

1 BY AUTHORITY

2 ORDINANCE NO. _____

COUNCIL BILL NO. _____

3 SERIES OF 2010

COMMITTEE OF REFERENCE:

4 BUSINESS, WORKFORCE & SUSTAINABILITY

5 A BILL

6 For an ordinance approving a proposed Fourth Amendment to Airfield Use and Cargo
7 Facilities Lease Agreement between United Parcel Service Co. and the City and County
8 of Denver, 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 Fourth Amendment to Airfield Use and Cargo Facilities Lease
12 Agreement between United Parcel Service Co. and the City and County of Denver, in the words and
13 figures contained and set forth in that form of the Fourth Amendment to Airfield Use and Cargo
14 Facilities Lease Agreement between United Parcel Service Co. and the City and County of Denver,
15 filed in the office of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, on the
16 24th day of November 2010, City Clerk's Filing No. 00-506-D is hereby approved.

17
18 COMMITTEE APPROVAL DATE: November 19, 2010

19 MAYOR-COUNCIL DATE: November 23, 2010

20 PASSED BY THE COUNCIL _____ 2010

21 _____ - PRESIDENT

22 APPROVED: _____ - MAYOR _____ 2010

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

26 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2010 _____ 2010

27
28 PREPARED BY: Lee Marable *LM* DATE: November 24, 2010

29 Pursuant to section 13-12, D.F.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: November 24, 2010

**FOURTH AMENDMENT TO AIRFIELD USE AND CARGO
FACILITIES LEASE AGREEMENT**

THIS FOURTH AMENDMENT TO AIRFIELD USE AND CARGO FACILITIES LEASE AGREEMENT is made and entered into this _____ day of _____, 2010 by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, for and on behalf of its Department of Aviation ("CITY"), Party of the First Part, and **UNITED PARCEL SERVICE CO.**, 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, hereinafter referred to as the "AIRLINE" or "LESSEE", Party of the Second Part.

WHEREAS, the City owns, operates and maintains a municipal airport known as Denver International Airport (the "Airport") and has the power to grant rights and privileges with respect thereto, as hereinafter provided; and

WHEREAS, the Lessee is engaged in the business of transporting property, cargo and mail, or one or more thereof, by aircraft; and

WHEREAS, the City and United Parcel Service, Inc. entered into an Airfield Use and Cargo Facilities Lease Agreement dated July 12, 2000, which was amended March 17, 2003, May 31, 2005, and February 17, 2010 (the "Existing Agreement") for the use and lease of certain premises and facilities at the Airport; and

WHEREAS, the parties now desire to amend the Existing Agreement all as set forth herein;

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

1. Paragraph 5.01, TERM OF LEASE, of the Existing Agreement is hereby amended to read as follows:

"The term of this Agreement shall commence on March 1, 2000 and shall terminate at Noon MST on December 31, 2011, unless this Agreement is earlier cancelled, terminated, or extended as hereinafter provided."

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

3. This Fourth Amendment to Airfield Use And Cargo Facilities Lease Agreement is subject to and shall not be or become effective or binding upon the City and County of Denver until approved by the Denver City Council and fully executed by all the signatories of the City and County of Denver.

00-506-D

SS

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

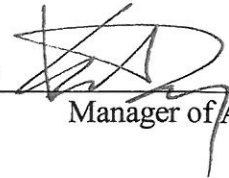
ATTEST:

CITY AND COUNTY OF DENVER

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

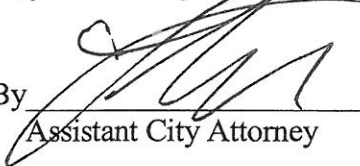
By _____
Mayor

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. AC 05022 (4)


By _____
Auditor

PARTY OF THE FIRST PART

ATTEST:

By  _____
Title AIRPORT PROPERTIES

UNITED PARCEL SERVICE CO.

By  _____
Title VP

PARTY OF THE SECOND PART