

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2011

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:
4 BUSINESS, WORKFORCE & SUSTAINABILITY

5 A BILL

6 For an ordinance approving a proposed First Amendment to Airport Use and Facilities
7 Lease Agreement between the City and County of Denver and AirTran Airways, Inc.,
8 related to leased space at Denver International Airport.

9
10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** The proposed First Amendment to Airport Use and Facilities Lease Agreement
12 between the City and County of Denver and AirTran Airways, Inc. in the words and figures contained
13 and set forth in that form of the First Amendment to Airport Use and Facilities Lease Agreement, filed
14 in the office of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, on the 7th
15 day of April, 2011, City Clerk's Filing No. 06-390-A is hereby approved.

16
17 COMMITTEE APPROVAL DATE: April 1, 2011

18 MAYOR-COUNCIL DATE: April 5, 2011

19 PASSED BY THE COUNCIL _____ 2011
20 _____ - PRESIDENT

21 APPROVED: _____ - MAYOR _____ 2011

22 ATTEST: _____ - CLERK AND RECORDER,
23 EX-OFFICIO CLERK OF THE
24 CITY AND COUNTY OF DENVER
25

26 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2011 _____ 2011

27
28 PREPARED BY: Helen Eckardt Raabe *[Signature]* DATE: April 7, 2011

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

33
34 David R. Fine, City Attorney

35 BY: _____, _____ City Attorney

36 DATE: April 7, 2011

DU-390-A

**FIRST AMENDMENT TO
AIRPORT USE AND FACILITIES LEASE AGREEMENT**

This First Amendment to Airport Use and Facilities Lease Agreement is made and entered into as of this ____ day of _____, 2011, by and between the City and County of Denver, a municipal corporation of the State of Colorado ("the City"), and AirTran Airways, 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 ("Airline"), Party of the Second Part.

WHEREAS, the City and Airline have previously entered into an Airport Use and Facilities Lease Agreement at Denver International Airport ("DIA"), dated May 30, 2006 ("Existing Agreement");

WHEREAS, City and Airline desire to modify the Existing Agreement to create an amended agreement ("Amended Agreement");

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements, herein contained, City and Airline do hereby mutually undertake, promise and agree, each for itself and its successors, as follows:

1. Exhibit C, attached hereto, is added to the Existing Agreement, effective on the dates specified in the attached Exhibit C.

2. Exhibit D-1, attached hereto, replaces Exhibit D of the Existing Agreement, effective on the dates specified in the attached revised Exhibit D-1.

3. Section 2.01 of the Existing Agreement is replaced by the following:

2.01 DEMISED PREMISES

The City hereby leases to the Airline and the Airline hereby agrees to lease from the City space in the passenger terminal building and concourses at the Airport designated in Exhibit D-1, (which drawings are incorporated herein and made a part hereof by reference) (collectively, the "Demised Premises"). The City and Airline acknowledge and agree that the dimensions of the Demised Premises as set forth in Exhibit D-1 are defined as part of this Agreement. It is acknowledged and agreed that the Demised Premises under this Agreement constitute non-residential real property. Except to the extent required for the performance of the obligations of the Airline hereunder, nothing contained in this Agreement shall grant to the Airline any rights whatsoever in the air space above the Demised Premises except as approved by the City.

4. Paragraph 6.01, "TERM OF AGREEMENT," of the Existing Agreement is deleted in its entirety and replaced with the following:

"The term of this Agreement shall commence on March 1, 2006 and shall terminate on December 31, 2011, unless this Agreement is earlier cancelled, terminated, or extended as hereinafter provided."

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

6. This First Amendment to Airport Use and Facilities Lease Agreement is expressly subject to and shall not be or become effective or binding on the City until approved by the Denver City Council and fully executed by all signatories of the City.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the day and year first above written.

ATTEST:

CITY AND COUNTY OF DENVER

By _____
STEPHANIE Y. O'MALLEY, Clerk
and Recorder, Ex-Officio Clerk of
the City and County of Denver

By _____
Mayor

RECOMMENDED AND APPROVED:

By _____
Manager of Aviation

APPROVED AS TO FORM:

DAVID R. FINE, Attorney for
the City and County of Denver

By _____
Assistant City Attorney

REGISTERED AND COUNTERSIGNED:

By _____
Manager of Finance
Contract Control No. AR 65006 (1)

By _____
Auditor

PARTY OF THE FIRST PART

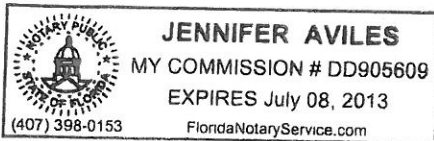
ATTEST:

