

## SECOND AMENDMENT TO AGREEMENT

**THIS SECOND AMENDMENT TO THE AIRPORT USE AND LEASE AGREEMENT (“Second Amendment”)** is made and entered into on the date of the City’s signature page 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 **DELTA AIR LINES, INC.**, a corporation organized and existing under and by the virtue of the laws of the State of Delaware, and authorized to do business in the State of Colorado (the “**Airline**”).

### **WITNESSETH:**

**WHEREAS**, the parties entered into a Use and Lease Agreement dated February 15, 2013, and a First Amendment dated June 28, 2016, known by contract number 201205588, under which the Airline and the City agreed to the terms of the Airline's use and lease of certain premises and facilities at the Airport (the “**Agreement**”); and

**WHEREAS**, the purpose of this Amendment is to temporarily relocate the Airlines ticket counter during the construction phase of the Great Hall Project; and

**WHEREAS**, on December 1, 2017, Delta was provided a Notice of Demised Premises Reassignment by DEN, which required Delta to relocate certain ticket counters and Airline terminal offices;

**NOW, THEREFORE**, for and in consideration of the premises and other good and valuable consideration, the sufficiency of which is acknowledged, the parties hereto agree as follows:

1. The Exhibit D attached to the Agreement is hereby deleted and replaced by the Exhibit D attached to this Second Amendment; such attachment is incorporated into the Agreement by this reference.

2. The following is added to the Agreement as Section 10.25:

#### **10.25. PAYMENT OF MINIMUM WAGE**

Airline shall comply with, and agrees to be bound by, all requirements, conditions, and City determinations regarding the City’s Minimum Wage Ordinance, Sections 20-82 through 20-84 D.R.M.C., including, but not limited to, the requirement that every covered worker shall be paid no less than the City Minimum Wage in accordance with the foregoing D.R.M.C. Sections. By executing this Agreement, Airline expressly acknowledges that Airline is aware of the requirements of the City’s Minimum Wage Ordinance and that any failure by Airline, or any other individual or entity acting subject to this Agreement, to strictly comply with the foregoing D.R.M.C. Sections shall result in the penalties and other remedies authorized therein.

3. Except as otherwise provided 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 here and are hereby ratified and reaffirmed.

4. This Second Amendment to the Agreement shall not become effective or binding on the City until it is approved by the City Council if so required by the City's Charter, and it is fully executed by all signatories of the City and County of Denver.

**[SIGNATURE PAGES AND EXHIBIT FOLLOW]**

**Contract Control Number:**

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:

By \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_



**Contract Control Number:** PLANE-201205588-02

**Contractor Name:** Delta Air Lines, Inc.

By: Hank Moody

Name: HANK MOODY  
(please print)

Title: GM - CRE  
(please print)

**ATTEST: [if required]**

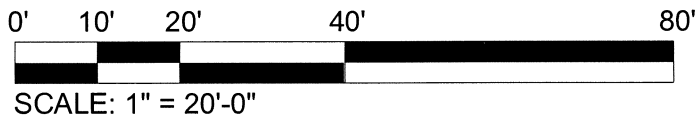
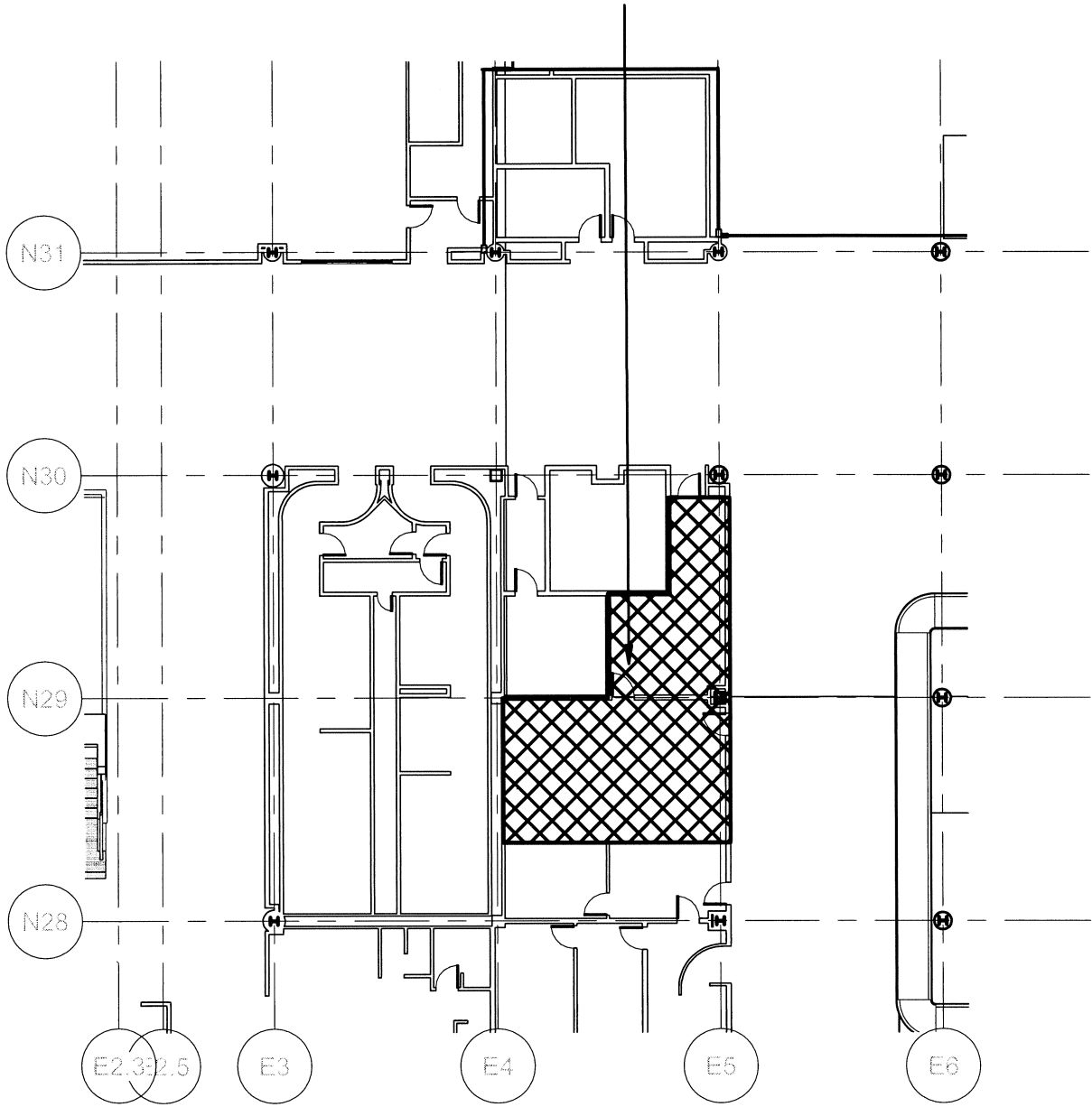
By: \_\_\_\_\_

