

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2010

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

4 BUSINESS, WORKFORCE & SUSTAINABILITY

5 A BILL

6 For an ordinance approving a proposed First Amendment to Cargo Facilities Lease
7 Agreement between Air General, Inc. and the City and County of Denver, related to
8 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 Cargo Facilities Lease Agreement between Air
12 General, Inc. and the City and County of Denver, in the words and figures contained and set forth in
13 that form of the First Amendment to Cargo Facilities Lease Agreement between Air General, Inc. and
14 the City and County of Denver, filed in the office of the Clerk and Recorder, Ex-Officio Clerk of the City
15 and County of Denver, on the 16th day of December 2010, City Clerk's Filing No. OU - 882-A is
16 hereby approved.

17
18 COMMITTEE APPROVAL DATE: December 10, 2010

19 MAYOR-COUNCIL DATE: December 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: December 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: December 16, 2010

FIRST AMENDMENT TO
CARGO FACILITIES LEASE AGREEMENT

This First Amendment to Cargo Facilities Lease 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 **AIR GENERAL, INC.**, a corporation organized and existing under and by virtue of the laws of the State of Massachusetts, and authorized to do business in the State of Colorado, hereinafter referred to as the "Lessee", Party of the Second Part.

WHEREAS, the City and Lessee have previously entered into a Cargo Facilities Lease Agreement at Denver International Airport ("DIA"), dated October 10, 2006 ("Existing Agreement");

WHEREAS, City and Lessee 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 Lessee do hereby mutually undertake, promise and agree, each for itself and its successors, as follows:

1. Subsection (a) of Section 4.01, "TERM OF LEASE," of the Existing Agreement is hereby amended to read as follows:

“(a) 12:00 noon M.S.T. on December 31, 2011; or”

3. 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.

4. This First Amendment to Cargo 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]

06-882-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 56027 (1)

By _____
Auditor

PARTY OF THE FIRST PART

AIR GENERAL, INC.

By  _____

Title PRESIDENT

PARTY OF THE SECOND PART

ATTEST:

By _____

Title _____