

**Amendment to CB15-0402 concerning the ballot referral to the November 3,  
2015 coordinated election a question to approve an Amended  
Intergovernmental Agreement between the City & County of Denver and Adams  
County regarding development and use of property at  
Denver International Airport.**

Councilmember Nevitt

June 29, 2015

**Councilmembers,**

I move to amend **CB15-0402** as follows:

- 1) On page 3, lines 6 and 7, strike the Clerk File reference “**2015-0264**” and replace with “**2015-0264-A**”.

**PURPOSE OF THE AMENDMENT**

The purpose of amending Council Bill 15-0402 is to reference an updated City Clerk File Number in conjunction with proposed changes to the Amendatory Intergovernmental Agreement with Adams County. After the original filing of the document on June 18, the Adams County jurisdictions requested the following additional clarifications to the document:

- **Notice to the ACC of concessions and leasing activity at DIA.** Denver committed in the Term Sheet to promptly give notice to the Airport Coordinating Committee (ACC) of any new leases and concessions at DIA outside of the Terminal Complex Area.” The definition of Terminal Complex Area is now clarified and illustrated in the Amended IGA.
- **Procedures for approval of bioscience businesses on Development Parcels at DIA.** The IGA limits bioscience businesses at DIA that would be in competition with businesses at the Fitzsimmons medical campus in Aurora, but includes procedures for waiving these restrictions. The IGA has now been revised to clarify the procedures under which the ACC would grant a waiver. Specifically, when the Fitzsimmons Redevelopment Authority has no objection to the location of a bioscience business at DIA, then only a simple majority vote of the ACC will be necessary to approve the waiver.

- ***Enforcement of revenue sharing obligation.*** Additional language emphasizing Denver's obligation to deliver the 50% tax revenue sharing from the Development Parcels was added for more clarity and that the revenue Denver is promising to share will not be diverted for any other purpose.
- ***Rights of Third-Party beneficiaries.*** Under the original 1988 IGA, various provisions granted cities in Adams County special third-party beneficiary status to enforce certain provisions. Specifically, cities with contiguity to DIA (Aurora and Commerce City) were given special rights to enforce the land use provisions governing DIA. The Amendatory IGA has been clarified to ensure that Aurora and Commerce City alone will continue to enjoy this third-party beneficiary status in regard to land use matters.