Name: \_\_\_\_\_  
(please print)

Title: \_\_\_\_\_  
(please print)



**DELTA AIRLINES BSO 1**  
**935 SF**

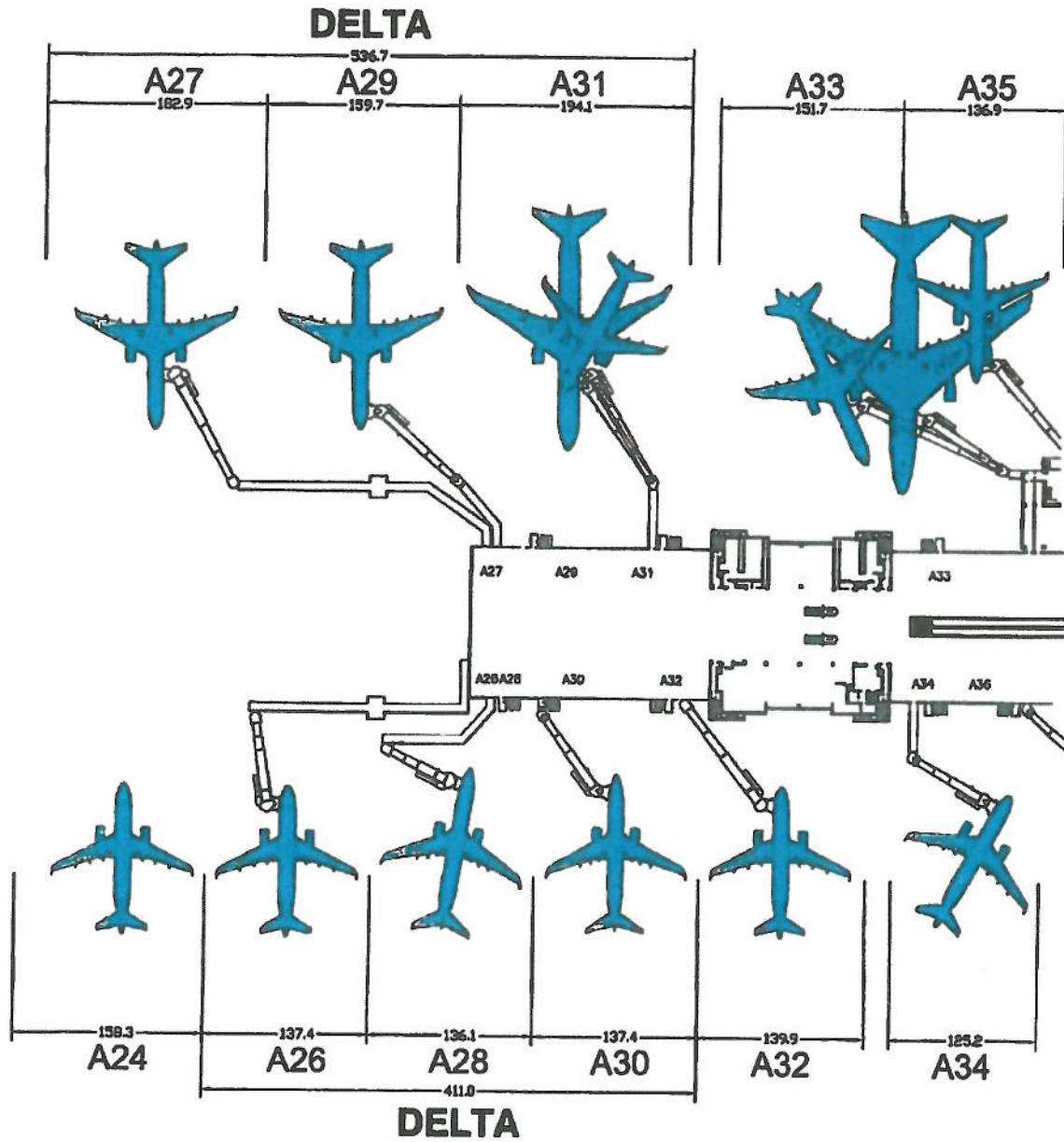


NOTE: THIS EXHIBIT SHOWS DIMENSIONS AND SQUARE FOOTAGE OF LEASED AREA BASED UPON PLANNING DATA AND IS NOT INTENDED TO DEPICT DIMENSIONS FOR CONSTRUCTION DETAILS. IT IS THE RESPONSIBILITY OF THE LEASEE TO FIELD VERIFY EXISTING CONDITIONS. ADDITIONALLY, IT IS THE RESPONSIBILITY OF THE LEASEE AND DESIGNERS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

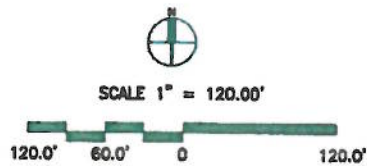
*[Signature]*  
 DEN Planning and Design

<p><b>KEY PLAN TERMINAL</b></p> <p>TML-05</p>	<table border="1" style="width: 100%; text-align: center; border-collapse: collapse;"> <tr> <td>7W</td> <td>8W</td> <td style="background-color: black; color: white;">8E</td> <td>9E</td> </tr> <tr> <td>10W</td> <td>11W</td> <td>11E</td> <td>12E</td> </tr> <tr> <td>13W</td> <td>14W</td> <td>14E</td> <td>15E</td> </tr> <tr> <td>16W</td> <td>17W</td> <td>17E</td> <td>18E</td> </tr> </table>	7W	8W	8E	9E	10W	11W	11E	12E	13W	14W	14E	15E	16W	17W	17E	18E	<p><b>DEN</b></p>	<p><b>DENVER INTERNATIONAL AIRPORT</b></p> <p><b>EXHIBIT</b>                  S-17-1-5                  DELTA AIRLINES BSO</p> <p>CC#: _____ DATE: 08/30/19</p>
7W	8W	8E	9E																
10W	11W	11E	12E																
13W	14W	14E	15E																
16W	17W	17E	18E																





