

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 Second Amendment to an Airport Use and
7 Facilities Lease Agreement between US Airways, Inc. and the City and County of
8 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 Second Amendment to an Airport Use and Facilities Lease
12 Agreement between US Airways, Inc. and the City and County of Denver, in the words and figures
13 contained and set forth in that form of the Second Amendment to an Airport Use and Facilities Lease
14 Agreement between US Airways, Inc. and the City and County of Denver, filed in the office of the
15 Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, on the 16th day of September
16 2010, City Clerk's Filing No. 05-267-B is hereby approved.

17
18 COMMITTEE APPROVAL DATE: September 10, 2010

19 MAYOR-COUNCIL DATE: September 14, 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; DATE: September 16, 2010

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: September 16, 2010

**SECOND AMENDMENT TO AN AIRPORT USE AND FACILITIES LEASE
AGREEMENT BETWEEN US AIRWAYS, INC. AND THE CITY AND COUNTY OF
DENVER**

THIS SECOND AMENDMENT TO AGREEMENT is made and entered into as of this _____ day of _____, 2010, by and between the City and County of Denver, a municipal corporation of the State of Colorado ("the City"), and US AIRWAYS, INC., a Delaware corporation ("Airline.") Party of the Second Part.

WITNESSETH

WHEREAS, the parties hereto entered into a certain Airport Use and Facilities Lease Agreement dated May 17, 2005, as amended by a First Amendment dated October 16, 2007 (the "Existing Agreement"), under which the City leased certain premises and facilities to the Airline for its use at Denver International Airport ("Airport"); and

WHEREAS, the parties hereto desire to amend the Existing Agreement as hereinafter provided;

NOW, THEREFORE, the Existing Agreement is modified as set forth herein.

1. The attached Exhibit C-2 hereto, replaces the Existing Agreement Exhibit C-1 effective May 1, 2010 in its entirety:
2. Exhibit D-2 and D-3 hereto, replace the Existing Agreement Exhibit D-1 in its entirety as follows:

D-2, Concourse B space is effective May 1, 2010

D-3, Terminal space is effective October 1, 2010

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

5. This Second Amendment to Agreement shall not be effective or binding on the City until approved by the Denver City Council and fully executed by all signatories of the City and County of Denver.

05-207-B

IN WITNESS WHEREOF, the parties hereto have caused this Second Amendment to Agreement 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

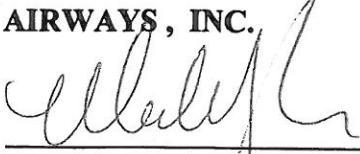
REGISTERED AND COUNTERSIGNED:

By _____
Manager of Finance
Contract Control No. AR 56004(2)

By _____
Auditor

PARTY OF THE FIRST PART

ATTEST:

