

**FIRST AMENDMENT TO CONTRACT**

**THIS FIRST AMENDMENT TO CONTRACT**, is made and entered into as of the date stated on the signature page (“Effective Date”), by and between the CITY AND COUNTY OF DENVER, a municipal corporation of the State of Colorado ("City"), Party of the First Part, and ABX AIR, INC., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and authorized to do business in the State of Colorado (the “Airline”), Party of the Second Part:

**WITNESSETH:**

**WHEREAS**, the City owns and operates Denver International Airport (“DIA” or the “Airport”); and

**WHEREAS**, the City and Airline entered into an Airport Use and Cargo Facilities Lease Agreement, known by contract number AC46003 and dated October 26, 2004 (“Existing Contract”); and

**WHEREAS**, the City now wishes to add additional term to the Existing Contract;

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

1. Article 5.01, “TERM OF AGREEMENT” of the Existing Contract, is hereby entirely deleted and replaced with the following:

The term of this Agreement shall commence on January 1, 2014 and shall terminate on December 31, 2016, unless this Agreement is earlier cancelled, terminated, or extended as hereinafter provided.

2. Except as modified by this First Amendment, all of the terms and conditions of the Existing Contract shall remain in full force and effect.

3. This First Amendment to Contract shall not be effective or binding on the City until approved and fully executed by all signatories of the City and County of Denver.

**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]**

**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-AC46003-01

Contractor Name:

By: John M. Starkovich

Name: JOHN M. STARKOVICH  
(please print)

Title: PRESIDENT ABX AIR, INC.  
(please print)

**ATTEST: [if required]**

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

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

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