□ PLANE POSITIONS FOR PREFERENTIAL USE ONLY

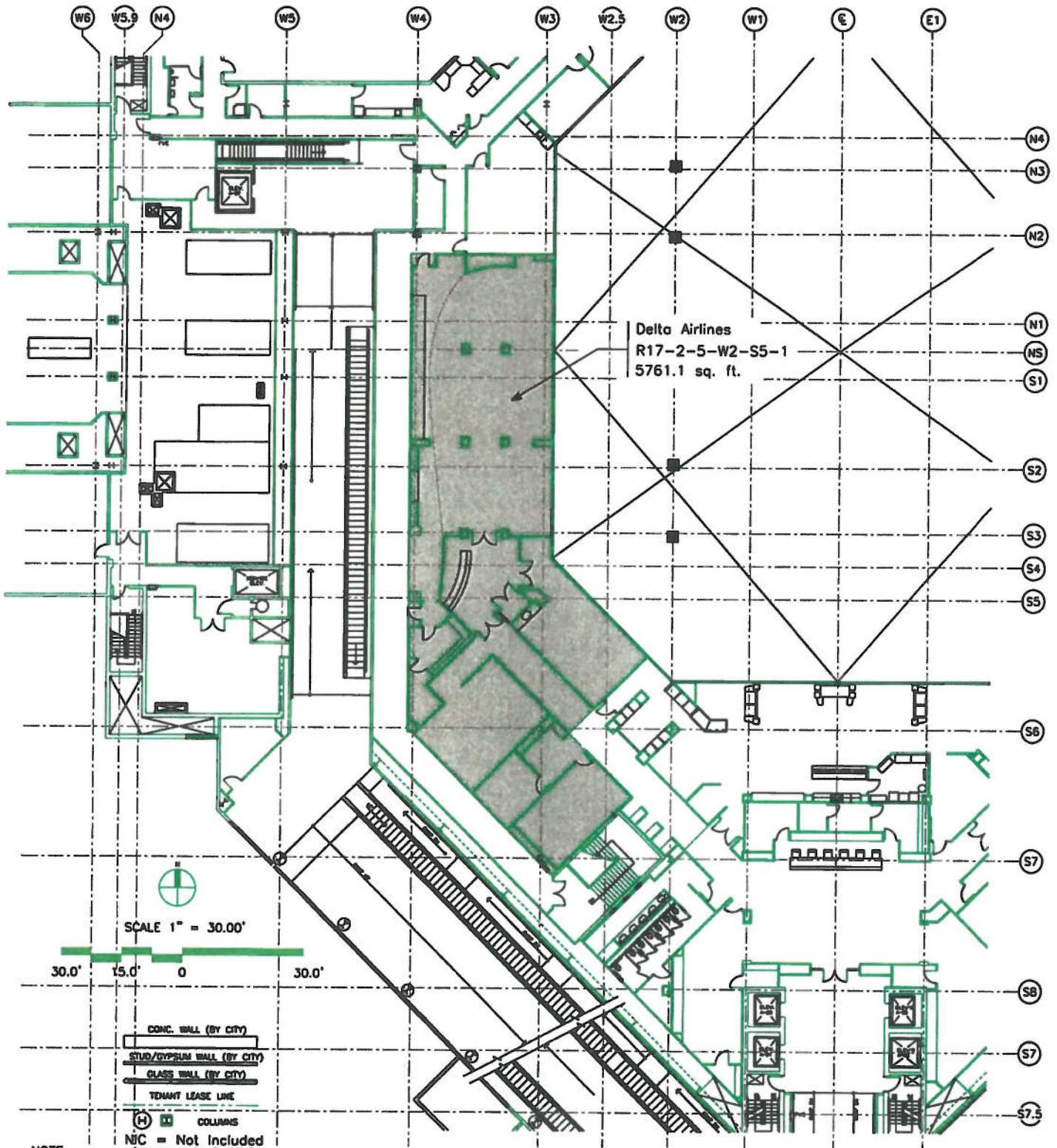


**NOTE:**

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

<p>KEY PLAN CONCOURSE A</p>		REVISED	DEN Property Management	
			DENVER INTERNATIONAL AIRPORT	
			EXHIBIT C Delta Airlines Gate Locations	
		CC#: dal	DATE: 02/01/16	

