

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (“First Amendment”) is entered into as of the date stated on the City’s signature page below, by and among the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, for and on behalf of its Department of Aviation (“City”), Party of the First Part, **DENVER DUTY FREE JV**, a Colorado Joint Venture among Wystone’s World Teas Holdings, Inc., Odd Tale Books, LLC, and Dufry North American, LLC (“Concessionaire”), d/b/a **Mile High Glamour** and d/b/a **Dufry Shops – Tax & Duty Free**, Party of the Second Part (collectively, the “Parties”).

RECITALS

- A. The Parties entered into an agreement dated September 26, 2014 (201415388) for the operation of concessions at the Denver International Airport (“DEN”), which will expire on December 31, 2022 (hereafter referred to as “Original Agreement”).
- B. Concessionaire is enrolled in the DEN Premium Value Program, which operates pursuant to Rule 45 of the Airport Rules and Regulations. At the time of enrollment Concessionaire’s Major and Minor Merchandise Category for PVC purposes was as follows: **Specialty Retail**.
- C. On or about October 1, 2015 PVC Rule 45 was amended, which has necessitated a change to certain Major and Minor Merchandise Categories.

NOW, THEREFORE, for the foregoing reasons and for other acknowledged good and valuable consideration, the Parties hereby agree to amend the Original Agreement as follows:

1. All references in the Original Agreement to “Manager” or “Manager of Aviation” are hereby deleted and replaced with “Chief Executive Officer” or “CEO” as the context may require. “Chief Executive Officer” or “CEO” means the Chief Executive Officer of the City’s Department of Aviation having jurisdiction over the management, operation, and control of the Denver Municipal Airport System. Whenever reference is made to the “CEO or the CEO’s authorized representative,” or words of similar import are used such reference shall mean the officer or employee of the City designed in writing by the CEO as the CEO’s delegated authorized representative.

2. Effective as of the date this First Amendment is executed, Concessionaire’s Major and Minor Merchandise Categories for PVC purposes are hereby changed to the following: Major Merchandise Categories for Spaces on Concourse A, B, and C – **Retail**; Minor Merchandise Category for Spaces on Concourse A and B only – **Duty Free**.

3. Except as provided herein, all of the provisions, terms and conditions of the Original Agreement are hereby revived and ratified and shall remain in full force and effect as if fully set forth herein.

4. This First Amendment shall not be or become effective or binding on the City until approved by the Denver City Council, if required by the City’s Charter, and fully executed by all signatories of the City and County of Denver. This First Amendment may be signed in two or more counterparts, each of which shall be deemed to be an original signature page and further may be signed electronically by the Parties in the manner specified by the City.

[SIGNATURE PAGES FOLLOW]

Contract Control Number:

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:

By _____

By _____

By _____



Contract Control Number: #201415388-01

Contractor Name: Denver Duty Free, JV

Odd Tale Books, LLC

By: Dawn P. Bookhardt

Name: Dawn P. Bookhardt

Title: Mg. Member - Odd Tale Books, LLC

Attested (if required)

By: Debra Martinez

Name DEBRA MARTINEZ

Title SECRETARY

Wystone's World Teas Holding, Inc.

By: _____

Name: _____

Title: _____

Attested (if required)

By: _____

Name _____

Title _____

Dufry North America, LLC

By: _____

Name: _____

Title: _____

Attested (if required)

By: _____

Name _____

Title _____



Contract Control Number: #201415388-01

Contractor Name: Denver Duty Free, JV

Odd Tale Books, LLC

By: _____

Name: _____

Title: _____

Attested (if required)

By: _____

Name _____

Title _____

Wystone's World Teas Holding, Inc.

By: Wy Livingston

Name: Wy Livingston

Title: President & CEO

KATSIARYNA H MOSES
Notary Public
State of Colorado
Notary ID # 20124048523
My Commission Expires 08-07-2020

My Commission Expires: 08/07/2020

Katsiaryna H. Moses
Notary Public

Attested (if required)

By: _____

Name _____

Title _____

State of Colorado
County of Denver
The foregoing document was
acknowledged before me this
9th day of December, 2016 by
Wy Livingston.

Dufry North America, LLC

By: _____

Name: _____

Title: _____

Attested (if required)

By: _____

Name _____

Title _____



Contract Control Number: #201415388-01

Contractor Name: Denver Duty Free, JV

Odd Tale Books, LLC

By: _____

Name: _____

Title: _____

Attested (if required)

By: _____

Name _____

Title _____

Wystone's World Teas Holding, Inc.

By: _____

Name: _____

Title: _____

Attested (if required)

By: _____

Name _____

Title _____

Dufry North America, LLC

By: Michael R. Mullaney

Name: MICHAEL R MULLANEY

Title: EVP

Attested (if required)

By: _____

Name _____

Title _____

