

**SECOND AMENDMENT TO NON-DISTURBANCE, ATTORNMENT, CONCESSION, AND
PVC PARTICIPATION AGREEMENT**

THIS SECOND AMENDMENT TO NON-DISTURBANCE, ATTORNMENT, CONCESSION, AND PVC PARTICIPATION AGREEMENT (“Second Amendment”) is 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, for and on behalf of its Department of Aviation (“City”), **SKYPORT DEVELOPMENT COMPANY, LLC**, a Colorado limited liability company (“Tenant”) and **DFASS PARTNERSHIP GROUP, LLC**, a Florida limited liability company (“Subtenant”) (collectively, the “Parties”).

RECITALS

WHEREAS, the Parties entered into an agreement dated December 31, 2013, for the operation of a concession at Denver International Airport (“DEN”), a First Amendment dated September 30, 2015, and a Non-Disturbance, Attornment, Concession, and PVC Participation Agreement on June 13, 2017, collectively, the “Original Agreement”).

WHEREAS, on or about June 13, 2017, the Subtenant enrolled into the DEN Premium Value Concessions Program (“PVC Program”). At that time, Subtenant’s Major Merchandise Category for the Sky Market concession was Retail; its Minor Merchandise Category was Specialty Retail.

WHEREAS, the Minor Merchandise Categories for DEN’s PVC Program have been updated which has necessitated a change to the Minor Merchandise categories of certain concessionaires.

NOW, THEREFORE, for the foregoing reasons and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Parties hereby agree to amend the Original Agreement as follows:

1. Section 9, of the Non-Disturbance, Attornment, Concession, and PVC Participation Agreement is hereby amended by replacing the Minor Category for Sky Market with the following:
 - a. Minor Category: Convenience Retail
2. Except as provided herein, all of the provisions, terms and conditions of the Original Agreement are hereby revived and ratified and shall remain in full force and effect as if fully set forth herein.
3. This Second Amendment shall not be or become effective or binding on the City until approved by the Denver City Council, if required by the City’s Charter, and fully executed by all signatories of the City and County of Denver. This Second Amendment may be signed in two or more counterparts, each of which shall be deemed to be an original signature page and further may be signed electronically by the Parties in the manner specified by the City.

[SIGNATURE PAGES FOLLOW]

Contract Control Number: PLANE-201631945-02

Contractor Name: DFASS PARTNERSHIP GROUP, LLC

By: *Jennifer Winchester*

Name: Jennifer Fiechuck Winchester
(please print)

Title: Manager
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)



Contract Control Number: PLANE-201631945-02

Contractor Name: Skyport Development Company, LLC

By: 

Name: David Mosteller
(please print)

Title: Manager
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)



Contract Control Number: PLANE-201631945-02

Contractor Name: DFASS Partnership Group, LLC; Skyport Development Company, LLC

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 _____

