

**FIFTH AMENDATORY AGREEMENT**

**THIS FIFTH 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 **WENK ASSOCIATES, INC.**, a Colorado corporation (the "Design Consultant"), whose address is 1335 Elati Street, Denver, Colorado 80204.

**WITNESSETH**

**WHEREAS**, the City and the Design Consultant entered into an Agreement dated December 11, 2007, and as amended April 8, 2008, August 25, 2009, November 10, 2009, and March 30, 2010 (collectively, the "Agreement"); and

**WHEREAS**, the City and the Design Consultant desire to extend the term of the Contract;

**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 this Agreement shall commence on October 1, 2007 and end on July 31, 2011. However, nothing contained herein shall preclude the Design Consultant from completing any task order authorized prior to the expiration of the 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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IN WITNESS WHEREOF, the City and the Consultant have executed this Fifth  
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

**REGISTERED AND COUNTERSIGNED:**

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

By: \_\_\_\_\_  
Manager of Finance  
Contract Control No: OC71235(5)

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

**"CITY"**

**WENK ASSOCIATES, INC.**  
Tax ID No. 84-1292314

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

**"DESIGN CONSULTANT"**