AC-PKG-DELTA-CON-A



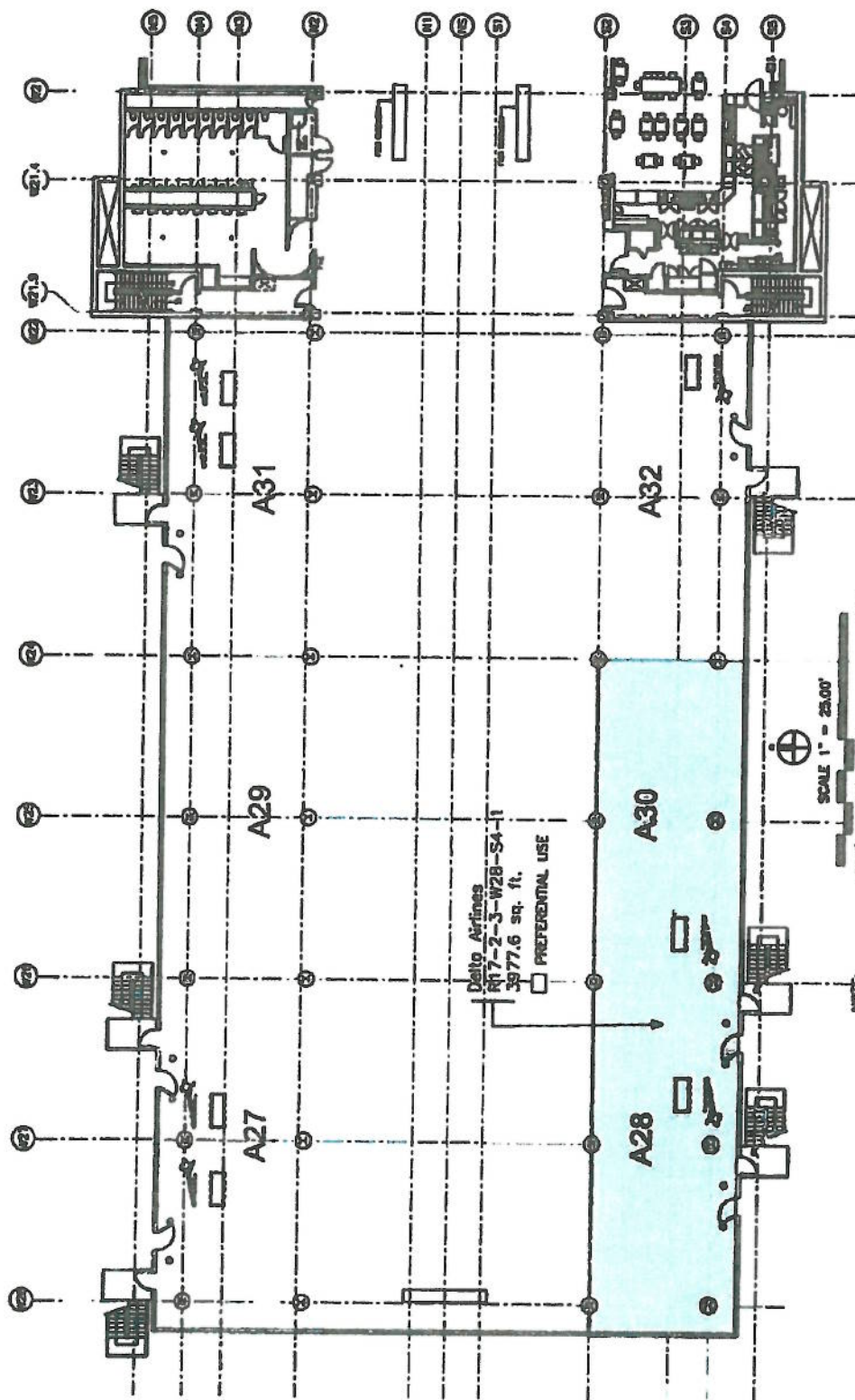
**NOTE:**

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DEN Property Management

 <p>KEY PLAN CONCOURSE A</p>		REVISED	DENVER INTERNATIONAL AIRPORT	
			EXHIBIT D Concourse A Level 5 Delta Airlines	
		CC#: dol	DATE: 01/02/19	

R17-2-5-15-3

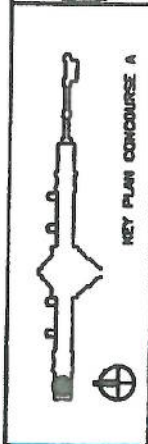


Delta Airlines  
 R17-2-3-W28-S4-1  
 39,776 sq. ft.  
 □ PREFERENTIAL USE

SCALE 1" = 25.00'

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

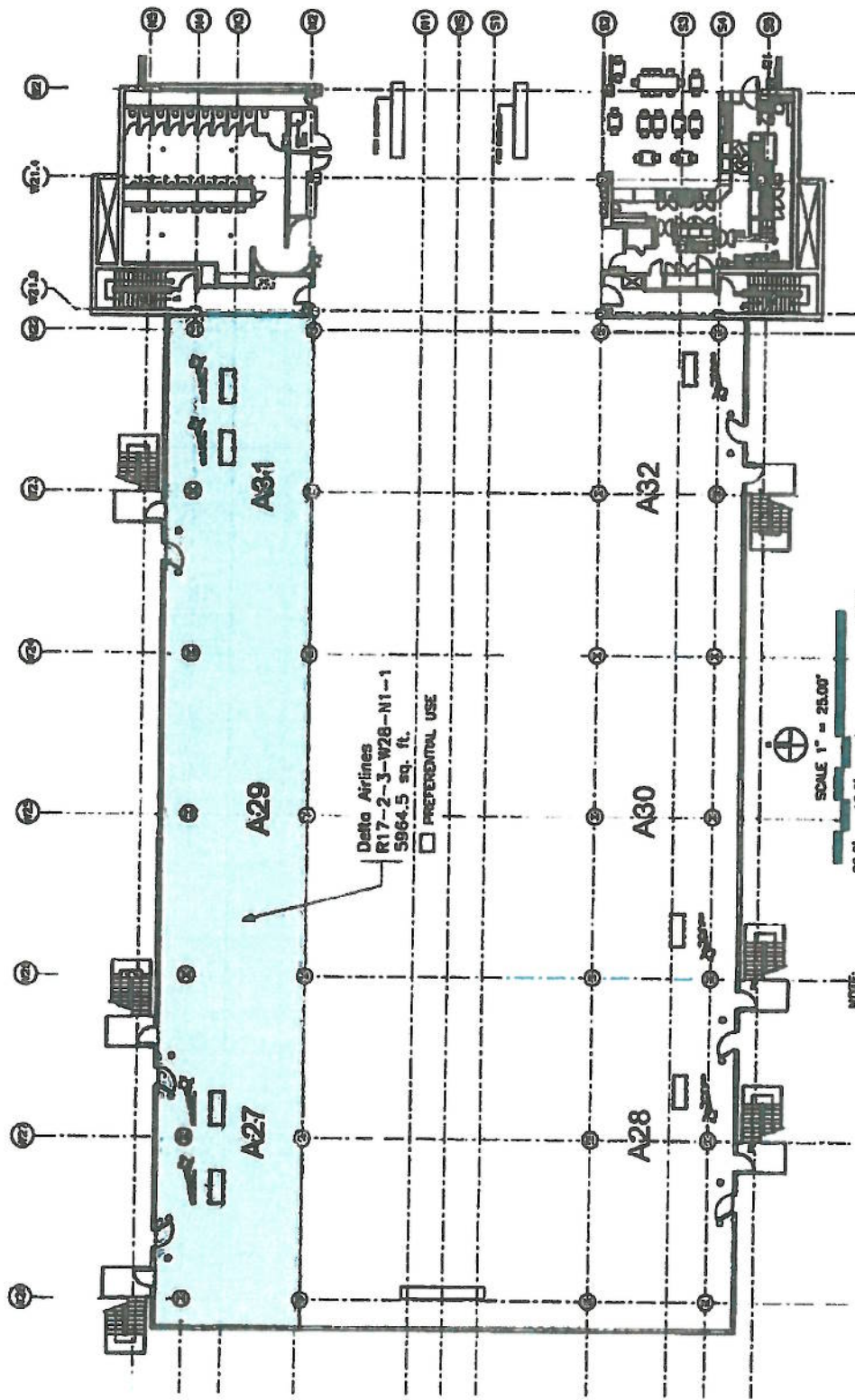
- CONC. ONLY (BY CITY)
- SECURITY ONLY (BY CITY)
- CUSTOMS ONLY (BY CITY)
- TRANSIT ONLY USE
- ② CONCOURSE
- N/C = Not Included
- (By Letter or Sq. Ft. Only)



