

AFTER RECORDING PLEASE RETURN TO:

Kutak Rock LLP  
1801 California Street  
Suite 3000  
Denver, CO 80202  
Attention: Mario T. Trimble, Esq.

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**FIRST AMENDMENT TO SITE LEASE**

between

**CITY OF PUEBLO, COLORADO**  
as Lessor,

and

**CITY OF PUEBLO, COLORADO MUNICIPAL BUILDING CORPORATION,**  
as Lessee

Dated as of the \_\_\_\_ day of \_\_\_\_\_, 2022

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**THIS FIRST AMENDMENT TO SITE LEASE** dated as of the \_\_\_\_ day of \_\_\_\_\_, 2022 (this “First Site Lease Amendment”), between the **CITY OF PUEBLO, COLORADO**, as lessor (the “City”), a political subdivision duly organized and existing under the laws of the State of Colorado (the “State”), and **CITY OF PUEBLO, COLORADO MUNICIPAL BUILDING CORPORATION**, a Colorado nonprofit corporation, as Lessee (together with its successors and assigns, the “Corporation”);

**WITNESSETH:**

WHEREAS, the City and the Corporation have previously entered into that certain Site Lease dated as of November 12, 2014 (the “2014 Site Lease” and together with this First Site Lease Amendment, the “Site Lease”), between the City, as lessor, and the Corporation, as lessee; and

WHEREAS, the City and the Corporation have previously entered into that certain Lease Purchase Agreement dated as of November 12, 2014 (the “2014 Lease”), between the City, as lessee, and the Corporation, as lessor, for the purpose of providing funding to finance the costs of replacing approximately 8,725 high pressure sodium streetlight fixtures with approximately 8,725 light emitting diode streetlight fixtures throughout the City (the “Project”); and

WHEREAS, pursuant to a Trust Indenture dated as of November 12, 2014 (the “Indenture”), between the Corporation and Wells Fargo Bank, National Association, in its capacity as trustee thereunder (the "Trustee"), the Corporation caused the execution and delivery of the Certificate of Participation, Series 2014, in the original aggregate principal amount of \$4,200,000 (the “Series 2014 Certificate”), evidencing interests in the right to receive revenues under the Lease, which Series 2014 Certificate is currently outstanding in the aggregate principal amount of \$1,362,802.78; and

WHEREAS, Wells Fargo Bank, National Association is the Initial Purchaser and current Owner (as defined in the Indenture) of 100% of the Series 2014 Certificate; and

WHEREAS, the City and the Corporation desire for the 2014 Site Lease to be amended by this First Site Lease Amendment to provide for the release from the Site Leased Property of the property described as Parcel B in Exhibit A to the 2014 Lease; and

WHEREAS, the Trustee has notified the Owner of this First Site Lease Amendment in accordance with the provisions of Section 9.05 of the Indenture, and the Owner has acknowledged, consented to, and approved the execution of this First Site Lease Amendment; and

WHEREAS, this First Site Lease Amendment is entered into for the purpose of providing for the release from the Site Leased Property of the property described as Parcel B in Exhibit A to the 2014 Lease;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained, the parties hereto agree as follows;

**Section 1. Definitions.** Unless the context otherwise requires, capitalized terms used herein shall have the meanings ascribed to them herein and in the 2014 Lease, as amended.

**Section 2. Section 2.02. Amendment of Exhibit A.** The description of the Site Leased Property contained in Exhibit A to the 2014 Site Lease is hereby amended and restated to read as set forth in Exhibit A hereto.

**Section 3. Section Headings.** All section headings contained herein are for convenience of reference only and are not intended to define or limit the scope of any provision of this Site Lease.

**Section 4. Execution.** This Site Lease may be executed in any number of counterparts, each of which shall be deemed to be an original but all together shall constitute but one and the same Site Lease.

[Signature Page of First Site Lease Amendment Follows]

IN WITNESS WHEREOF, the City and the Corporation have caused this First Site Lease Amendment to be executed by their respective officers thereunto duly authorized, and the City has affixed its corporate seal hereto all as of the day and year first above written.

[SEAL]

CITY OF PUEBLO, COLORADO  
as Lessee

By \_\_\_\_\_  
Nicholas A. Gradisar, Mayor

Attest:

By \_\_\_\_\_  
City Clerk

CITY OF PUEBLO, COLORADO  
MUNICIPAL BUILDING CORPORATION, as  
Lessee

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

[Signature Page to First Site Lease Amendment]

STATE OF COLORADO            )  
  ) ss.  
COUNTY OF PUEBLO            )

This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022 by Nicholas A. Gradisar, as Mayor of the City of Pueblo, Colorado, and by Marisa Stoller, as Clerk of said City.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

[SEAL]

My Commission Expires:

\_\_\_\_\_

STATE OF COLORADO            )  
  ) ss.  
COUNTY OF PUEBLO         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022 by \_\_\_\_\_, as President of City of Pueblo, Colorado Municipal Building Corporation, a nonprofit corporation duly organized and validly existing under the laws of Colorado.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

[SEAL]

My Commission Expires:

\_\_\_\_\_

**EXHIBIT A**

**DESCRIPTION OF THE LEASED PROPERTY**

**PARCEL A:**

LOTS 9, 10, 11 AND 12 IN BLOCK 31 IN COUNTY ADDITION TO THE CITY OF PUEBLO, ACCORDING TO THE AMENDED PLAT OF SAID ADDITION FILED FOR RECORD NOVEMBER 20, 1879 IN PLAT BOOK C AT PAGE 154, COUNTY OF PUEBLO, STATE OF COLORADO.

**PARCEL B:**

[Parcel B deleted pursuant to First Site Lease Amendment]

**PARCEL C:**

LOT 1 IN BLOCK 1 IN EAGLERIDGE FIRE STATION SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 8, 1998 UNDER RECEPTION NO. 1199836, COUNTY OF PUEBLO, STATE OF COLORADO.

**PARCEL D:**

LOTS 17, 18, 19 AND THE SOUTH 1/2 OF LOT 20 IN BLOCK 23 IN HILLSIDE, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 20, 1890 IN PLAT BOOK H AT PAGE 21, COUNTY OF PUEBLO, STATE OF COLORADO.

**PARCEL E:**

LOTS 42 AND 43 IN BLOCK 151 IN FLETCHER HILL SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 31, 1890 IN PLAT BOOK F AT PAGE 16, COUNTY OF PUEBLO, STATE OF COLORADO.