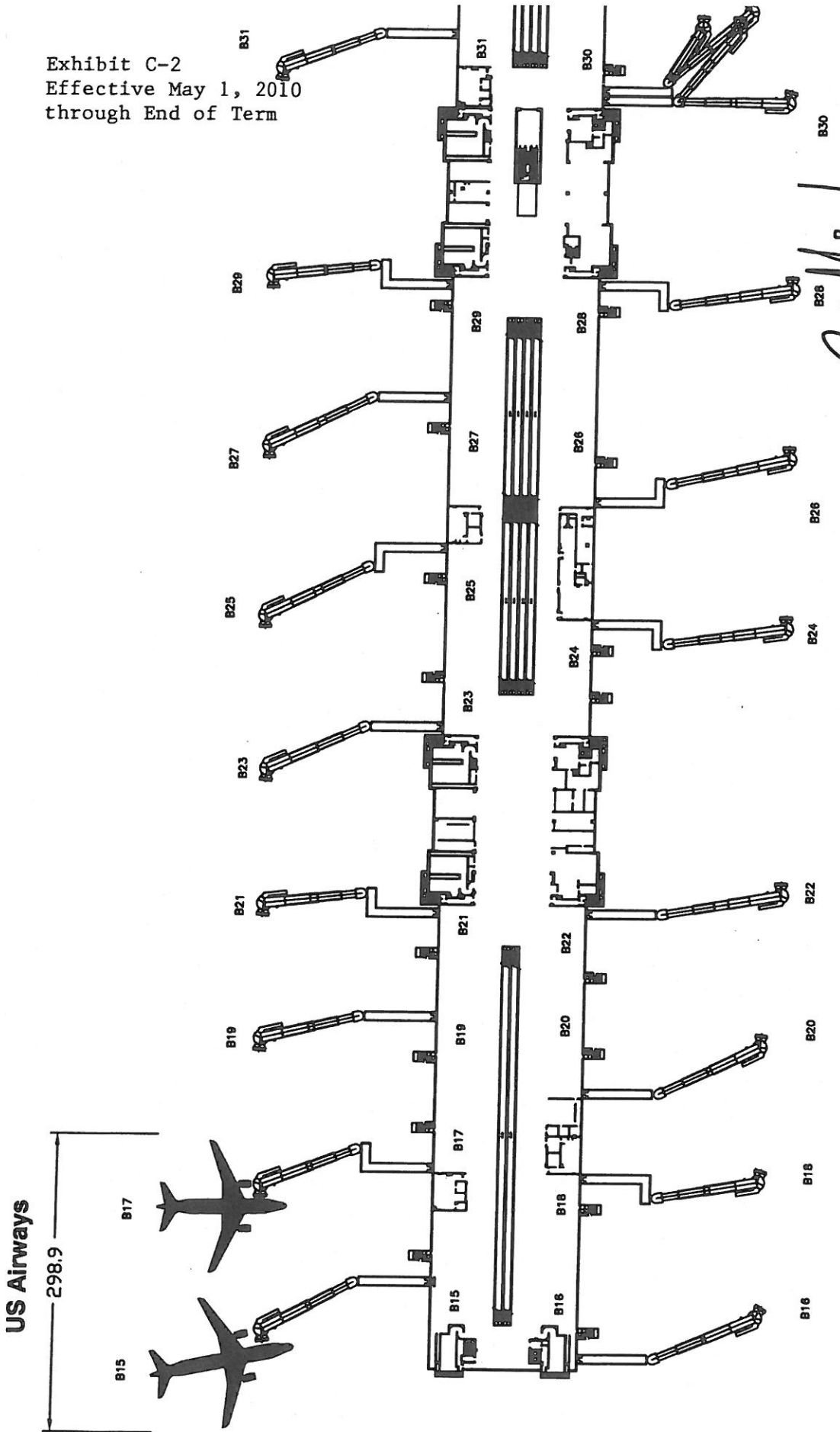
US AIRWAYS, INC.
By  _____

By Caroline B. Ray
Title Corporate Secretary

Title VICE PRESIDENT CORP REAL ESTATE

PARTY OF THE SECOND PART

Exhibit C-2
 Effective May 1, 2010
 through End of Term



PREFERENTIAL AIRCRAFT PARKING POSITIONS



SCALE 1" = 120'

Handwritten signature
 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.


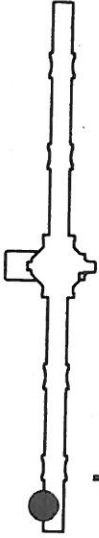
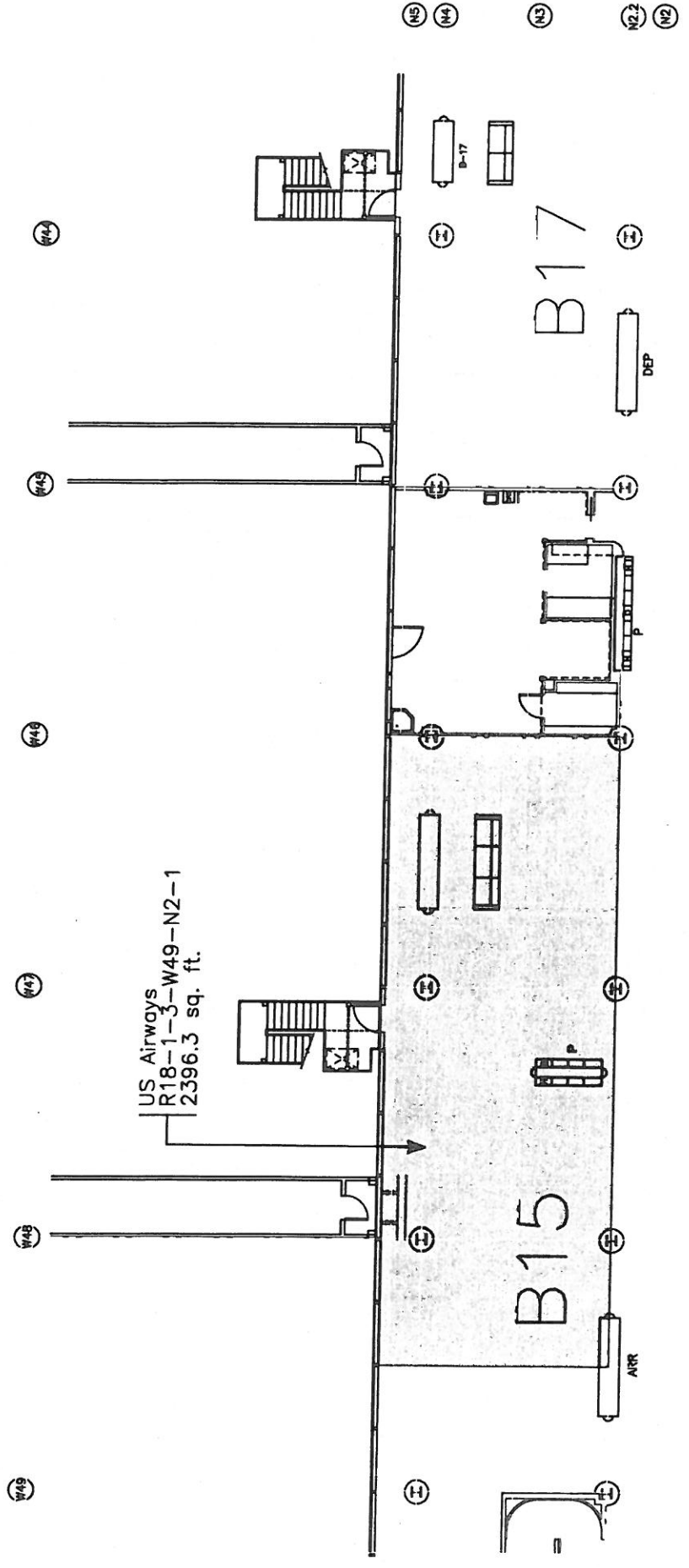
	REVISIONS	DENVER INTERNATIONAL AIRPORT
		EXHIBIT C-2
		PARKING POSITIONS
		US Airways
	CC#: usa	DATE: 03/17/10