By Jennifer Aviles

Title _____

AIRTRAN AIRWAYS, INC
By Robert Stal
Title SVP HR & Administration

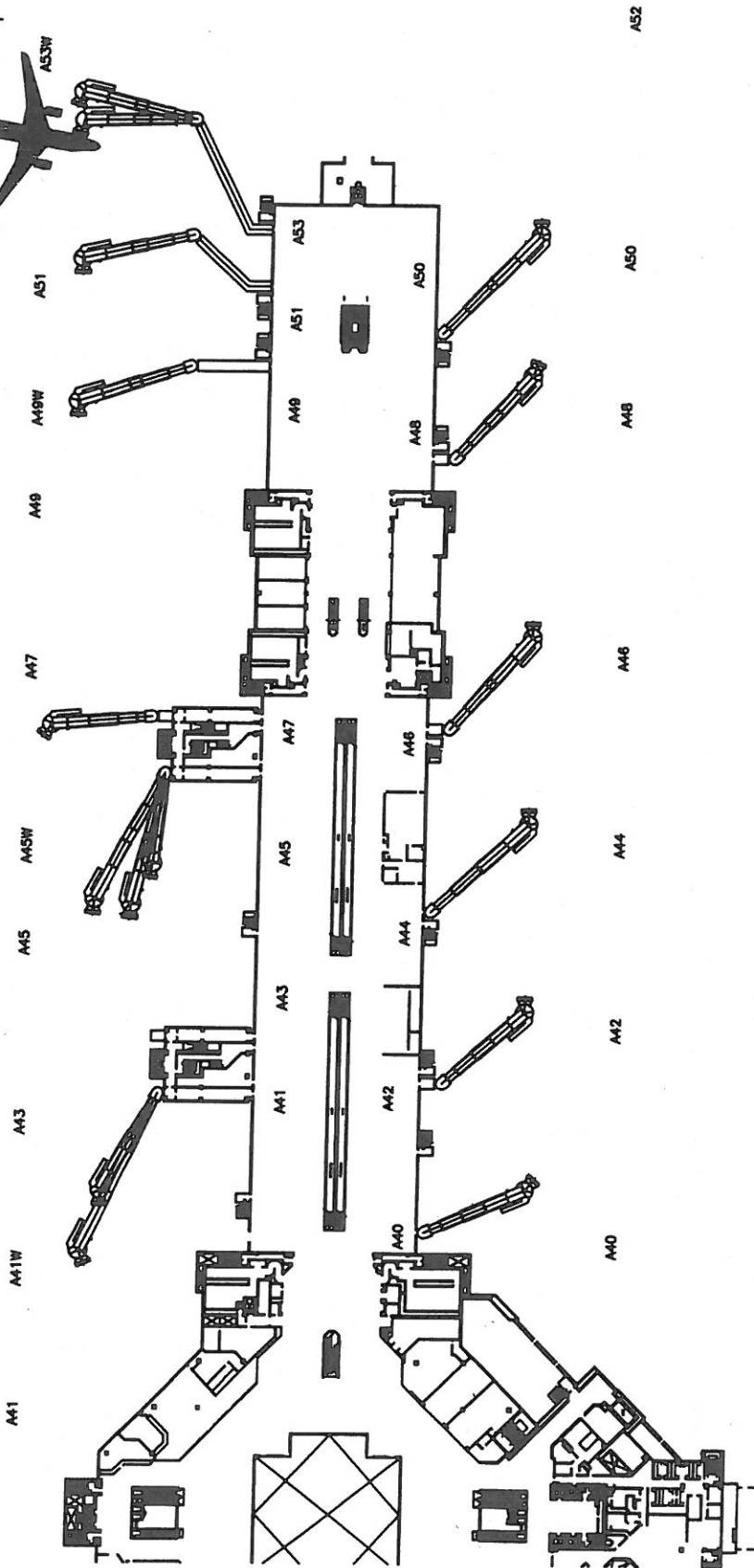
PARTY OF THE SECOND PART



Effective June 1, 2010

AirTran

144.9



SCALE 1" = 120.00'

PREFERENTIAL AIRCRAFT PARKING POSITIONS

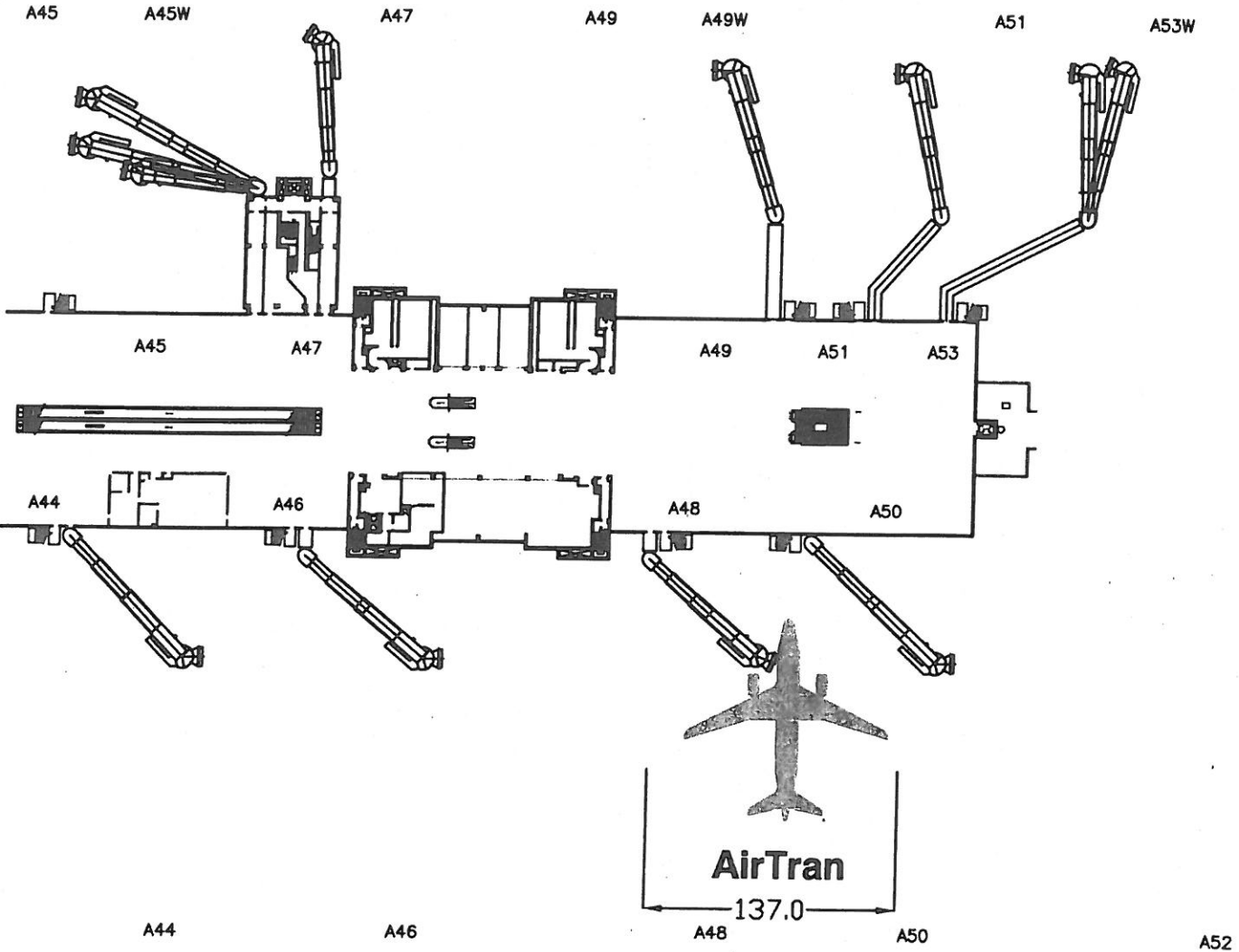


NOTE: This exhibit depicts only square footages of leased area based upon planning data and is not intended to address construction details

