

AMENDATORY SITE CONTROL AND OPTION FOR GROUND LEASE

This **AMENDATORY SITE CONTROL AGREEMENT AND OPTION FOR GROUND LEASE** (“Amendatory Agreement”) is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation and home rule city of the State of Colorado (the “City”), and **GLOBEVILLE REDEVELOPMENT PARTNERS, LLC** a Colorado limited liability company, whose address is 566 W. Lake Street, Suite 400, Chicago, IL 60661 (“GRP”) (the City and GRP are sometimes referred to herein together as the “Parties” or either of them individually as a “Party”).

WITNESSETH:

WHEREAS, The Parties entered into a Site Control Agreement and Option for Ground Lease dated October 30, 2022 (the “Agreement”).

WHEREAS, The City purchased two adjoining parcels and the Parties now wish to amend the Agreement to extend it to the two additional parcels and to make such other amendments as are herein set forth.

NOW, THEREFORE, in consideration of the premises and the Parties’ mutual covenants and obligations, the Parties agree as follows:

1. Article 1.1(a) of the Agreement, is hereby amended to read as follows:

(a) Parties and Notice Addresses:

Tenant and its notice address:
Globeville Redevelopment Partners LLC
566 W. Lake Street, Suite 400
Chicago, IL 60661

David Block, AIA, AICP Director of Development
Office: (312) 382-3259
Cell: (617) 905-6690
dblock@evergreenreg.com

Javonni Butler
Development Project Manager
(262) 894-6665
jbutler@evergreenreg.com

With a copy to its legal counsel:

New Communities Law
Alex Gano
1624 Market St. #204, Denver, CO 80202
(720) 792-5152
alex.gano@newcommunitieslaw.com

Landlord and its notice address:
City and County of Denver

Lisa Lumley
Director of Real Estate
Dept. of Finance | Division of Real Estate
City and County of Denver
201 W. Colfax Avenue, Suite 1010
Denver, CO 80202
(720) 913-1515
Lisa.lumley@denvergov.org

Dr. Jamie Rife
Executive Director
Department of Housing Stability
City and County of Denver
201 W. Colfax Avenue, Suite 615
Denver, CO 80202
(720) 913-1536
jamie.rife@denvergov.org

With a copy to:

Johna Varty
Senior Assistant City Attorney
Senior Municipal Operations-Denver City Attorney's Office
johna.varty@denvergov.org

Jillynn Lubenow
Asset Manager
Dept. of Finance | Division of Real Estate
(720) 913-1503
Jillynn.Lubenow@denvergov.org

2. **Exhibit A** of the Agreement is removed from the Agreement and replaced with **Exhibit A-1**.

3. Section 2.3 of the Agreement entitled “**Termination**”, is amended to reads as follows:

“2.3 Termination. Unless mutually extended by the Parties in writing, this Agreement will terminate on June 30, 2025. Additionally, should either Party terminate this Agreement, the Option to Lease shall simultaneously terminate. This does not affect Landlord’s ability to terminate this Agreement for cause.

4. A new Section 8.28 of the Agreement entitled “**Compliance with Denver Wage Laws**”, is hereby being added to the Agreement to read as follows:

“8.28 **Compliance with Denver Wage Laws:** To the extent applicable to the GRP’s provision of Services hereunder, GRP shall comply with, and agrees to be bound by, all rules, regulations, requirements, conditions, and City determinations regarding the City’s Minimum Wage and Civil Wage Theft Ordinances, Sections 58-1 through 58-26 D.R.M.C., including, but not limited to, the requirement that every covered worker shall be paid all earned wages under applicable state, federal, and city law in accordance with the foregoing D.R.M.C. Sections. By executing this Agreement, GRP expressly acknowledges that GRP is aware of the requirements of the City’s Minimum Wage and Civil Wage Theft Ordinances and that any failure by GRP, or any other individual or entity acting subject to this Agreement, to strictly comply with the foregoing D.R.M.C. Sections shall result in the penalties and other remedies authorized therein.”

5. Except as amended here, the Agreement is affirmed and ratified in each and every particular.
6. This 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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Contract Control Number:
Contractor Name:

FINAN-202578039-01| 202264574-01
GLOBEVILLE REDEVELOPMENT PARTNERS LLC

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:

FINAN-202578039-01| 202264574-01
GLOBEVILLE REDEVELOPMENT PARTNERS LLC

By: 

Name: David Block
(please print)

Title: Manager
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

EXHIBIT A-1 - Property

(AKA 4995 Washington Street, 4964 N Pearl Street and 624 E 50th Avenue; which have been collectively changed to 4965 Washington Street)

Legal descriptions of the Property as shown below need to be verified by an updated ALTA survey and title review, to be conducted by GRP, prior to finalizing the Ground Lease Agreement.

PARCEL DESCRIPTION

PARCEL A:

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., (BEING SHOWN ON THE PLAT OF W.H. CLARK'S SECOND SUBDIVISION), DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON A COUNTY ROAD 230 FEET SOUTH AND 90 FEET WEST OF THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE SOUTH AND PARALLEL WITH THE EAST LINE OF SAID SECTION, A DISTANCE OF 50 FEET; THENCE WEST AT RIGHT ANGLES, A DISTANCE OF 230.5 FEET; THENCE NORTH AT RIGHT ANGLES, A DISTANCE OF 50 FEET; THENCE EAST AT RIGHT ANGLES, A DISTANCE OF 230.5 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING 11,524 SQUARE FEET OR 0.265 ACRE MORE OR LESS.

