

FIRST AMENDATORY ASSIGNMENT AND FUNDING AGREEMENT

THIS FIRST AMENDATORY ASSIGNMENT AND FUNDING AGREEMENT is made 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”), jointly the “Parties.”

RECITALS

A. The City and Museum entered into an Agreement executed on April 23, 2021 (the “Agreement”), for the City and Museum to collaborate in the design, construction and installation of play equipment and other amenities for the use and benefit of City Park, a Denver designated park, as set forth in that Agreement and the exhibits thereto; and

B. The Parties wish to amend the Agreement to modify the terms and conditions of the Agreement and to provide additional funding for the project work.

NOW, THEREFORE, the Parties hereby agree as follows:

1. Section 6 of the Agreement entitled “**Funding**” is amended to read as follows:

“**A. City Funding; Contingency.** The City shall provide to Museum the costs of the Project in an amount not to exceed Three Million Nine Hundred Fifty Thousand Dollars (\$3,950,000.00).

B. City’s Maximum Financial Obligation: In no case shall the City’s financial obligation under this Agreement exceed Three Million Nine Hundred Fifty Thousand Dollars (\$3,950,000.00). This Agreement shall require approval of Denver City Council, as well as any subsequent proposal and amendment. Any amendment shall be approved and executed in the same manner as this Agreement.

C. Museum’s Maximum Financial Obligation: In no case shall the Museum’s financial obligation under this Agreement exceed Three Million Nine Hundred Fifty Thousand Dollars (\$3,950,000.00). This Agreement shall require approval of the Museum’s Board of Trustees. Any amendment shall be approved and executed in the same manner as this Agreement.

D. Museum’s Funding; Contingency. Notwithstanding any provision of this Agreement to the contrary, the City agrees that the rights and obligations of the Museum under this Agreement are contingent upon all funds necessary for work or expenditures contemplated under this Agreement being obtained and approved by the Museum’s Board of Trustees prior to the beginning of the design and construction phases as set forth in **Exhibit A**, and such approval shall not be unreasonably withheld.

E. Project Costs/Management: The parties shall work together to budget for each phase of work in order to proactively manage costs and avoid overruns. In the event

there are cost overruns to approved budgets, and subject to the limitations under Paragraph 6.A., 6.C., and Paragraph 8.D., the parties shall negotiate in good faith to address any Project financial shortfalls or overruns. In no event shall either party be required to fund the Project beyond their respective \$3,950,000.00 commitment by each party.”

2. Except as amended in this First Amendatory Assignment and Funding Agreement, the Agreement is affirmed and ratified in each and every particular.

3. This First Amendatory Assignment and Funding 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, and if required by Charter, approved by the City Council.

[SIGNATURE PAGES FOLLOW]

Contract Control Number: PARKS-202056989-01 / 202263547
Contractor Name: THE COLORADO MUSEUM OF NATURAL HISTORY d/b/a
DENVER MUSEUM OF NATURE AND SCIENCE

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:

Contract Control Number:
Contractor Name:

PARKS-202056989-01 / 202263547
THE COLORADO MUSEUM OF NATURAL HISTORY d/b/a
DENVER MUSEUM OF NATURE AND SCIENCE

DocuSigned by:
By: Kristin Richardson
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Name: Kristin Richardson
(please print)

Title: Board Chair
(please print)

Name: Taylor Hitte Initial: TH
(please print)

Title: Project Manager, Strategic Initiatives
(please print)

Name: Jacqueline Altreuter Initial: JA
(please print)

Title: Director
(please print)

Name: Lynda Knowles Initial: LK
(please print)

Title: Legal
(please print)

Contract Control Number:
Contractor Name:

PARKS-202056989-01 / 202263547
THE COLORADO MUSEUM OF NATURAL HISTORY d/b/a
DENVER MUSEUM OF NATURE AND SCIENCE

Name: Edward Scholz Initial: 
(please print)

Title: CFO
(please print)

Name: George Sparks Initial: 
(please print)

Title: CEO
(please print)