REVISED		KEY PLAN CONCOURSE A	DATE: 06/07/10
DENVER INTERNATIONAL AIRPORT		EXHIBIT C	
PARKING POSITIONS		AIRTRAN AIRWAYS	
CC#: ATRA		DATE: 06/07/10	

Frank Young
MANAGER OF DESIGN




Effective August 20, 2008 through May 31, 2010



Richard Horn

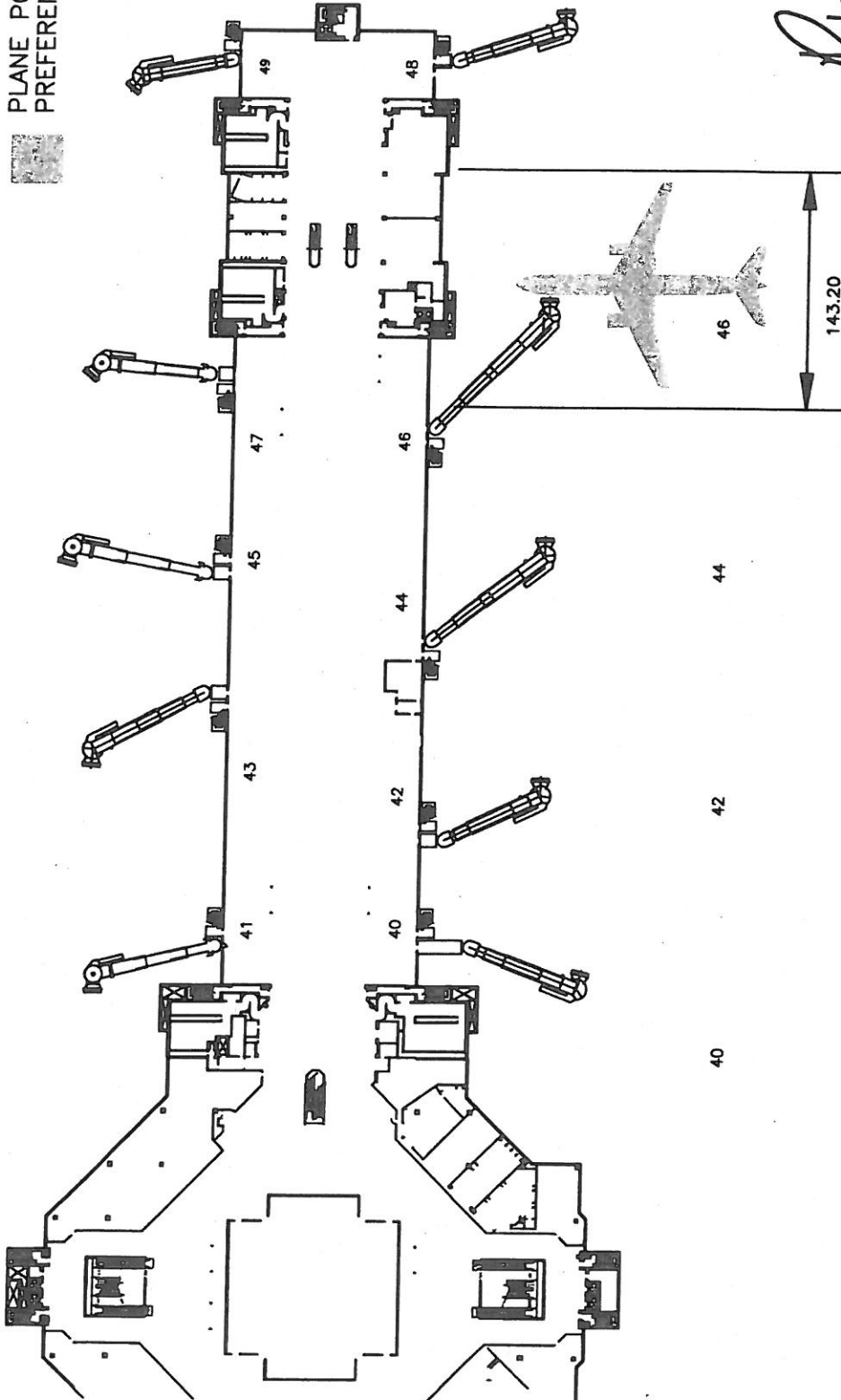
MANAGER OF DESIGN

NOTE: This exhibit depicts only square footage of leased area based upon planning data and is not intended to address construction details.

			REVISED	DENVER INTERNATIONAL AIRPORT
				EXHIBIT C PARKING POSITIONS AIRTRAN AIRWAYS
			CC#: ATRA	DATE: 08/25/08


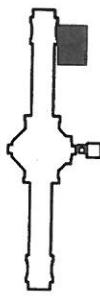
Effective March 19, 2007 through August 19, 2008

PLANE POSITION FOR
PREFERENTIAL USE ONLY



Frank Horn
MANAGER OF DESIGN

NOTE: This exhibit depicts only square footage of leased area based upon planning data and is not intended to address construction details.

 CITY AND COUNTY OF DENVER SEAL	REVISIONS	DENVER INTERNATIONAL AIRPORT
	KEY PLAN CONCOURSE C 	EXHIBIT C AIRTRAN-AIRWAYS GATE_LOCATIONS
	CC#: ATRA	DATE: 3/14/07

