

## SECOND AMENDMENT TO AIRPORT USE AND LEASE AGREEMENT

**THIS SECOND AMENDMENT TO THE AIRPORT USE AND LEASE AGREEMENT** is made and entered into as of the date stated on the City's signature page below, by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, on behalf of its Department of Aviation (the "**City**") and **AEROVIAS DE MEXICO, S.A. DE C.V., DBA AEROMEXICO**, a corporation organized and existing under and by virtue of the laws of Mexico and authorized to do business in the State of Colorado (the "**Airline**") (collectively, the "**Parties**").

### WITNESSETH

**WHEREAS**, the City owns and operates Denver International Airport ("**DEN**" or the "**Airport**"); and

**WHEREAS**, the Parties hereto entered into a certain Use and Lease Agreement, which was effective December 2, 2020, (Contract No. 202055425) and a First Amendment, effective June 24, 2021 (Contract No. 202158319-01) together (the "**Existing Agreement**"), under which the Airline and the City agree to the terms of the Airline's use and lease of certain premises and facilities at the Airport; and

**WHEREAS**, with this Amendment, the Airline now wishes to return certain space on apron level of Concourse A and add space on level 5 of the Terminal to the Existing Agreement to support Airline's flight operations; and

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

1. **Exhibit D**, depicting "Demised Premises" as defined in the Existing Agreement, shall be deleted in its entirety and replaced with the new **Exhibit D**, depicting 250 square feet of Aeromexico's office space located in the Terminal, attached hereto.

2. Section 12, Article 12.09, named "Notices", is hereby partially amended to read as follows:

"B. All notices required to be given to the Airline hereunder shall be in writing and shall be sent by certified mail, return receipt requested, addressed to:

Aerovias de Mexico, S.A. de C.V., dba Aeromexico  
Paseo de la Reforma 243, 25<sup>th</sup> Floor  
Cuauhtémoc, Mexico City, C.P. 06500  
Contact Name: Paulina Martinez Baires  
Phone: (832) 716-2680  
Email: [pmartinezb@aeromexico.com](mailto:pmartinezb@aeromexico.com)

With a copy to:

Legal Department  
Paseo de la Reforma 243, 25<sup>th</sup> Floor  
Cuauhtémoc, Mexico City, C.P. 06500  
Email: [amlegal@aeromexico.com](mailto:amlegal@aeromexico.com)

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

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

**[SIGNATURE PAGES FOLLOW]**

**Contract Control Number:** PLANE-202266117-02  
**Contractor Name:** AEROVIAS DE MEXICO SA DE CV

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:**

Attorney for the City and County of Denver

By:

By:

\_\_\_\_\_

\_\_\_\_\_

By:

\_\_\_\_\_

**Contract Control Number:**  
**Contractor Name:**

PLANE-202266117-02  
AEROVIAS DE MEXICO SA DE CV

By: DocuSigned by:  
*Daniel Martinez*  
99AB2BA9EEA5417...

Name: Daniel Martinez  
(please print)