REVISION	DEN Property Management	
	DENVER INTERNATIONAL AIRPORT	
	EXHIBIT D 2	
	Concourse A Conc. Level	
	Delta Airlines	
	CSJ: del	DATE: 01/07/16

R17-2-3-15-28



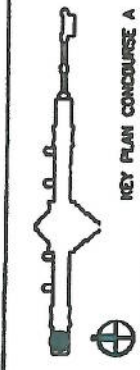


Delta Airlines  
R17-2-3-W28-N1-1  
5864.5 sq. ft.  
☐ PREFERRED USE

SCALE 1" = 25.00'  
25.0' 12.5' 0 25.0'

NOTE:  
This exhibit depicts only approximate dimensions and square footages of leased area based upon planning data and is not intended to show dimensions for construction details.

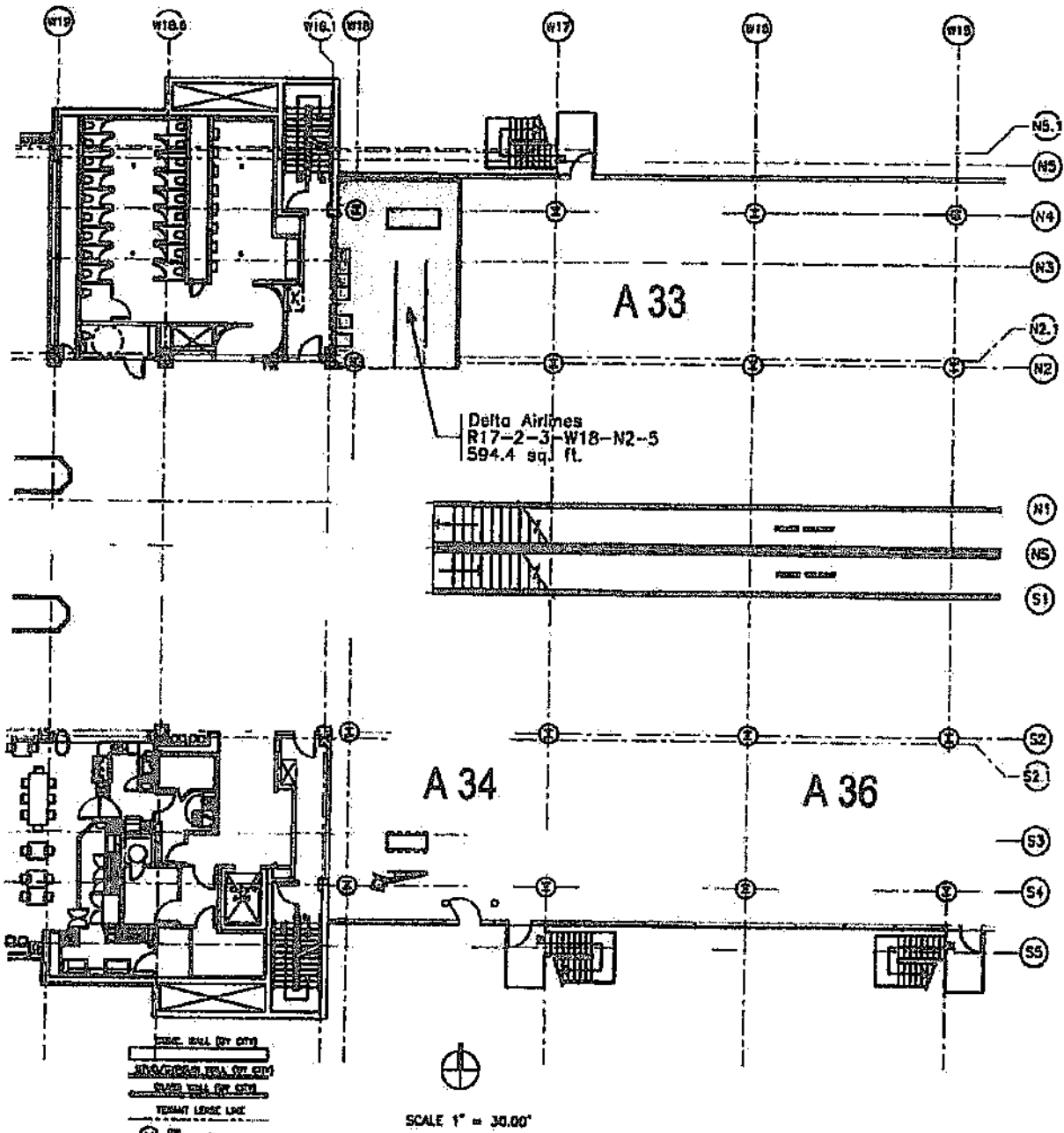
- CONC. AREA (S.F.)
- STANDARD AREA (S.F.)
- STAIR AREA (S.F.)
- WALKWAY AREA (S.F.)
- CRANE
- NIC = Not Included (in Volume of the R.F. Data)



REVISION

DEN PROPERTY MANAGEMENT	
DENVER INTERNATIONAL AIRPORT	EXHIBIT D 3
Concourse A Conc. Level	
Delta Airlines	
CC:f: eel	DATE: 01/07/16