PARCEL B:

THE NORTH 1/25 FEET OF PLOT 9, W.H. CLARK'S SECOND SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING 25,886 SQUARE FEET OR 0.590 ACRE MORE OR LESS.

PARCEL C:

THE SOUTH 25 FEET OF THE EAST 50 FEET OF PLOT 10, W.H. CLARK'S SECOND SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING 1,250 SQUARE FEET OR 0.029 ACRE MORE OR LESS.

PARCEL D:

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., (BEING SHOWN ON THE PLAT OF W.H. CLARK'S SECOND SUBDIVISION), DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION FOR 1100.8 FEET; THENCE WEST AT RIGHT ANGLES 80 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH AT RIGHT ANGLES 25 FEET; THENCE WEST AT RIGHT ANGLES 219 FEET MORE OR LESS TO THE EAST LINE OF PLOT 10, W.H. CLARK'S SECOND SUBDIVISION; THENCE SOUTH ALONG THE EAST LINE 25 FEET; THENCE EAST TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING 5,449 SQUARE FEET OR 0.125 ACRE MORE OR LESS.

PARCEL E:

THE EAST 50 FEET OF PLOT 10, EXCEPT THE SOUTH 25 FEET THEREOF, W.H. CLARK'S SECOND SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING 8,750 SQUARE FEET OR 0.201 ACRE MORE OR LESS.

PARCEL F:

PLOT 1, W.H. CLARK'S SECOND SUBDIVISION, EXCEPT THAT PART OF SAID PLOT 1, BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION, A DISTANCE OF 1100.8 FEET; THENCE WEST AT RIGHT ANGLES, A DISTANCE OF 60 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH AT RIGHT ANGLES, A DISTANCE OF 25 FEET; THENCE WEST AT RIGHT ANGLES, A DISTANCE OF 219 FEET, MORE OR LESS, TO THE EAST LINE OF PLOT 10, W.H. CLARK'S SECOND SUBDIVISION; THENCE SOUTH ALONG SAID EAST LINE, A DISTANCE OF 25 FEET; THENCE EAST TO A POINT THAT IS 50 FEET WEST OF THE EAST LINE OF SAID SECTION 15, SAID POINT BEING THE TRUE POINT OF BEGINNING.

AND EXCEPT THAT PART OF SAID PLOT 1, BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., AS CONVEYED TO THE CITY AND COUNTY OF DENVER IN DEED RECORDED JANUARY 18, 1971 IN BOOK 273 AT PAGE 363, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING 37,899 SQUARE FEET OR 0.869 ACRE MORE OR LESS.

PARCEL G:

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 280 FEET SOUTH AND 60 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE SOUTH 50 FEET; THENCE AT RIGHT ANGLES WEST 230 1/2 FEET; THENCE AT RIGHT ANGLES NORTH 50 FEET; THENCE AT RIGHT ANGLES EAST 230 1/2 FEET TO THE POINT OF BEGINNING, BEING A PART OF PLOT 2, W.H. CLARK'S SECOND SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING 11,524 SQUARE FEET OR 0.265 ACRE MORE OR LESS.

PARCEL H:

THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTH 1/2 OF PLOT 9, W.H. CLARK'S SECOND SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING 5,137 SQUARE FEET OR 0.118 ACRE MORE OR LESS.

PARCEL I:

THE SOUTH 1/2 OF THE SOUTH 1/2 OF PLOT 9, W.H. CLARK'S SECOND SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING 10,275 SQUARE FEET OR 0.236 ACRE MORE OR LESS.

NOTE: SAID PARCELS A THROUGH I ARE ALSO DESCRIBED AS FOLLOWS:

PLOT 1, EXCEPT THAT PART OF SAID PLOT 1 AS CONVEYED TO THE CITY AND COUNTY OF DENVER IN DEED RECORDED JANUARY 18, 1971 IN BOOK 273 AT PAGE 363, THE NORTH 1/2 OF PLOT 7, ALL OF PLOT 9, AND THE EAST 50 FEET OF PLOT 10, ALL IN W.H. CLARK'S SECOND SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING 118,903 SQUARE FEET OR 2.688 ACRES MORE OR LESS.

PARCEL A:

THE SOUTH 120.00 FEET OF THE WEST 125.00 FEET AND THE EAST 13.00 FEET OF THE WEST 138.00 FEET OF LOT 10 IN W.H. CLARK'S SECOND SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL B:

THAT PART OF LOT 10, W.H. CLARK'S SECOND SUBDIVISION DESCRIBED AS FOLLOWS:

**COMMENCING AT A POINT 50.00 FEET WEST OF THE NORTHEAST CORNER OF LOT 10, W.H. CLARK'S SECOND SUBDIVISION AND IN NORTH LINE OF SAID LOT;
THENCE SOUTH 200.00 FEET;
THENCE WEST 30.00 FEET;
THENCE NORTH 200.00 FEET;
THENCE EAST 30.00 FEET TO THE BEGINNING;
BEING PART OF SAID LOT 10 AND 30.00 FEET FRONT AND 200.00 FEET DEEP,
CITY AND COUNTY OF DENVER, STATE OF COLORADO.**
