

## FOURTH AMENDATORY AGREEMENT

**THIS AMENDATORY AGREEMENT** (this “Amendatory Agreement”) is made and entered 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 **TOWN OF MORRISON**, a Colorado municipal corporation whose address is 321 Colorado Highway 8, Morrison, CO 80465 (the “Town” and, together with the City, the “Parties”).

### BACKGROUND:

**WHEREAS**, the City and Town entered into an Intergovernmental Agreement dated June 14, 2016, as amended by that certain Amendatory Agreement dated October 10, 2017, that certain Second Amendatory Agreement dated August 24, 2018, and that certain Third Amendatory Agreement dated April 22, 2019 (collectively, the “Agreement”) for Town to undertake and perform certain engineering services, conduct an investigation and analysis of the Town’s wastewater system as it relates to collection and treatment of wastewater from City’s Red Rocks Amphitheatre and purchase certain wastewater improvements; and

**WHEREAS**, the City and Town wish to amend the Agreement to extend the term and certain deadlines.

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

1. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Agreement.
2. Section 4 of the Agreement, entitled “**Payment Procedures and Term**,” is hereby amended to read in part as follows:

#### **“Payment Procedures and Term**

- a. **Term:** The Agreement commenced on June 14, 2016 and will expire on December 31, 2020. The Town shall complete any work in progress as of the expiration date unless the work is earlier completed.
3. Section 27, entitled “**Operation and Maintenance Agreement**,” shall be deleted and replaced with the following:

#### **“Operation and Maintenance Agreement**

The parties acknowledge that this Agreement affects the responsibilities of the parties arising from the 2004 IGA and represents good faith cooperation to establish an improved wastewater collection and treatment process for Red Rocks

Amphitheatre (the “Red Rocks Amphitheatre wastewater facilities”). The City and Town agree to negotiate in good faith an amendment to the 2004 IGA prior to December 31, 2020, concerning maintenance and operation of wastewater systems servicing City property following expiration of this Agreement.”

4. The Parties agree that this Amendatory Agreement shall be deemed effective as of November 1, 2019.
5. Except as herein amended, the Agreement is affirmed and ratified in each and every particular.

**[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]**

**Contract Control Number:** THTRS-201951926-04  
**Contractor Name:** TOWN OF MORRISON

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:**

THTRS-201951926-04  
TOWN OF MORRISON

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

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

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

ATTEST: [if required]

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

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

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

Contract Control Number:  
Contractor Name:

THTRS-201951926-04  
TOWN OF MORRISON

By: Sean Forey

Name: SEAN FOREY  
(please print)

Title: MAYOR  
(please print)

ATTEST: [if required]

By: Lyndsey Paavilainen

Name: Lyndsey Paavilainen  
(please print)

Title: Town Clerk  
(please print)