R17-2-3-15-22

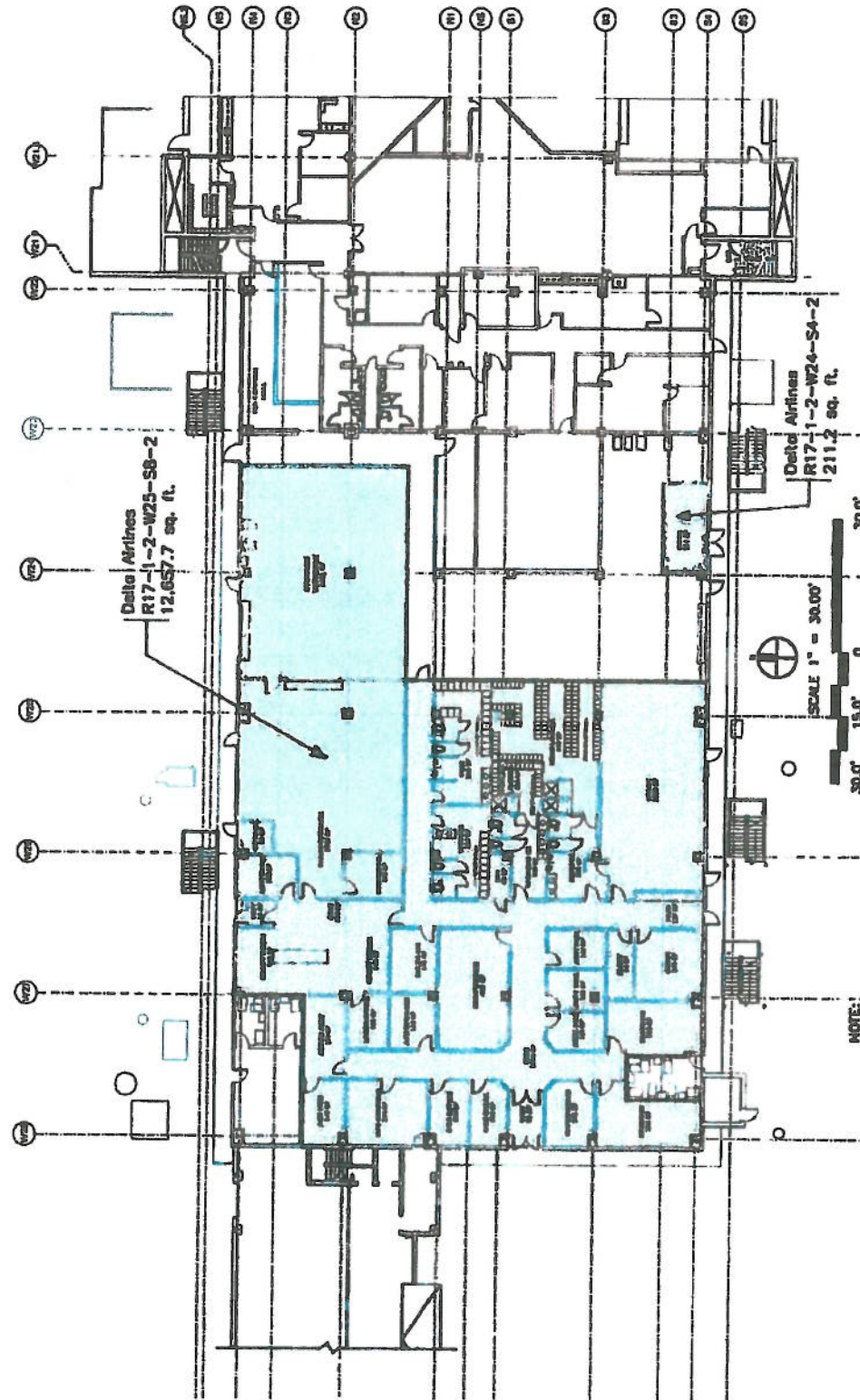


**NOTE:**  
 This exhibit depicts only approximate dimensions and square footage of leased area based upon planning data and is not intended to show dimensions for construction details.



REVISED	DEN Property Management	
	DENVER INTERNATIONAL AIRPORT	
	EXHIBIT D.4	
	Concourse A Conc. Level	
	Delta Airlines	
CC#: del	DATE: 01/07/16	

R17-2-3-15-31



Delta Airlines  
R17-1-2-W25-S8-2  
12,657.7 sq. ft.

Delta Airlines  
R17-1-2-W24-S4-2  
211.2 sq. ft.