Exhibit D-2 - Concourse B Space - Effective May 1, 2010



- CONC. WALL (BY CITY)
- STUD/STAIRS WALL (BY CITY)
- GLASS WALL (BY CITY)
- TOWARD LEASE LINE
- = COLUMN
- NIC = Not Included (in Lease or Sp. Pl. Ord.)



SCALE 1" = 20.00'

20.0' 10.0' 0 20.0'

Final Form

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.

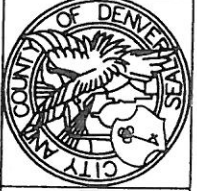
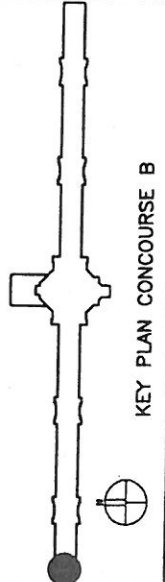
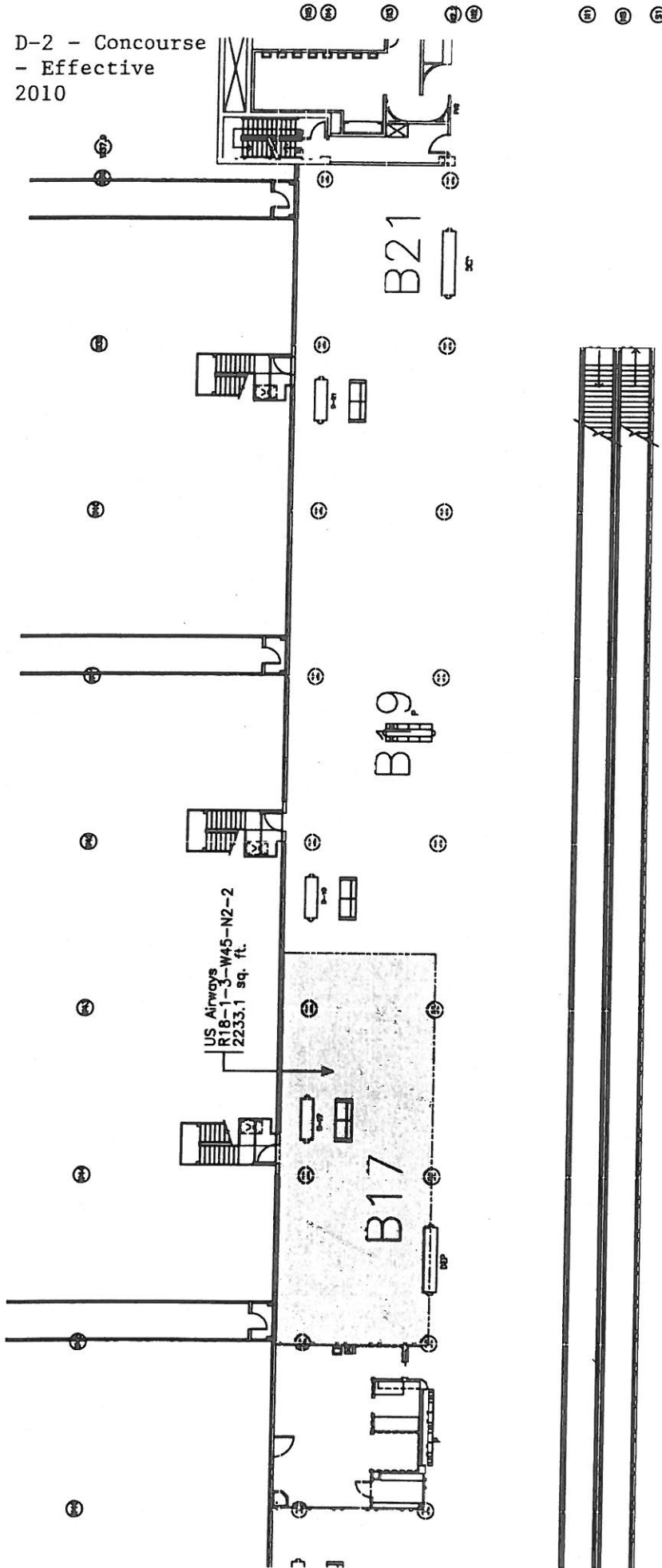
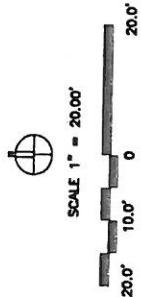
	REVISED	DENVER INTERNATIONAL AIRPORT	DATE: 10/16/09
		EXHIBIT D-2 Concourse B Conc. Level US Airways	CC#: usa

