

1
2 **BY AUTHORITY**

3 ORDINANCE NO. _____

COUNCIL BILL NO. CB12-0957

4 SERIES OF 2013

COMMITTEE OF REFERENCE:

5 BUSINESS, WORKFORCE, & SUSTAINABILITY

6 **A BILL**

7 **For an ordinance approving a proposed First Amendment to Support Facilities**
8 **Lease Agreement between the City and County of Denver and Swissport Cargo**
9 **Services, LP concerning leased space at Denver International Airport.**
10

11 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

12 **Section 1.** The proposed First Amendment to Support Facilities Lease Agreement between
13 the City and County of Denver and Swissport Cargo Services, LP, in the words and figures
14 contained and set forth in that form in the above-named Agreement available in the office and on
15 the web page of City Council, and to be filed in the office of the Clerk and Recorder, Ex-Officio
16 Clerk of the City and County of Denver, under City Clerk's Filing No. 2011-320-A is hereby
17 approved.

18 COMMITTEE APPROVAL DATE: January 23, 2013

19 MAYOR-COUNCIL DATE: January 29, 2013

20 PASSED BY THE COUNCIL: _____, 2013

21 _____ - PRESIDENT

22 APPROVED: _____ - MAYOR _____, 2013

23 ATTEST: _____ - CLERK AND RECORDER,
24 EX-OFFICIO CLERK OF THE
25 CITY AND COUNTY OF DENVER

26 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2013; _____, 2013

27 PREPARED BY: Max Taylor, Assistant City Attorney  DATE: January 31, 2013

28 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
29 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
30 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to §
31 3.2.6 of the Charter.

32 Douglas J. Friednash, City Attorney for the City and County of Denver

33 BY: _____, Assistant City Attorney

DATE: January 31, 2013

FIRST AMENDMENT TO
SUPPORT FACILITIES LEASE AGREEMENT

This First Amendment to Support Facilities Lease Agreement is made and entered into as of the date stated on the signature page ("Effective Date"), by and between the CITY AND COUNTY OF DENVER, a municipal corporation of the State of Colorado ("City"), Party of the First Part, and SWISSPORT CARGO SERVICES, LP a limited partnership organized and existing under and by virtue of the laws of the State of California, and authorized to do business in the State of Colorado, ("Lessee"), Party of the Second Part:

WITNESSETH:

WHEREAS, the City and Lessee have previously entered into a Support Facilities Lease Agreement at Denver International Airport ("DIA"), dated May 12, 2011 ("Existing Agreement");

WHEREAS, City and Lessee desire to modify the Existing Agreement to alter the space set forth as the demised premises ("Amended Agreement");

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements, herein contained, City and Lessee do hereby mutually undertake, promise and agree, each for itself and its successors, as follows:

1. Paragraph 1.01, "DEMISED PREMISES," of the Existing Agreement is deleted in its entirety and replaced with the following:

The City, for an in consideration of the covenants and agreements hereinafter contained, hereby leases to the Lessee, subject to the conditions hereinafter expressed, those certain parcels of real property depicted on the attached drawings and legal descriptions marked as Exhibit B (which drawing and lease description are attached to the Agreement and incorporated herein and made a part hereof by reference) and B-1 (which drawing and legal descriptions are attached to this First Amendment and incorporated herein and made a part hereof by reference) and situated in the City and County of Denver, Sate of Colorado, hereinafter referred to as the "Demised Premises."

(A) Facilities Premises (Exclusive Use Premises)

The City hereby leases to the Lessee and the Lessee hereby agrees to lease from the City the Facilities Premises designated "Parcel No. 1," "Parcel No. 2," and "Parcel No. 3" designated on the attached drawing and legal description marked Exhibit B (which drawing and lease description are

incorporated herein and made a part hereof by reference.)

(B) Demised Premises, as set forth on Exhibit B

The Demised Premises shall consist of the following:

Ramp Lease Area: (Parcel)	7,500 square feet, more or less
Air Cargo Building Space (Parcel No. 2)	5,768 square feet, more or less
Landside Lease Area: (Parcel No. 3)	5,350 square feet, more or less
Total Ground Lease Area	18,618 square feet, more or less

(C) Facilities Premises (Exclusive Use Premises)

The City hereby leases to the Lessee and the Lessee hereby agrees to lease from the City the Facilities Premises designated "Parcel No. 1," "Parcel No. 2," and "Parcel No. 3" designated on the attached drawing and legal description marked Exhibit B-1 (which drawing and lease description are incorporated herein and made a part hereof by reference.)

