

BY AUTHORITY

ORDINANCE NO. _____

COUNCIL BILL NO. CB12-0271

SERIES OF 2012

COMMITTEE OF REFERENCE:

BUSINESS, WORKFORCE, & SUSTAINABILITY

A BILL

For an ordinance approving a proposed Second Amendment to Cargo Facilities Lease Agreement between the City and County of Denver and Air General, Inc. concerning the operation of a Cargo Facility at Denver International Airport.

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

Section 1. The proposed Second Amendment to Cargo Facilities Lease Agreement between the City and County of Denver and Air General, Inc., in the words and figures contained and set forth in that form of Agreement available in the office and on the web page of City Council, and to be filed in the office of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, under City Clerk's Filing No. 2006-0882-B is hereby approved.

COMMITTEE APPROVAL DATE: April 12, 2012

MAYOR-COUNCIL DATE: April 17, 2012

PASSED BY THE COUNCIL: _____, 2012

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____, 2012

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

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2012; _____, 2012

PREPARED BY: Skip Gray, III, Assistant City Attorney DATE: April 19, 2012

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

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

BY: _____, Assistant City Attorney DATE: April 19, 2012

SECOND AMENDMENT TO CARGO FACILITIES LEASE AGREEMENT

This Second Amendment to Cargo Facilities Lease Agreement is made and entered into as of the date stated on the signature page by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, acting for and on behalf of the Department of Aviation ("the City"), and **AIR GENERAL, INC.**, a corporation organized and existing under and by virtue of the laws of the State of Massachusetts, and authorized to do business in the State of Colorado, hereinafter referred to as the "Lessee", Party of the Second Part.

WHEREAS, the City and Lessee have previously entered into a Cargo Facilities Lease Agreement at Denver International Airport ("DIA"), dated October 10, 2006 and a First Amendment to Cargo Facilities Leas Agreement dated January 12, 2011 (collectively, the "Existing Agreement"); and

WHEREAS, City and Lessee desire to modify the Existing Agreement to extend the term;

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. Subsection (a) of Section 4.01, "TERM OF LEASE," of the Existing Agreement is hereby amended to read as follows:

"(a) 12:00 noon M.S.T. on December 31, 2012; or"

2. Except as otherwise modified or amended herein, all terms and conditions of the Existing Agreement are expressly ratified and revived and shall remain in full force and effect as though set out in full herein.

3. This Second Amendment to Cargo Facilities Lease Agreement, which is expressly subject to and 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, may be signed two or more counterpart, each of which will be deemed an original signature page to this Agreement.

[SIGNATURE PAGES FOLLOW:]

Contract Control Number: PLANE-AR56027-01

Vendor Name: Air General, Inc.

By: 

Name: PAUL SIZELS
(please print)

Title: VICE PRESIDENT, OPERATIONS
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