Exhibit D-2 - Concourse
 B Space - Effective
 May 13, 2010



DENVER INTERNATIONAL AIRPORT
 ARCHITECTURAL RECORD DRAWING
 EXHIBIT D-2
 CONTOUR LINE USE
 10' 0" 20' 0" 30' 0" 40' 0" 50' 0" 60' 0" 70' 0" 80' 0" 90' 0" 100' 0" 110' 0" 120' 0" 130' 0" 140' 0" 150' 0" 160' 0" 170' 0" 180' 0" 190' 0" 200' 0"



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

DENVER INTERNATIONAL AIRPORT
 EXHIBIT D-2
 Concourse B Conc. Level
 US Airways
 CCF: use DATE: 10/16/09

Handwritten signature: Frank Horn

MANAGER OF DESIGN

Exhibit D-2 - Concourse B Space - Effective May 1, 2010

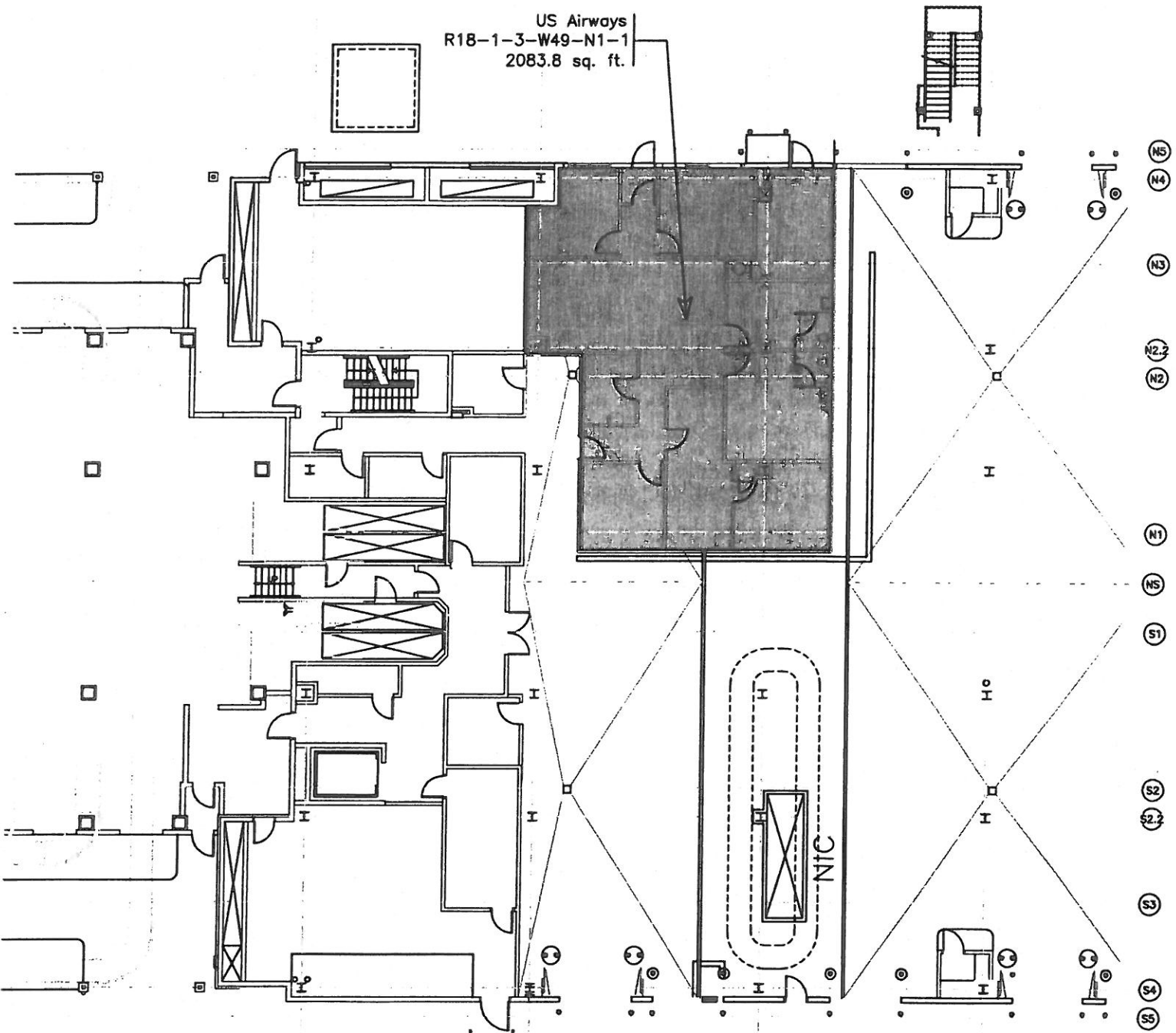
W30

W48

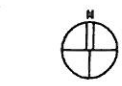
W46

W47

US Airways
R18-1-3-W49-N1-1
2083.8 sq. ft.



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



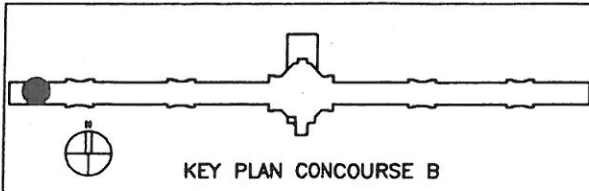
SCALE 1" = 20.00'



Ronald Horn

MANAGER OF DESIGN

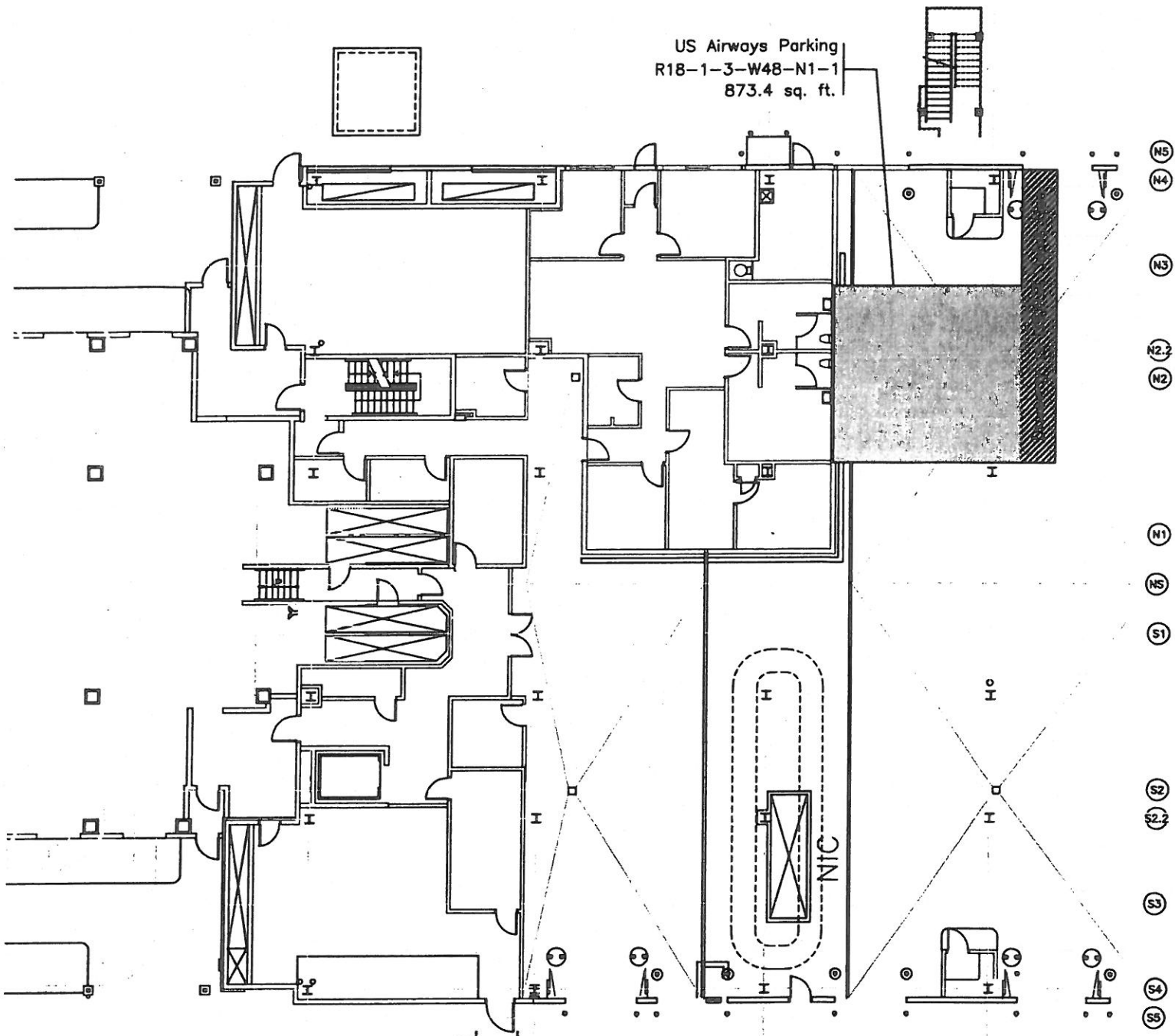
NOTE: This exhibit depicts only square footage of leased area based upon planning data and is not intended to address construction details.



