

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 (the “City”), Party of the First Part, **The MARSHALL RETAIL GROUP, LLC** and **MRG DENVER, LLC**, Nevada limited liability companies authorized to conduct business in the State of Colorado (“Concessionaire”), d/b/a **Flight Stop**, Party of the Second Part (collectively, the “Parties”).

RECITALS

- A. The Parties entered into an agreement dated February 26, 2015 (201416498) for the operation of a concession at Denver International Airport (“Airport” “DIA” or “DEN”), which will expire on December 31, 2022 and is hereafter referred to as the “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 Minor Merchandise Category for PVC purposes was as follows: **Specialty Retail Package**.
- C. On or about October 1, 2015 PVC Rule 45 was amended, which has necessitated a change to certain Minor Merchandise Categories.

NOW, THEREFORE, for the foregoing reasons and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, 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 Airport. 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 Minor Merchandise Category for PVC purposes is hereby changed to the following: **Convenience Retail**.

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: PLANE-201416814-00
Contractor Name: THE MARSHALL RETAIL GROUP, LLC and
MRG DENVER, LLC

THE MARSHALL RETAIL GROUP, LLC

By: 

Name: Michael C. Wilkins
(please print)

Title: CEO
(please print)

ATTEST: [if required]

By: 

Name: Jan Farris
(please print)

Title: Executive Assistant
(please print)




MRG DENVER, LLC

By: 

Name: Michael C. Wilkins
(please print)

Title: CEO
(please print)

ATTEST: [if required]

By: 

Name: Jan Farris
(please print)

Title: Executive Assistant
(please print)



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 _____