Effective June 1, 2010

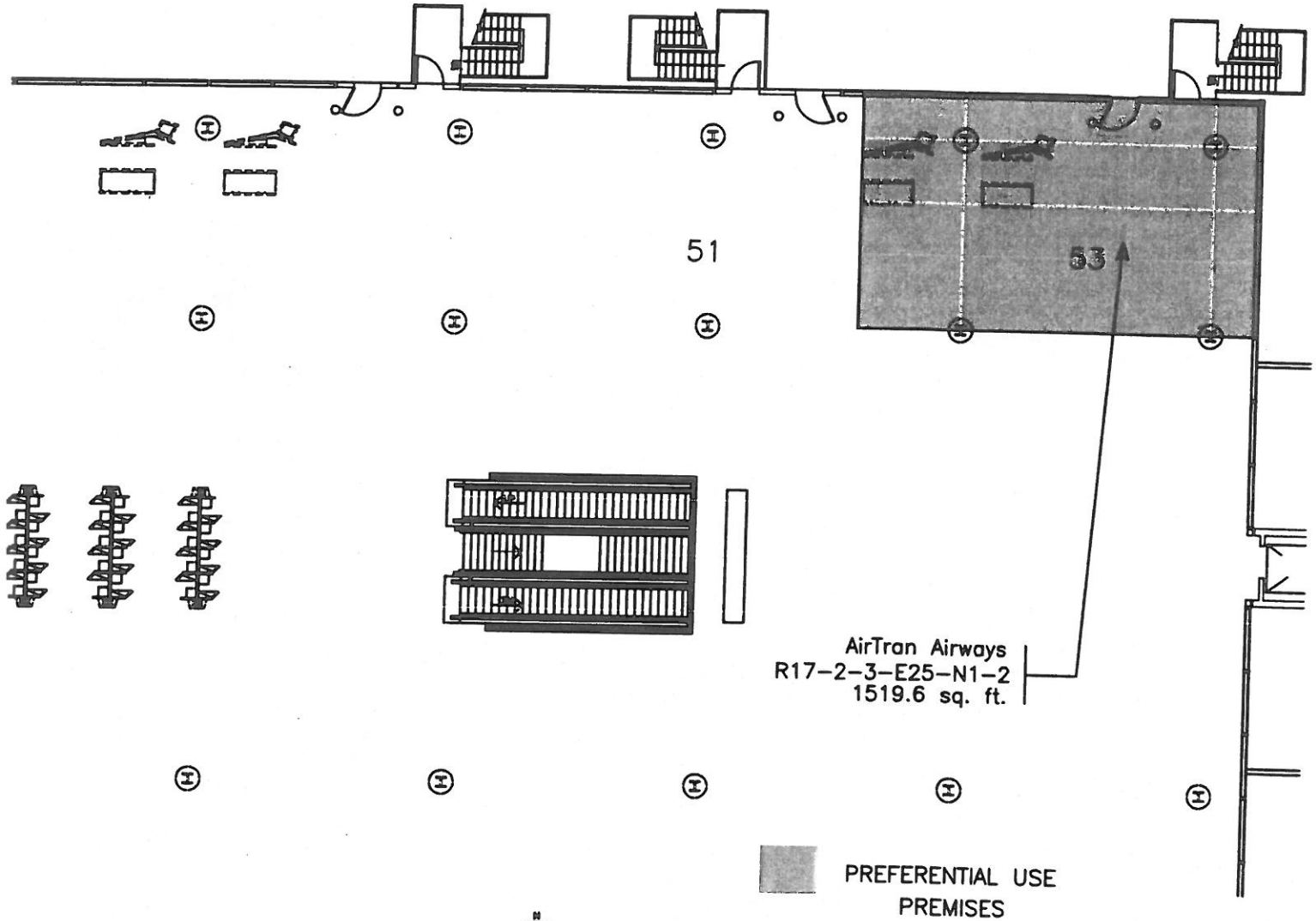
E24

E25

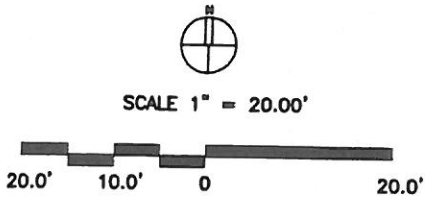
E26

E27

E28



CONC. WALL (BY CITY)
 STRIP/STAIRWAY WALL (BY CITY)
 GLASS WALL (BY CITY)
 TIGHT LEASE LINE
 (H) (I) COLUMNS
 NIC = Not Included
 (In Lease or Sq. Ft. Calc.)

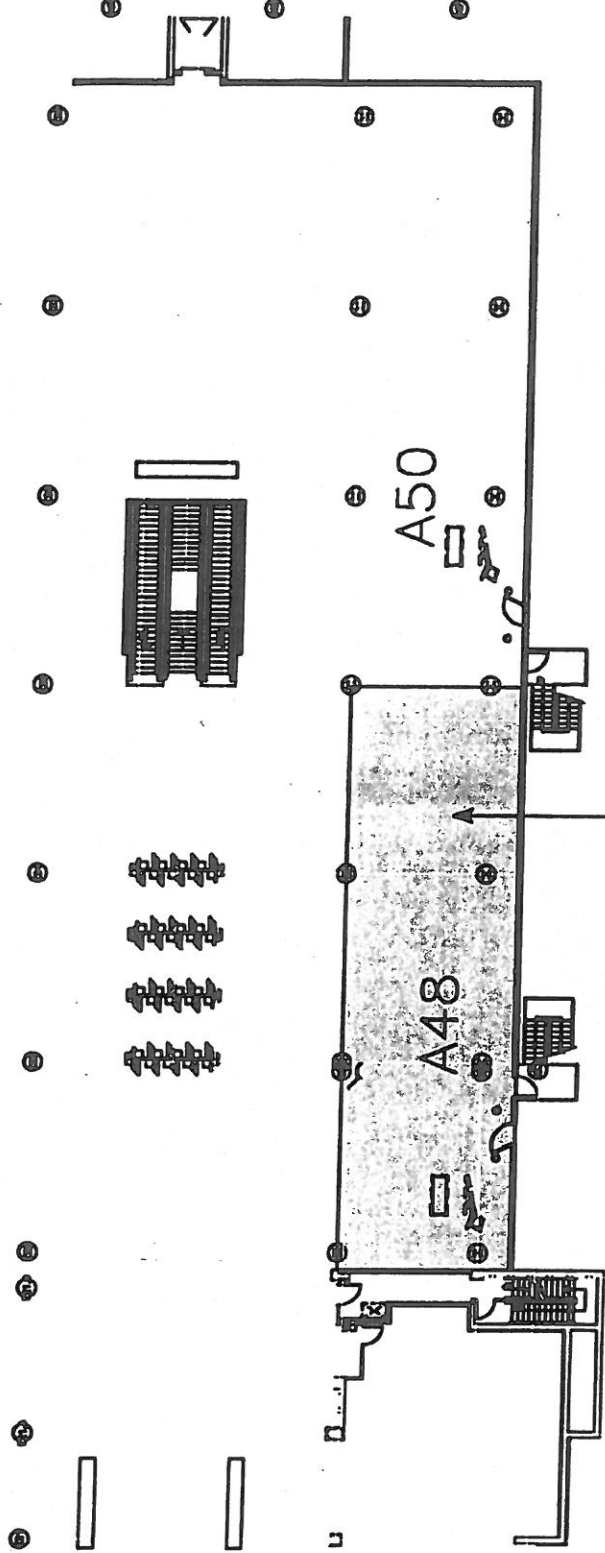


Ronald Horn
 MANAGER OF DESIGN

NOTE: This exhibit depicts only square footage of leased area based upon planning data and is not intended to address construction details.