REVISED	DENVER INTERNATIONAL AIRPORT
	EXHIBIT D-2
	Concourse B Apron Level
	US Airways
CC#: usa	DATE: 02/09/10

W50 W49 W48 W47

US Airways Parking
R18-1-3-W48-N1-1
873.4 sq. ft.

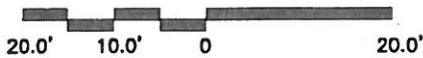


CONC. WALL (BY CITY)
STUD/GYPSUM WALL (BY CITY)
GLASS WALL (BY CITY)
TENANT LEASE LINE

(H) (I) COLUMNS
NIC = Not Included
(In Lease or Sq. Ft. Calc.)



SCALE 1" = 20.00'



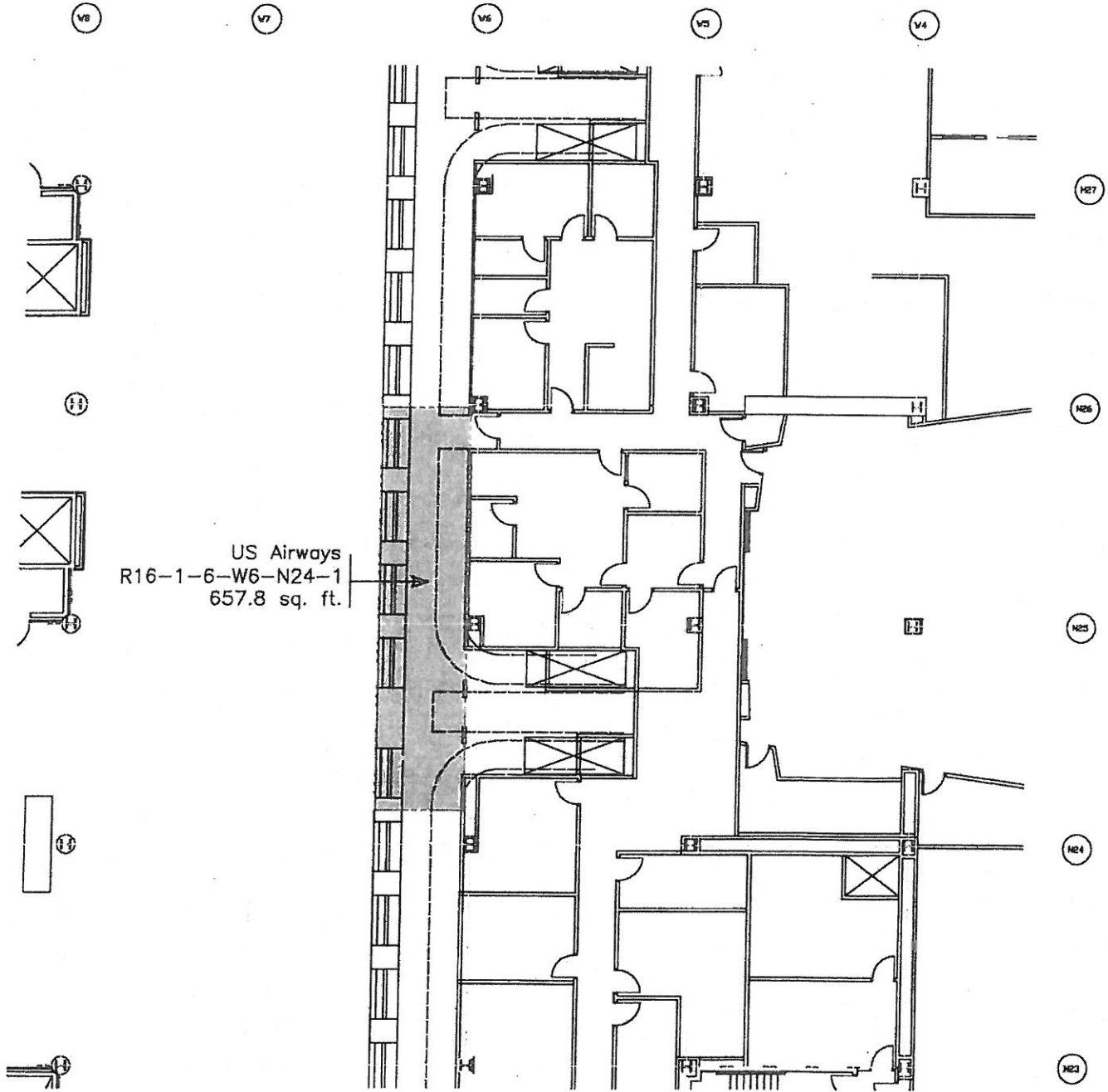
Ronald Horn

MANAGER OF DESIGN

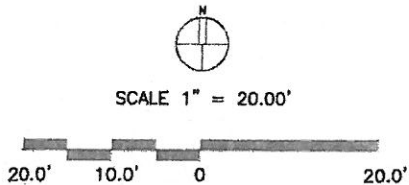
NOTE: This exhibit depicts only square footage of leased area based upon planning data and is not intended to address construction details.