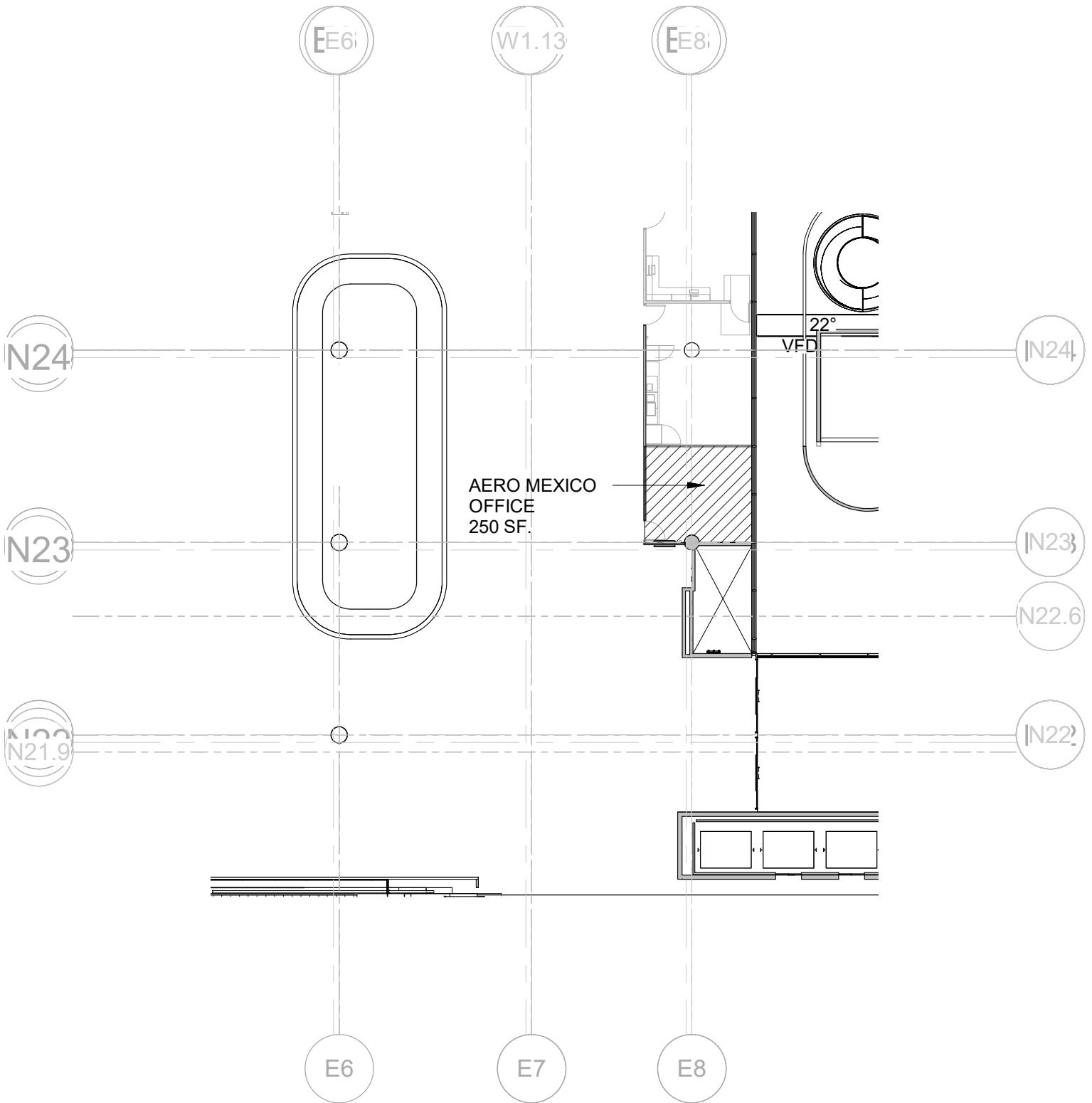
Title: DIRECTOR LEGAL CORPORATIVO  
(please print)

ATTEST: [if required]

By: DocuSigned by:  
*Ivette Lizaso*  
B50C22285A3F46D...

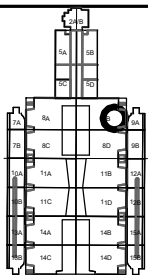
Name: IVETTE LIZASO  
(please print)

Title: DIRECTOR INTERNATIONAL AIRPORTS  
(please print)



DEN Planning and Design

NOTE: THIS EXHIBIT SHOWS DIMENSIONS AND SQUARE FOOTAGE OF LEASED AREA BASED UPON PLANNING DATA AND IS NOT INTENDED TO DEPICT DIMENSIONS FOR CONSTRUCTION DETAILS. IT IS THE RESPONSIBILITY OF THE LEASEE TO FIELD VERIFY EXISTING CONDITIONS. ADDITIONALLY, IT IS THE RESPONSIBILITY OF THE LEASEE AND DESIGNERS OF RECORD TO FOLLOW ALL APPLICABLE BUILDING CODES AND REQUIREMENTS.



DENVER INTERNATIONAL AIRPORT	
EXHIBIT D R16-1-5-E7-N23	
TML L5 AERO MEXICO OFFICE LEASE	
LXD L5M1E	DATE: 10/04/22
	Scale: 3/64" = 1'-0"