 KEY PLAN CONCOURSE A		REVISED	DENVER INTERNATIONAL AIRPORT
			EXHIBIT D-1 Concourse A Conc. Level AirTran Airways
		CC#: atra	DATE: 6/07/10

Effective August 20, 2008 through May 31, 2010



PREFERENTIAL USE PREMISES
 AirTran Airways, Inc.
 R17-2-3-E21-S4-1
 2943.5 sq. ft.



SCALE 1" = 30.00'



NOTE: This exhibit depicts only square footage of leased area based upon planning data and is not intended to address construction details.

R. K. Brown
 MANAGER OF DESIGN

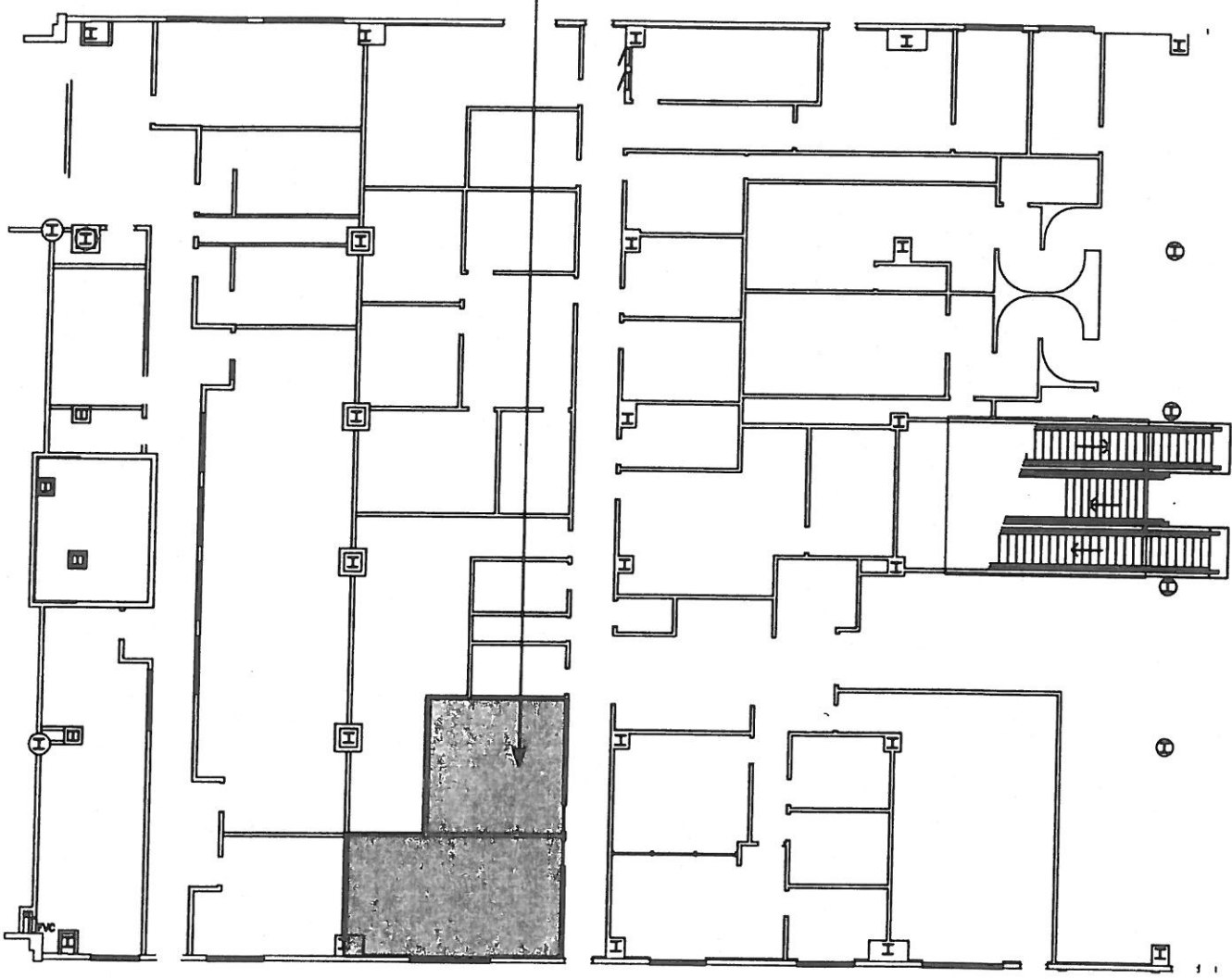
- COLUMNS
- NOT INCLUDED (to locate or fix the wall)
- WALL
- WINDOW
- DOOR
- STAIR
- ELEVATOR
- ESCAPE ROUTE
- SERVICE AREA
- RESTROOM
- VESTIBULE
- CONCOURSE
- AIRTRAN AIRLINES

	DENVER INTERNATIONAL AIRPORT EXHIBIT D-1 Concourse A Conc. Level AirTran Airlines
	CC#: atra DATE: 11-20-06
REVISED 8-20-06	KEY PLAN CONCOURSE A

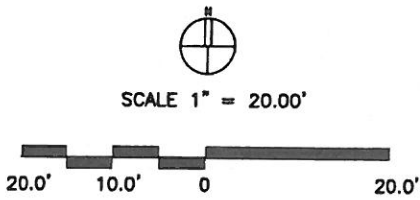
R17-2-3-15-12

Effective August 20, 2008

AirTran Airways, Inc.
 R17-2-2-E23-S4-3
 625.1 sq. ft.



CONC. WALL (BY CITY)
 STUD/SHELF/WALL (BY CITY)
 GLASS WALL (BY CITY)
 TENANT LEASE LINE
 (H) (I) COLLUMS
 NIC = Not Included
 (In Lease or Sq. Ft. Calc.)



