

### THIRD AMENDATORY LEASE AGREEMENT

**THIS THIRD AMENDATORY 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 **DAZBOG DENVER BLDG. LLC**, a Colorado limited liability company, whose address is 1090 Yuma Street, Denver, Colorado 80204 (the “Concessionaire”). The City and the Concessionaire 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 201 W. Colfax, Denver, Colorado 80202 (the “Property”) to the Concessionaire by a Concession Agreement dated **June 12, 2018** (City Clerk File No. 201840933-00) to operate a coffee kiosk, and a First Amendment to Concession Agreement dated **June 8, 2020** (City Clerk File No. FINAN202054775-01), and a Third Amendment dated **August 24, 2020** (City Clerk File No. FINAN202054775-02), (collectively the “Agreement”); 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”); and

**WHEREAS**, the 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**, the Parties now desire to amend the Agreement to provide for the forgiveness of base rent payments for an additional two months in 2020 and one month in 2021 and to extend the term of the Agreement for three months beyond the current expiration date of the Agreement term.

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

1. **Article 2** of the Agreement, entitled “**TERM**,” is hereby amended in part to read as follows:

“**2. TERM**: The term of this Agreement shall begin on **May 1, 2019** and expire on **January 31, 2025**, unless terminated earlier pursuant to the terms of this Concession Agreement.”

2. **Article 3** of the Agreement, entitled “**COMPENSATION AND FEES**,” is hereby amended by adding the following to the end of the existing contents of Article 3:

“**3. COMPENSATION AND FEES**: The Concessionaire shall be excused from paying its base rent for the months of **November and December of 2020 and January of 2021** equal to **\$775.00** per month. For the three-month period of the extended Term, Concessionaire shall pay the City the monthly rent amount due during the last year of the Term equal to **\$900.00** per month. Concessionaire shall retain the option to renew the Agreement for a five (5) year term

("Renewal Term") upon expiration of the new Term, unless sooner terminated pursuant to the same terms and conditions of this Agreement."

3. Except as herein amended, the Agreement is revived, affirmed and ratified in each and every particular.
4. This First Amendatory 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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**SIGNATURE PAGES FOLLOW THIS PAGE**

**Contract Control Number:**  
**Contractor Name:**

FINAN-202054775-03 / ALF-201840933-03  
DAZBOG DENVER BLDG. LLC

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:

\_\_\_\_\_

\_\_\_\_\_

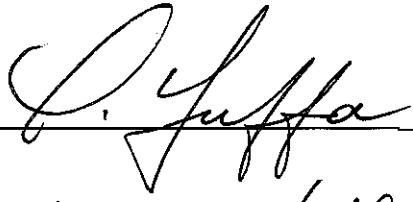
By:

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**Contract Control Number:**  
**Contractor Name:**

FINAN-202054775-03 / ALF-201840933-03  
DAZBOG DENVER BLDG. LLC

By: 

Name: Leonid Yuffa  
(please print)

Title: Member  
(please print)

ATTEST: [if required]

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

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

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