

AMENDMENT TO FUNDING AND ASSIGNMENT AGREEMENT

This **AMENDMENT TO FUNDING AND ASSIGNMENT AGREEMENT** (the “Agreement”), is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **THE DENVER CENTER FOR THE PERFORMING ARTS**, a Colorado nonprofit corporation (the “DCPA”).

WHEREAS, the City and the DCPA entered into a Funding and Assignment Agreement dated September 17, 2013 in order to provide \$9,932,000 in proceeds from the sale of general obligation bonds of the City to fund costs associated with the renovation of the Stage and Space Theatres, as well as ballroom renovations (the “Project”), in accordance with the terms of the Funding and Assignment Agreement; and

WHEREAS, the City and the DCPA now desire to amend the Funding and Assignment Agreement to add funds for the completion of the Project, and to modify the Project and substitute the exhibit further describing the Project.

NOW, THEREFORE, in consideration of the above, and the mutual promises and covenants contained herein, the City and the DCPA agree as follows:

1. The Project refers to the improvements to be designed, constructed, and installed by the DCPA as described in the attached Exhibit A-1. All references to Exhibit A in the Funding and Assignment Agreement shall be deemed to be references to Exhibit A-1.
2. The City shall increase the amount of Bonds available to the Project, as defined in the Funding and Assignment Agreement, by one million dollars, such that the available Proceeds shall be Ten Million Nine Hundred Thirty-Two Million Dollars (\$10,932,000.00).
3. Except as specifically amended herein, the terms of the Funding and Assignment Agreement are continued in full force and effect.

CONTRACT CONTROL NUMBER: PWADM-201312503-01

CONTRACTOR NAME: DENVER CENTER FOR PERFORMING ARTS

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:

Approved as to form:

REGISTERED AND COUNTERSIGNED:

Kristin M. Bronson, Attorney for
the City and County of Denver

By _____

By _____

By _____

Contract control Number: PWDM-201312503-01

Contractor Name: Denver Center for Performing Arts

By: Victoria Miles

Name: Victoria Miles
(please print)

Title: Chief Financial Officer

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____

EXHIBIT A-1
PROJECT DESCRIPTION AND BUDGET

DEFERRED MAINTENANCE AND NEW CONSTRUCTION INCLUDING:

	<u>Funds available</u>
Renovation and construction of Space Theatre; Public accessible restrooms and entry to theatre; Backstage infrastructure, HVAC replacement, and energy efficiency measures	\$9,612,000.00
Renovation of Seawell Grand Ballroom	\$1,320,000.00