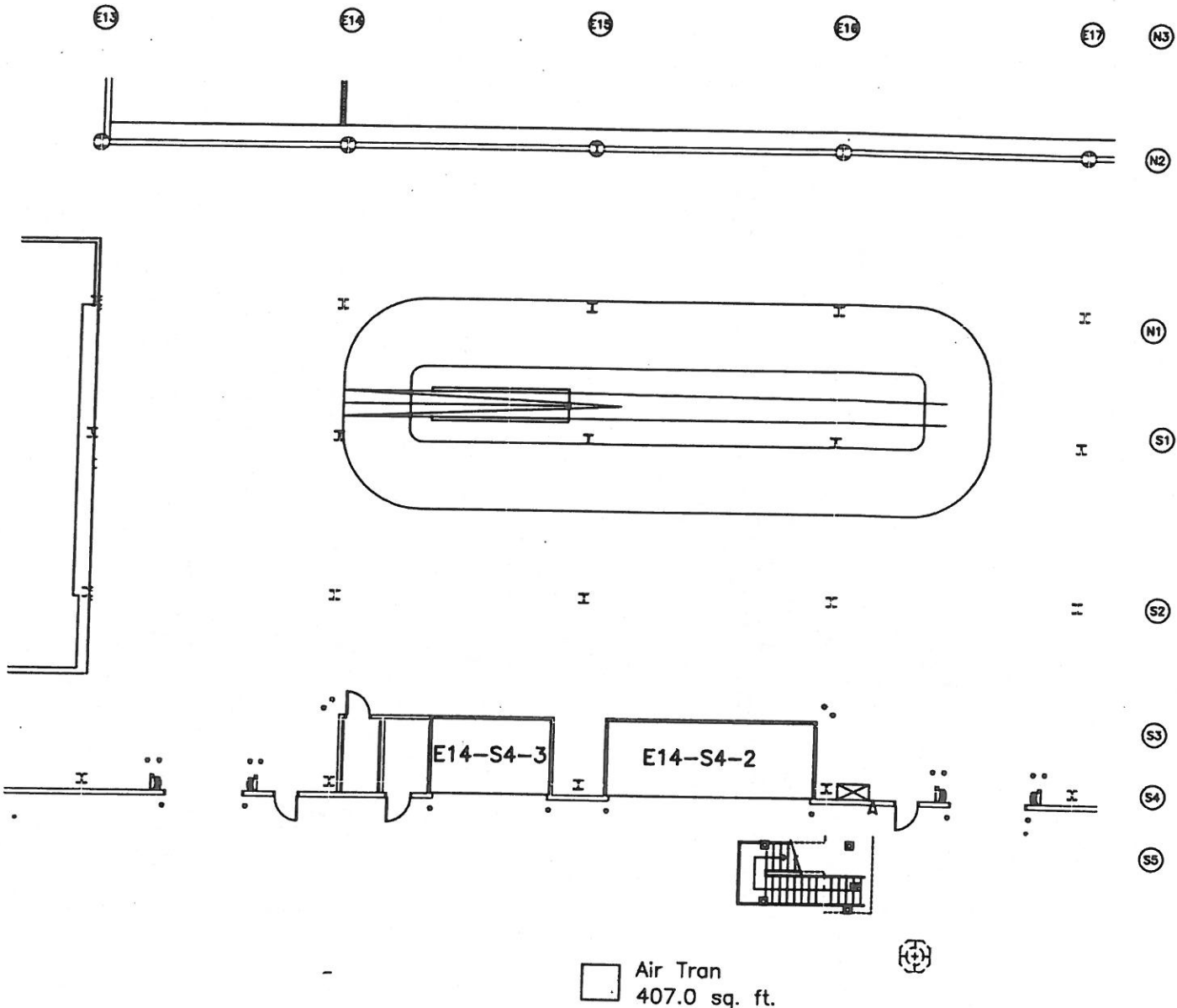
Ronald Horn
 MANAGER OF DESIGN

NOTE: This exhibit depicts only square footage of leased area based upon planning data and is not intended to address construction details.

<p>KEY PLAN CONCOURSE A</p>		REVISED	DENVER INTERNATIONAL AIRPORT
		EXHIBIT D-1 Concourse A Apron Level AirTran Airways, Inc.	
		CC#: fal	DATE: 8/25/05

R17-2-2-15-145

Effective July 1, 2007 through August 19, 2008



CONC. WALL (BY CITY)
 STUD/GYPSUM WALL (BY CITY)
 GLASS WALL (BY CITY)
 TENANT LEASE LINE
 (H) (X) COLLARS
 NIC = Not Included
 (In Lease or Sq. Ft. Calc.)

SCALE 1" = 20.00'



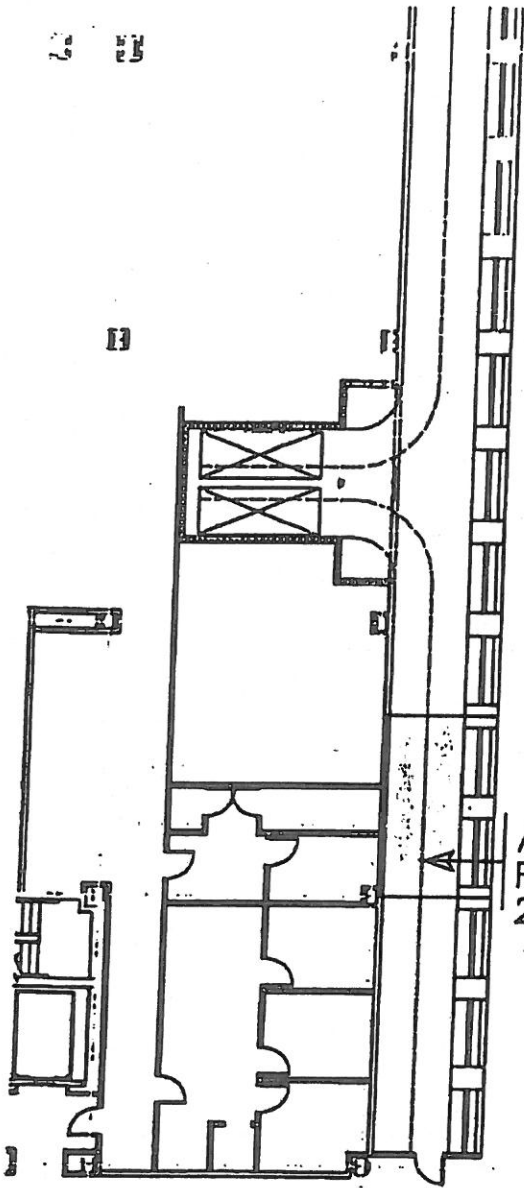
Ronald Horn
 MANAGER OF DESIGN

NOTE: This exhibit depicts only square footage of leased area based upon planning data and is not intended to address construction details.