(D) Demised Premises, as set forth on Exhibit B-1

The Demised Premises shall consist of the following:

Ramp Lease Area: (Parcel)	5,625 square feet, more or less
Air Cargo Building Space (Parcel No. 2)	4,326.4 square feet, more or less
Landside Lease Area: (Parcel No. 3)	4,012.5 square feet, more or less
Total Ground Lease Area	13,963.9 square feet, more or less

The City may, at its sole discretion, reassign Lessee's use and lease of space with thirty (30) days advance written notice, for the purpose of maximizing the highest and best use of the City's airport facilities and equipment. The City shall not be responsible for any costs whatsoever related to any such reassignment.

2. In Paragraph 1.02, "USE OF DEMISED PREMISES," any and all references to Exhibit B shall also now included Exhibit B-1.

3. Except as otherwise modified or amended herein, all terms and conditions of the Existing Agreement shall remain in full force and affect as though set out in full herein.

4. This First Amendment to Support Facilities Lease Agreement is expressly subject to and shall not be or become effective or binding on the City until approved by the Denver City Council and fully executed by all signatories of the City.

[SIGNATURE PAGE FOLLOWS]

Contract Control Number: PLANE-AR15004-01

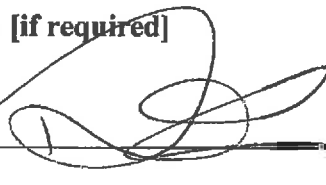
Contractor Name: Swissport Cargo Services, LP

By: 

Name: JOSEPH J. PHELAN
(please print)

Title: PRESIDENT
(please print)

ATTEST: [if required]

By: 

Name: Dany Nase
(please print)

Title: Treasurer
(please print)



Contract Control Number: PLANE-AR15004-01

Contractor Name: Swissport Cargo Services, LP

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:

DOUGLAS J. FRIEDNASH, Attorney
for the City and County of Denver

By _____

By _____

By _____



Exhibit B-1

LEGAL DESCRIPTION FOR SWISSPORT LEASE AREAS AT JOINT USE CARGO BUILDING.

DATE: 09 March 2009 (Previous Revision Done on 13 January 1997)

Bearings used in this legal description are based on the East line of the Northeast quarter of Section 33, Township 2 South, Range 65 West, of the 6th Principal Meridian, City and County of Denver, State of Colorado as being N 00° 26' 05" West. Found a 3 ¼" Aluminum Cap, L.S. #14592, at the East ¼ corner and found a 3 ¼" Aluminum Cap, L.S. #14592, at the Northeast corner of said Section 33.

SWISSPORT CARGO HANDLING RAMPSIDE LEASE AREA (Parcel No. 1)

A parcel of land located in the Northeast one quarter of said Section 33, being more particularly described as follows:

Commencing at the East quarter corner of said Section 33 (N 50221.168: E 94183.888)

Thence N 86° 31' 08" W, 1935.06 feet to the POINT OF BEGINNING (N 50338.663: E 92252.400);

Thence S 90° 00' 00" W, 150.00 feet (N 50338.663: E 92102.400);

Thence N 00° 00' 00" W, 37.50 feet (N 50376.163: E 92102.400);

Thence N 90° 00' 00" E, 150.00 feet (N 50376.163: E 92252.400);

Thence S 00° 00' 00" E, 37.50 feet, to the POINT OF BEGINNING, containing 5625.0 square feet or 0.1291 acres, more or less.

TOGETHER WITH

SWISSPORT CARGO HANDLING BUILDING GROUND LEASE AREA (Parcel No. 2)

A parcel of land located in the Northeast one quarter of said Section 33, being more particularly described as follows:

Commencing at the East quarter corner of said Section 33 (N50221.168: E 94183.888);

Thence N 86° 46' 09" W, 2084.80 feet to the POINT OF BEGINNING (N 50338.663: E 92102.400);

Exhibit B-1

Thence S 90°00'00" W, 115.37 feet (N 50338.663: E 91987.033);

Thence N 00° 00' 00" W, 37.50 feet (N 50376.163: E 91987.033);

Thence N 90° 00' 00" E, 115.37 feet (N 50376.163: E 92102.400);

Thence S 00° 00' 00" E, 37.50 feet, to the POINT OF BEGINNING, containing 4326.4 square feet or 0.0993 acres, more or less.

