

**FIFTH AMENDMENT TO PERMIT AGREEMENT**

**THIS FIFTH AMENDMENT TO PERMIT AGREEMENT** is made and entered into as of the date stated on the City’s signature page below, by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, for and on behalf of its Department of Aviation ("City" or “Grantor”); **PARK CREEK METROPOLITAN DISTRICT**, a quasi-municipal corporation and political subdivision of the State of Colorado; and **FOREST CITY STAPLETON, INC.**, an Ohio Corporation (Park Creek and Forest City collectively are “Grantees”).

**WITNESSETH:**

**WHEREAS**, the City granted Grantees a permit to access certain City-owned property in the area of the former Stapleton International Airport through a Permit Agreement dated April 4, 2001, which was amended by the Amended and Restated Permit Agreement dated January 15, 2004, a Second Amendment to Permit Agreement dated December 19, 2006, a Third Amendment to Permit Agreement dated November 18, 2008, and a Fourth Amendment to Permit Agreement dated January 12, 2012 (collectively the “300 Permit”); and

**WHEREAS**, the parties desire to further amend the 300 Permit;

**NOW, THEREFORE**, for and in consideration of the premises and other good and valuable consideration, the parties hereto agree as follows:

1. Section 4, entitled “Term”, is amended and restated to read as follows:

Subject to the provisions hereof, the privileges granted herein shall commence on April 4, 2001, and shall terminate May 15, 2018, unless and until the term is cancelled or terminated as set forth in Paragraphs 5 or 9 below.

2. Except as otherwise provided herein, all of the terms and conditions of the existing 300 Permit shall remain in full force and effect and are hereby ratified and reaffirmed.
3. This Fifth Amendment to Permit Agreement is expressly subject to, and shall not become effective or binding on the City, until it is fully executed by all signatories of the City and County of Denver.

**END OF AGREEMENT; 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: PLANE-AC13010-05

Contractor Name: PARK CREEK METROPOLITAN DISTRICT

By: 

Name: Tammi T. Holloway  
(please print)

Title: Assistant Secretary  
(please print)

ATTEST: [if required]

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

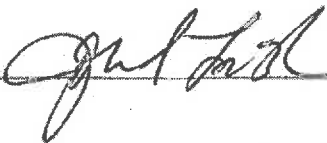
Name: \_\_\_\_\_  
(please print)

Title: \_\_\_\_\_  
(please print)



Contract Control Number: PLANE-AC13010-05

Contractor Name: FOREST CITY STAPLETON, INC.

By: 

Name: John S. Lehigh  
(please print)

Title: President and COO  
(please print)

ATTEST: [if required]

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

Name: \_\_\_\_\_  
(please print)

Title: \_\_\_\_\_  
(please print)