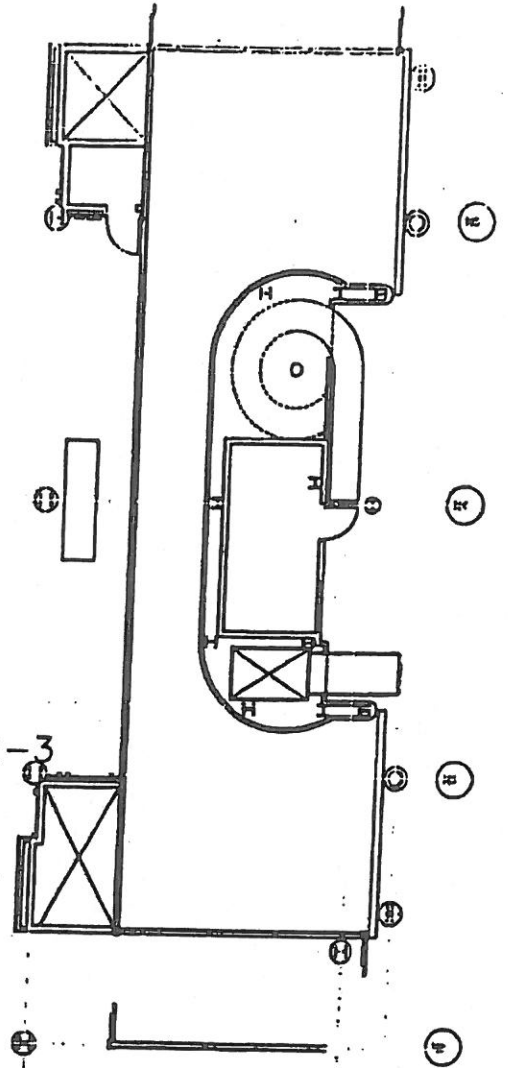
		REVISED	DENVER INTERNATIONAL AIRPORT	
			EXHIBIT D-1 Concourse C Apron Level Air Tran	
		CC#: atra	DATE: 07/10/07	

Effective March 1, 2006
through End of Term

(1) (2) (3)



Air Tran Airways
R16-1-6-E6-N2-3
241.1 sq. ft.



SCALE 1" = 20.00'

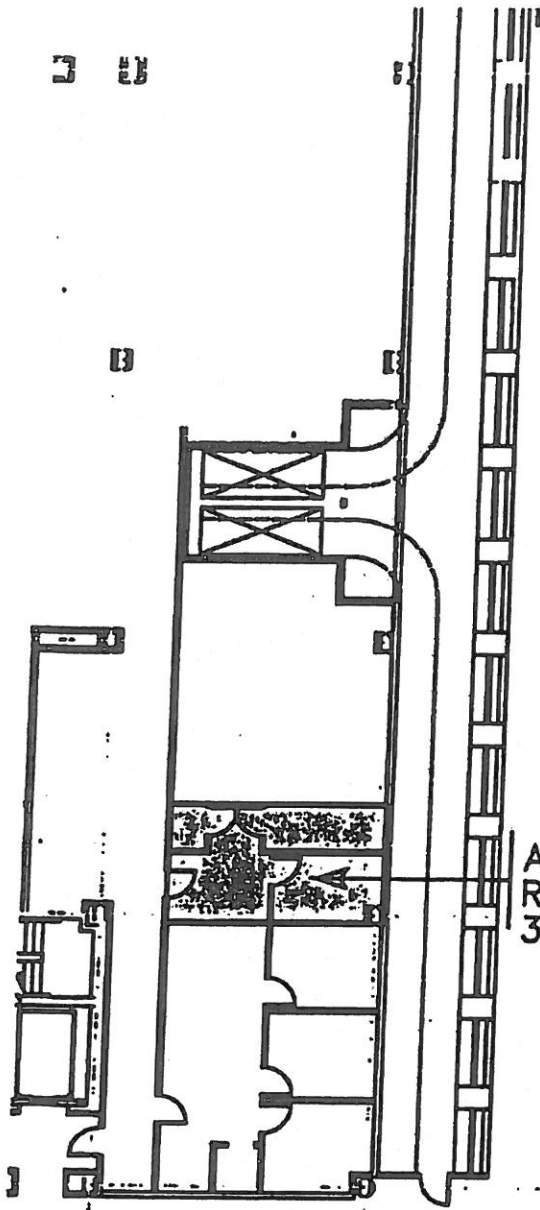
DATE: 1/27/04
 REVISIONS:
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Ronald Horn
 MANAGER OF DESIGN

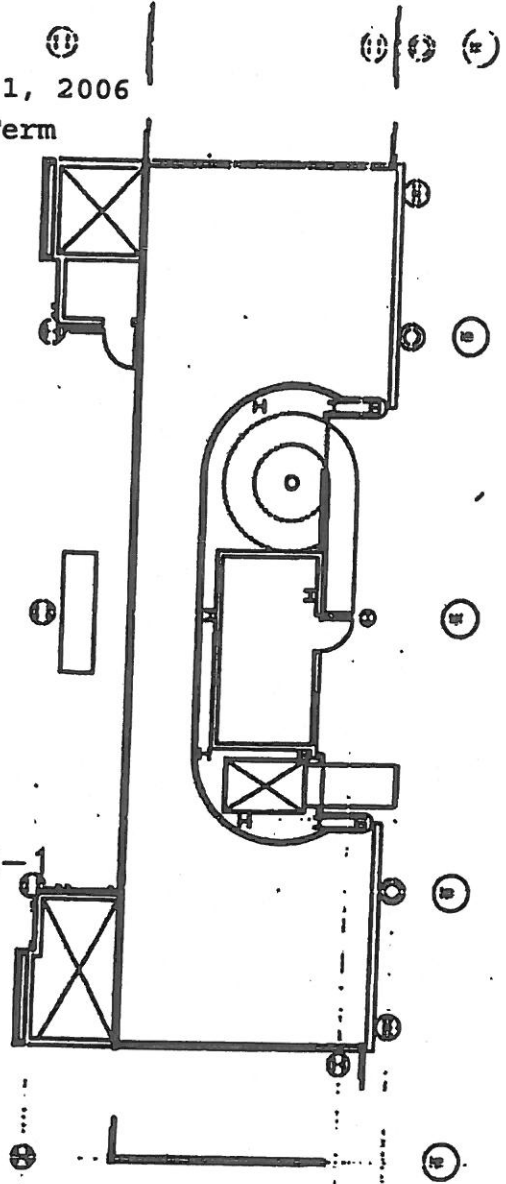
This exhibit depicts only square footage of leased area based upon planning data and is not intended to address construction details.