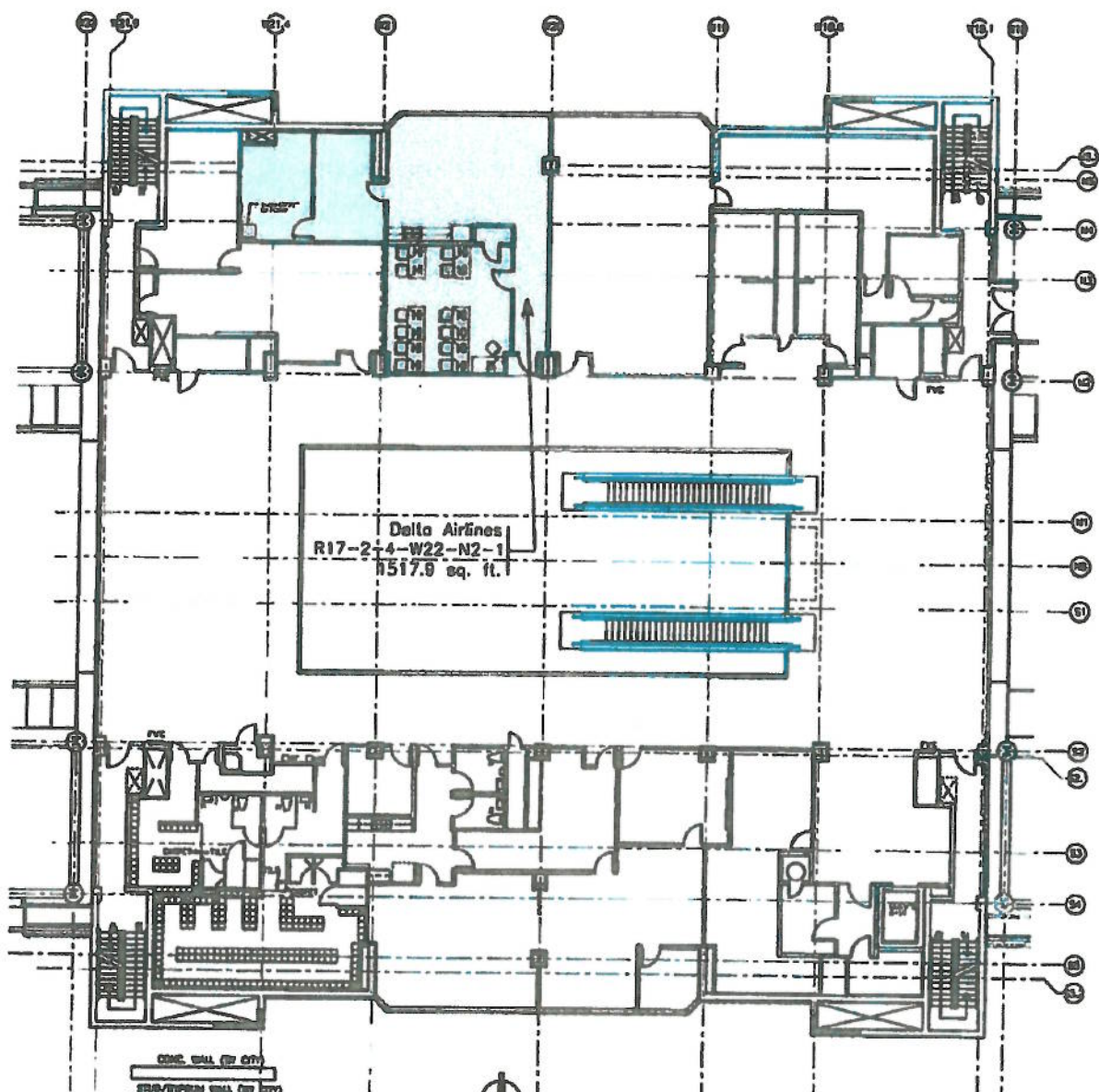
NOTE:  
This exhibit depicts only approximate dimensions and square footage of leased area based upon planning data and is not intended to show dimensions for construction details.



CONC. WALL (BY CITY)  
STRUCTURAL WALL (BY CITY)  
GLASS WALL (BY CITY)  
TRUSS (BY CITY)  
COLUMN  
NC = Not Included  
for Lease or S. A. Only

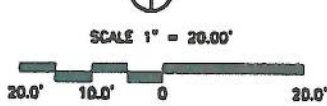
DEN Property Management	
DENVER INTERNATIONAL AIRPORT	
EXHIBIT D 5	
Concourse A Apron Level	
Delta Airlines	
CCF: dcl	DATE: 01/07/16
	
	
KEY PLAN CONCOURSE A	

R17-2-2-15-170



- CONC. WALL (BY CITY)
- STRUCTURE WALL (BY CITY)
- BASE WALL BY CITY
- EXIST. GRADE LINE
- ④ — Column

NOTE:  
 NIC = Not Included  
 (In Issues or Iss. Pl. Cuts.)

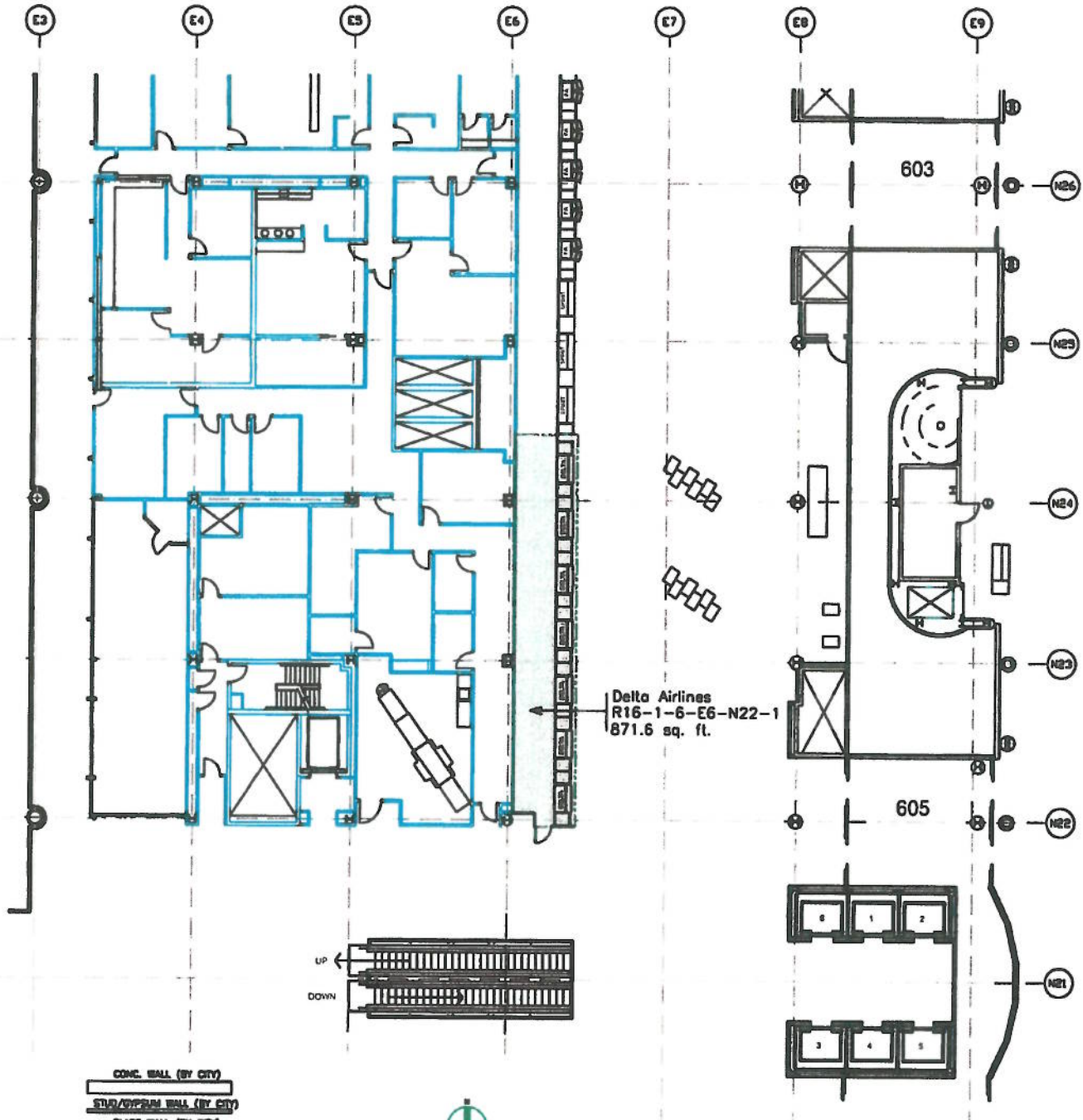


This exhibit depicts only approximate dimensions and square footage of leased area based upon planning data and is not intended to show dimensions for construction details.