<p>KEY PLAN CONCOURSE B</p>		REVISED	DENVER INTERNATIONAL AIRPORT	
		03/30/10	EXHIBIT D -2 Concourse B Apron Level US Airways	
		CC#: usa	DATE: 03/04/10	

Exhibit D-3 - Terminal Space - Effective October 1, 2010



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

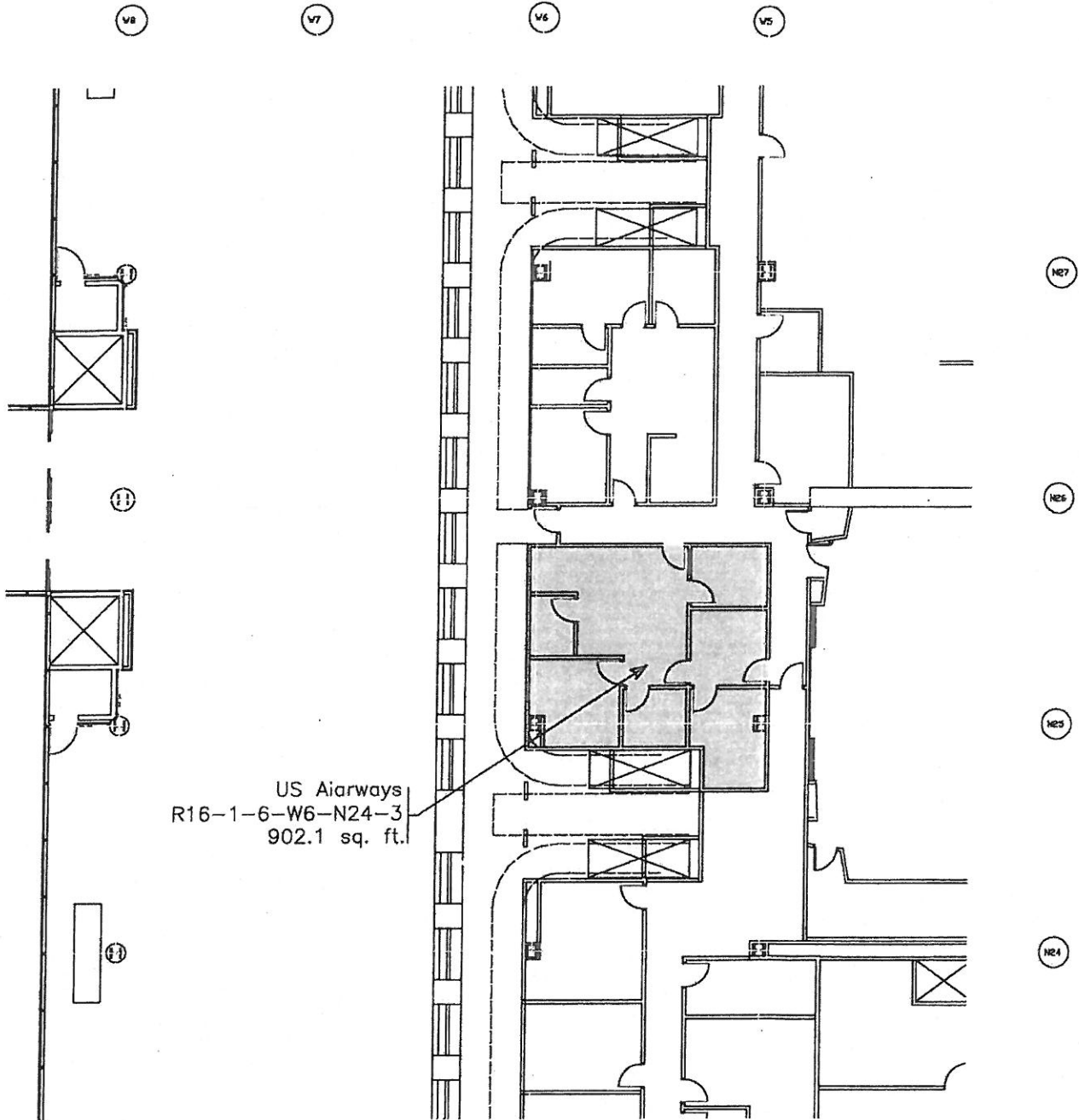


Ronald Horn
 MANAGER OF DESIGN

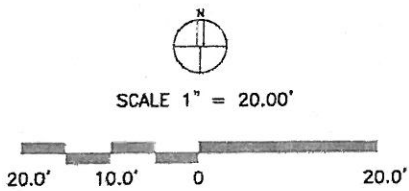
NOTE: This exhibit depicts only square footage of leased area based upon planning data and is not intended to address construction details.