<p>KEY PLAN TERMINAL AREA</p>		REVISED	DENVER INTERNATIONAL AIRPORT
			EXHIBIT D-1 Terminal Level 6 Air Tran Airways
		CC#: cilr	DATE: 1/27/04

Effective March 1, 2006
through End of Term



Air Tran Airways
R16-1-6-E5-N2-1
313.4 sq. ft.



SCALE 1" = 20.00'

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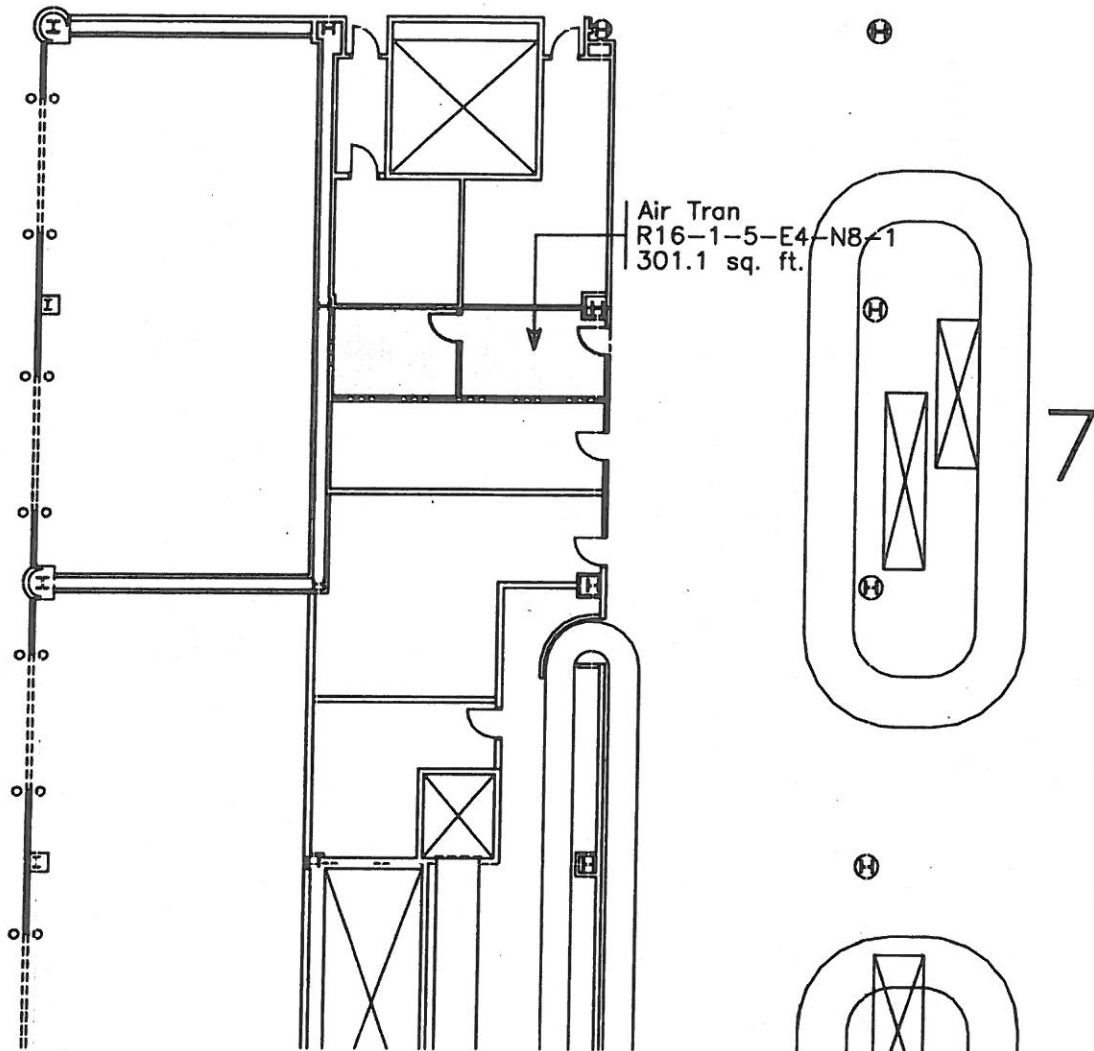
Final Form
MANAGER OF DESIGN

This exhibit depicts only square footage of leased area based upon planning data and is not intended to address construction details.

		REVISED	DENVER INTERNATIONAL AIRPORT
			EXHIBIT D-1 Terminal Level 6 Air Tran Airways
		CC//: oitr	DATE: 1/13/04

Effective May 1, 2006 to End of Term

E2 E2.5 E3 E4 E5 E6 E7



CONC. WALL (BY CITY)
 STUD/UPPER WALL (BY CITY)
 GLASS WALL (BY CITY)
 TENANT LEASE LINE
 (H) (S) columns
 NIC = Not Included
 (In Lease or Sq. Ft. Calc.)

SCALE 1" = 20.00'



Ronald Horn
 MANAGER OF DESIGN

NOTE: This exhibit depicts only square footage of leased area based upon planning data and is not intended to address construction details.

		REVISED	DENVER INTERNATIONAL AIRPORT
			EXHIBIT D-1 Terminal Level 5 Air Tran
		CC#: atra	DATE: 2/9/06