

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 SkyWest Airlines, 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 SkyWest Airlines, 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. 05-872-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 ~~DATE~~ 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



**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 **SKYWEST AIRLINES, INC.**, a corporation organized and existing under and by virtue of the laws of the State of Utah, and authorized to do business in the State of Colorado ("Airline").

**WHEREAS**, the City and Airline have previously entered into an Airport Use and Facilities Lease Agreement at Denver International Airport ("DIA"), dated November 8, 2005 ("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. 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 October 1, 2005 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 terms and conditions of the Existing Agreement shall remain in full force and effect as though set out in full herein.

3. 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]

05-872-A



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

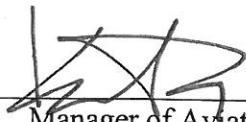
ATTEST:

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

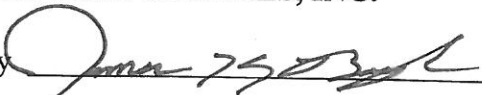
REGISTERED AND COUNTERSIGNED:

By \_\_\_\_\_  
Manager of Finance  
Contract Control No. AR 56010 (1)

By \_\_\_\_\_  
Auditor

PARTY OF THE FIRST PART

SKYWEST AIRLINES, INC.

By  \_\_\_\_\_  
Title V.P. CUSTOMER SERVICE

PARTY OF THE SECOND PART

ATTEST:

By  \_\_\_\_\_

Title MANAGER AIRPORT AFFAIRS

