

**FIRST AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT
(14th Street Sidewalk and Streetscape Project)**

This First Amendment to Intergovernmental Agreement (“First Amendment”) is made and entered into as of the Effective Date (defined below) by and between the City and County of Denver, a Colorado municipal corporation and home rule city (“City”) and the Denver 14th Street General Improvement District, a political subdivision of the State of Colorado (“District”), created under C.R.S. Title 31 and Ordinance No. 464, Series of 2009 (“Creation Ordinance”).

WHEREAS, the District and the City entered into an Intergovernmental Agreement dated March 30, 2010 on file in City Clerk File No. 09-629-I (“IGA”) whereby, the City and the District set forth their agreement concerning completion of the Initial Improvement of the 14th Street Project as described in the Creation Ordinance and plans on file in City Clerk File No. 09-629-H (“14th Street Design Specifications”) as may be supplemented from time to time, and the ongoing maintenance of improvements back of the curb on 14th Street (“Back of Curb Improvements”); and

WHEREAS, as described in City Ordinance No. 463, Series of 2009, the District Advisory Board (“DAB”) was created to assist in the implementation of the Project and assist the District’s Board in certain matters described therein; and

WHEREAS, the District and the City desire to amend the IGA to provide for the payment of additional monies to the City as consideration for the City causing additional improvements to be constructed in relation to the 14th Street Project as set forth herein.

NOW, THEREFORE, for and in consideration of the promises contained herein, the City and the District agree as follows:

1. The IGA shall be and is hereby amended to add a new Section 2.9 as follows:

Section 2.9 Additional Scope of Work and Funding. The City and the District may, from time to time, cause additional projects to be funded and constructed in accordance with this Agreement. Such additional projects may be initiated by the DAB submitting a scope of work and cost estimate for such additional project(s) (“New Scope of Work”) to the Manager of Public Works. The Manager of Public Works shall review such New Scope of Work and costs and if acceptable, the District shall pay the City for all of the costs related to the New Scope of Work. Upon receipt of such payment, the Manager shall initiate a change order with the contractor or otherwise cause the New Scope of Work to be completed. All provisions of this Agreement shall apply to the New Scope of Work.

2. The IGA shall be and hereby is amended to add a new Section 4.22 as follows:

Section 4.22 Electronic Signatures and Electronic Records. The parties hereto consent to the use of electronic signatures by the City and the District. The Agreement, and any

other documents requiring a signature hereunder, may be signed electronically by the City and the District 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.

3. All provisions of the IGA shall remain in full force and effect.
4. The effective date of this First Amendment shall be June 1, 2011 (“Effective Date”).

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ATTEST:

Clerk and Recorder, Ex-Officio Clerk of the
City and County of Denver

APPROVED AS TO FORM:

City Attorney
for the City and County of Denver

By: _____
Assistant City Attorney

CITY AND COUNTY OF DENVER

By: _____
Mayor

RECOMMENDED AND APPROVED:

By: _____
Manager of Public Works

By: _____
Manager of Finance

REGISTERED & COUNTERSIGNED:

By: _____
Manager of Finance

Contract Control No. _____

By: _____
Auditor

“CITY”

**DENVER 14TH STREET GENERAL
ATTEST:**

By _____

Title: _____

APPROVED AS TO FORM:

By _____
Attorney for the District

IMPROVEMENT DISTRICT

By: _____

Title: _____

“DISTRICT”