TOGETHER WITH

SWISSPORT CARGO HANDLING LANDSIDE LEASE AREA (Parcel No. 3)

A parcel of land located in the Northeast one quarter of said Section 33, being more particularly described as follows:

Commencing at the East quarter corner of said Section 33 (N 50221.168: E 94183.888);

Thence N 86° 56'19" W, 2199.99 feet to the POINT OF BEGINNING (N 50338.663: E 91987.033);

Thence S 90°00' 00 W, 107.00 feet (N 50338.663: E 91880.033);

Thence N 00° 00' 00" W, 37.50 feet (N 50376.163: E 91880.033);

Thence N 90°00' 00 E, 107.00 feet (N 50376.163: E 91987.033);

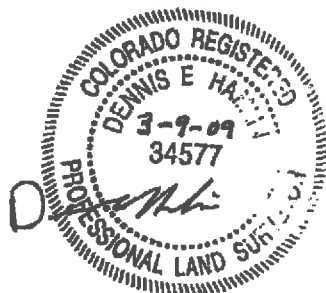
Thence S 00° 00' 00" E, 37.50 feet, to the POINT OF BEGINNING, containing 4012.5 square feet or 0.0921 acres, more or less.

The basis of bearings and survey coordinate system values are taken from the Denver International Airport (DIA) grid control map, which may be reviewed at the DIA Engineering Section, Survey Office, located at 27301, E. 71st Ave., Unit 4, Denver Colorado 80249.

Dennis E. Hamlin P.L.S 34577 revised this legal description for the Denver International Airport Engineering Section, 8500- Pena Blvd., Denver, Colorado 80249, on 09 March 2009.

I hereby certify that this legal description was revised on 09 March 2009.
Dennis E. Hamlin.

 3/9/09
Approved By: Michael Steffens, P.E. Date
Manager of Construction



Northeast Corner, Section 33,
Township 2 South, Range 65 West,
6th Principal Meridian, being a
3 1/4" Alum. Cap, L.S. #14592
N52864.982, E94163.830

Point of Commencement
East Quarter Corner, Section 33,
Township 2 South, Range 65 West,
6th Principal Meridian, being a
3 1/4" Alum. Cap, L.S. #14592
N50221.168, E94183.888

East Line, Northeast Quarter, Section 33, Township 2 South,
Range 65 West, 6th Principal Meridian.....N00°26'05"W



SCALE: 1" = 60'

SWISSPORT
RAMP LEASE
AREA
5625.0 sq.ft.
or 0.1291 acres±
PARCEL NO. 1

SWISSPORT
BLD. GROUND
LEASE AREA
4326.4 sq.ft.
or 0.0993 acres±
PARCEL NO. 2

NE 1/4, SEC. 33,
T2S, R65W

EXISTING JOINT
USE BUILDING

SWISSPORT
LANDSIDE LEASE AREA
NET 4012.5 sq.ft.
or 0.0921 acres±
PARCEL NO. 3

POINT OF
BEGINNING
PARCEL NO. 1
N 50338.663
E 92252.400

POINT OF
BEGINNING
PARCEL NO. 2
N 50338.663
E 92102.400

POINT OF
BEGINNING
PARCEL NO. 3
N 50338.663
E 91987.033

EXISTING JOINT
USE BUILDING

25'COMMON USE ROADWAY

Note: This does not represent a monumented
land survey. Nor does it represent a search
for easements or Rights-of-Way of record.
It is intended only to depict the attached
description.

The Basis of Bearings and Survey Coordinate System values
are taken from the Denver International Airport (DIA) grid
control map, which may be reviewed at the DIA Engineering
Section, Survey Office, 27501 71st Ave., Unit 4,
Denver, Colorado 80248


Michael H. Steffens, P.E. Date 2/9/09
Manager of Construction

CITY AND COUNTY OF DENVER		
DEPARTMENT OF AVIATION		
DENVER INTERNATIONAL AIRPORT		
SWISSPORT LEASE AREAS		
AT JOINT USE CARGO BUILDING		
EXHIBIT B-1		
DATE	SCALE	PROJECT NO.
3-09-2009	1" = 60'	

Exhibit B-1