<p>KEY PLAN TERMINAL AREA</p>		REVISED	DENVER INTERNATIONAL AIRPORT EXHIBIT D-3 Terminal Level 6 US Airways
		10/25/04	
		10/12/09	DATE: 3/13/93
		03/08/10	

Exhibit D-3 - Terminal Space - Effective October 1, 2010



US Airways
R16-1-6-W6-N24-3
902.1 sq. ft.



CONC. WALL (BY CITY)
 STUD/GYPSUM WALL (BY CITY)
 GLASS WALL (BY CITY)
 TENANT LEASE LINE
 (H) (X) 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.

<p>KEY PLAN TERMINAL AREA</p>		REVISED	DENVER INTERNATIONAL AIRPORT	
		10/25/04	EXHIBIT D -3	
		10/12/09	Terminal Level 6	
			US Airways	
			CC#: usa	DATE: 3/15/93

R16-1-6-15-18

Exhibit D-3 - Terminal Space - Effective October 1, 2010

VS

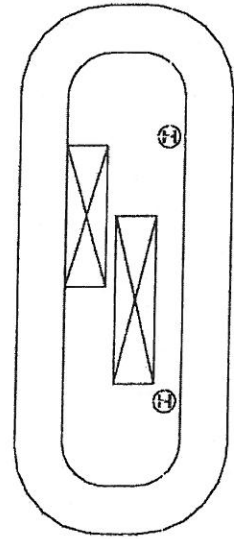
VS

V4

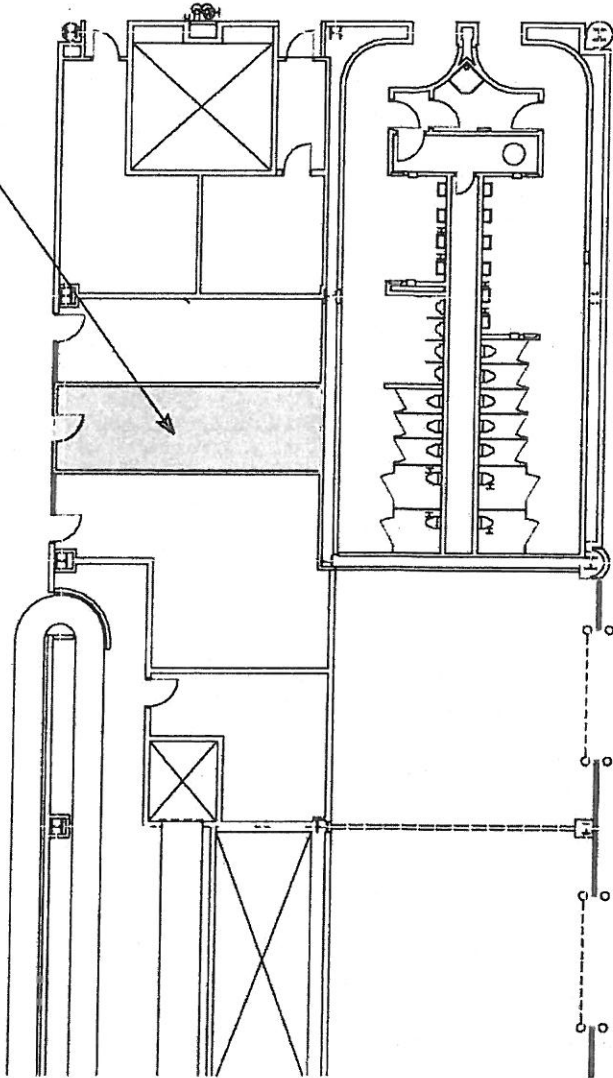
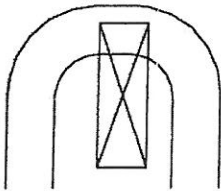
VS

19

US Airways
R16-1-5-W5-N28-1
301.2 sq. ft.



18



N20

N29

N26

N27

- CONC. WALL (BY CITY)
- STUD/GYPSUM WALL (BY CITY)
- GLASS WALL (BY CITY)
- TENANT LEASE LINE
- ⊕ □ COLUMNS
- NIC = Not Included
(In Lease or Sq. Ft. Calc.)



SCALE 1" = 20.00'



Final Form
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 TERMINAL AREA</p>		REVISED	DENVER INTERNATIONAL AIRPORT EXHIBIT D-3 Terminal Level 5 US Airways
		1/25/00	
		10/12/09	DATE: 3/12/93

R16-1-5-15-7