

FIRST AMENDATORY AGREEMENT

FIRST AMENDATORY AGREEMENT is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO** (“CDOT”), jointly the “Parties.”

RECITALS

A. The City and CDOT entered into an Agreement executed on June 12, 2018, (the “Agreement”), for CDOT to access City owned property and perform certain work set forth in that Agreement and Exhibit A thereto; and

B. The City and CDOT wish to amend the Agreement to extend the term of the Agreement, and to modify the work.

NOW, THEREFORE, the Parties hereby agree as follows:

1. All references to “Exhibit A” in the existing Agreement shall be amended to read: “Exhibit A and Exhibit A-1, as applicable.” The Scope of Work marked as Exhibit A-1 is attached hereto and incorporated herein by this reference.

2. Section 5 of the Agreement entitled “**SPECIAL CONDITIONS OF ACCESS & USE**” is amended to add a subsection C. to read as follows:

“C. The Study and Study Scope under Exhibit A and Exhibit A-1, as applicable, and related work including Restoration shall conclude, and this Agreement shall terminate, by no later than June 12, 2026. If Restoration work is not complete by June 12, 2026, this Agreement shall remain in effect until Restoration is completed to the City’s satisfaction.”

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

4. This First Amendatory 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.

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[SIGNATURE PAGES TO FOLLOW]

Contract Control Number: PARKS-201841483-01 / 202158582
Contractor Name: Colorado Department of Transportation

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-201841483-01 / 202158582
Colorado Department of Transportation

By:  AB4G0B01642B42E...

Name: Stephen Harelson
(please print)

Title: Chief Engineer
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

Exhibit A-1

Summit Lake Wetland Study Continued Hydrologic Monitoring and Maintenance of Monitoring Infrastructure

Scope of Work

David J. Cooper and Jeremy R. Shaw
Department of Forest and Rangeland Stewardship
Colorado State University, Fort Collins, Colorado 80523

14 April 2021

Continued monitoring and maintenance of established study sites is needed to further our understand of hydrologic patterns and processes in the Summit Lake wetland complex and develop a robust characterization of existing conditions before reconstruction of SH5 occurs. These data will provide a robust multi-year pre-construction condition assessment that can serve as a baseline to compare with conditions after the road is rebuilt, allowing an objective assessment of hydrologic changes and restoration that occurs due to road redesign and reconstruction.

Guided by our recent results, we propose to maintain water level monitoring in the 42 wells and piezometer nests at the site prior to road reconstruction. During 2021, we will also establish permanent monitoring sites within alpine pools, which we have shown are sensitive ecohydrological indicators of site conditions. Water levels and vegetation within pools will be monitored during the growing seasons annually, at CDOT discretion. Continuous data collection using loggers will be used where possible. We will provide CDOT, Denver Parks, and the Forest Service annual reports that summarize the monitoring results and describe new findings on how vegetation and hydrology at the site interact with the roadway and climatic fluctuations. We will also be available to collaborate with CDOT and others during the road design process to help ensure maximum restoration of permafrost, hydrologic processes and vegetation.