LLC
Tax ID No. 20-1514670

By: _____
"DESIGN CONSULTANT"