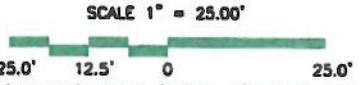
DEN Property Management

 KEY PLAN CONCOURSE A		REVISED	DENVER INTERNATIONAL AIRPORT
		<b>EXHIBIT D</b> Concourse A Mezz. Level Delta Airlines	
		CCJ: del	DATE: 01/07/16

R17-2-4-18-4



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

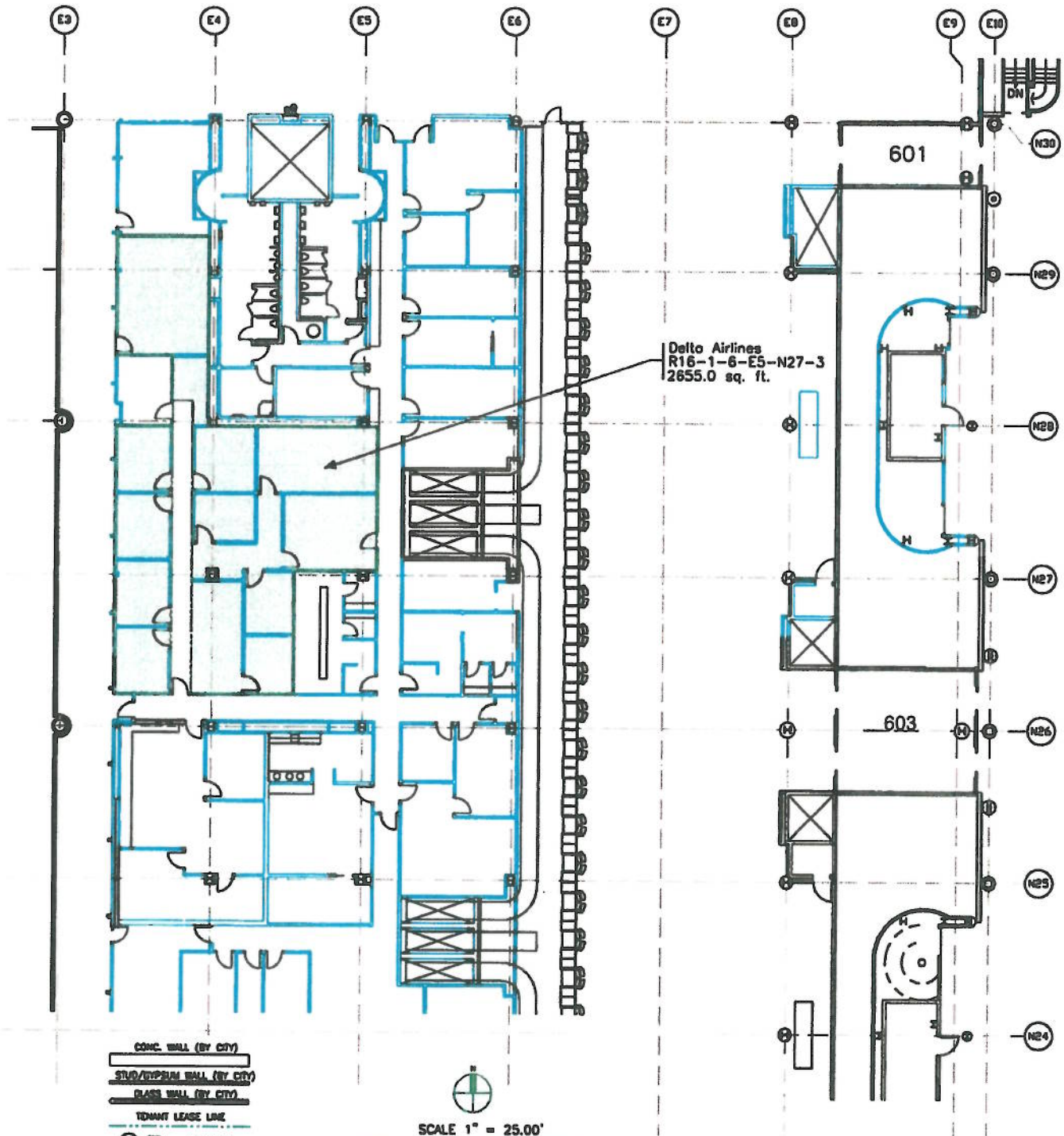


**NOTE:** This exhibit depicts only approximate dimensions and square footage of leased area based upon planning data and is not intended to show dimensions for construction details.

DEN Property Management

<p>KEY PLAN TERMINAL AREA</p>		REVISED	DENVER INTERNATIONAL AIRPORT	
			EXHIBIT D Terminal Level 6 Delta Airlines	
		CC#: dita	DATE: 03/20/18	

R16-1-6-15-151



Delta Airlines  
R16-1-6-E5-N27-3  
2655.0 sq. ft.

CONC. WALL (BY CITY)  
STUCCO/EIFS WALL (BY CITY)  
GLASS WALL (BY CITY)  
TOWARD LEASE LINE  
COLUMNS  
NIC = Not Included  
(In Lease or Sq. Ft. Calc.)



**NOTE:**  
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DEN Property Management

		REVISED	DENVER INTERNATIONAL AIRPORT	
			EXHIBIT D Terminal Level 6 Delta Airlines	
		CC#: dot	DATE: 05/24/18	

R16-1-6-15-166