

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 Third Amendment to an Airport Use and
7 Facilities Lease Agreement between US Airways, Inc. and the City and County of
8 Denver, 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 Third Amendment to an Airport Use and Facilities Lease Agreement
12 between US Airways, Inc. and the City and County of Denver, in the words and figures contained and
13 set forth in that form of the Third Amendment to an Airport Use and Facilities Lease Agreement
14 between US Airways, Inc. and the City and County of Denver, filed in the office of the Clerk and
15 Recorder, Ex-Officio Clerk of the City and County of Denver, on the 7th day of April 2011, City Clerk's
16 Filing No. 05-267-C is hereby approved.

17
18 COMMITTEE APPROVAL DATE: April 1, 2011

19 MAYOR-COUNCIL DATE: April 5, 2011

20 PASSED BY THE COUNCIL _____ 2011
21 _____ - PRESIDENT

22 APPROVED: _____ - MAYOR _____ 2011

23 ATTEST: _____ - CLERK AND RECORDER,
24 EX-OFFICIO CLERK OF THE
25 CITY AND COUNTY OF DENVER

26 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2011 _____ 2011

27
28 PREPARED BY: Helen Eckardt Raabe [Signature] 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

**THIRD AMENDMENT TO
AIRPORT USE AND FACILITIES LEASE AGREEMENT**

THIS THIRD AMENDMENT TO 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 US AIRWAYS, INC., a Delaware corporation ("Airline,") Party of the Second Part.

WITNESSETH

WHEREAS, the parties hereto entered into a certain Airport Use and Facilities Lease Agreement dated May 17, 2005, as amended by a First Amendment dated October 16, 2007 and a Second Amendment dated October 12, 2010 (the "Existing Agreement"), under which the City leased certain premises and facilities to the Airline for its use at Denver International Airport ("Airport"); and

WHEREAS, the parties hereto desire to amend the Existing Agreement as hereinafter provided;

NOW, THEREFORE, the Existing Agreement is modified as set forth herein.

1. Exhibit D-3, Terminal Space is now effective January 1, 2011
2. 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 March 1, 2005 and shall terminate at Noon MST on December 31, 2011, unless this Agreement is earlier cancelled, terminated, or extended as hereinafter provided."
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 Third 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]

05-267-C

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

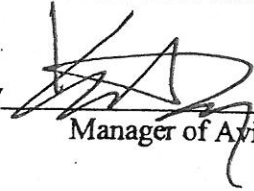
ATTEST:

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:

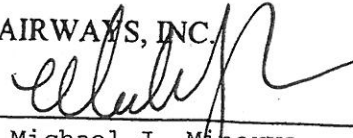
By _____
Manager of Finance
Contract Control No. AR 56004 (3)

By _____
Auditor

PARTY OF THE FIRST PART

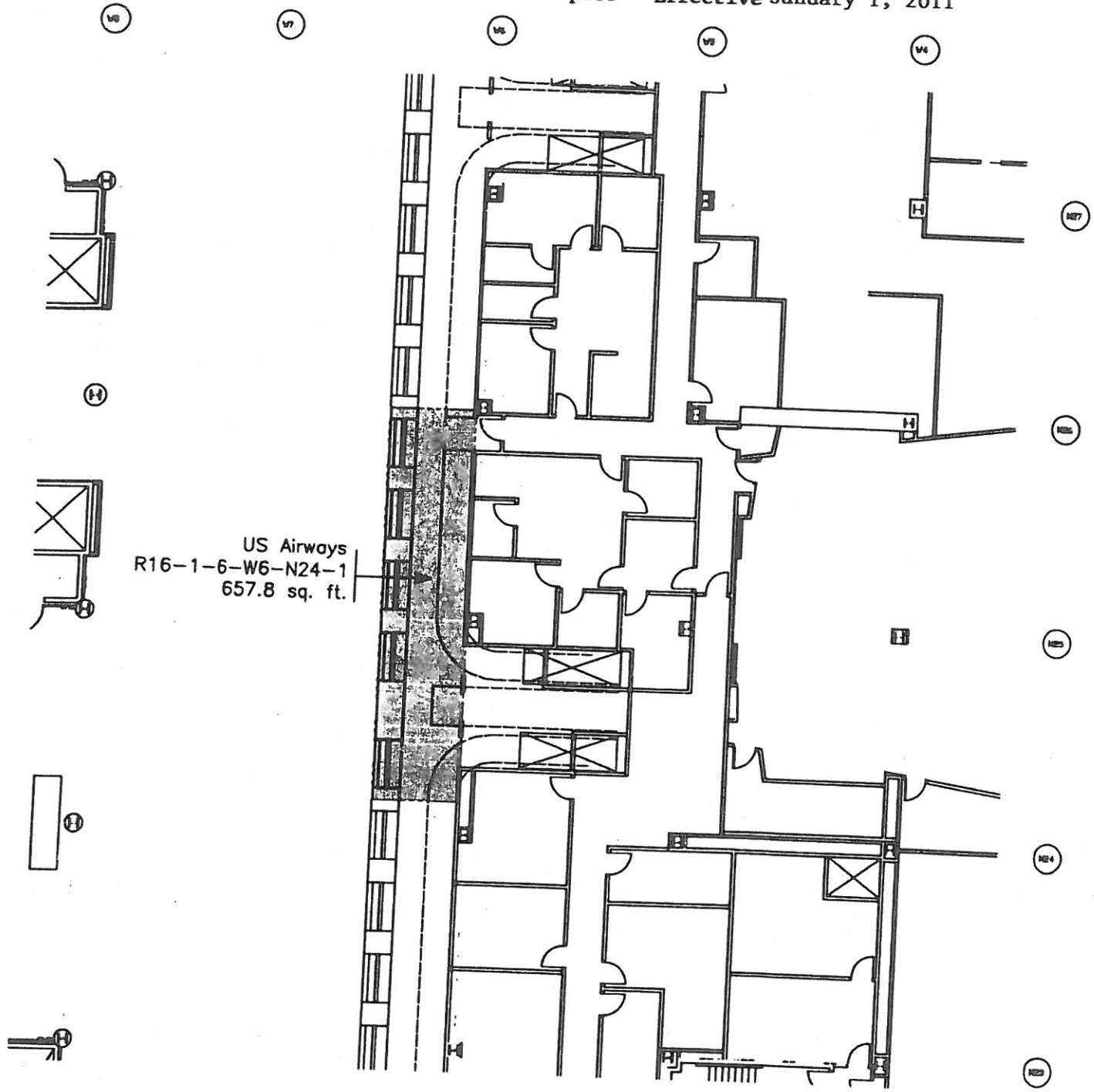
ATTEST:

By Caroline B. Ray
Title Corporate Secretary

US AIRWAYS, INC.
By  _____
Michael J. Minerva
Title Vice President-Corporate Real Estate

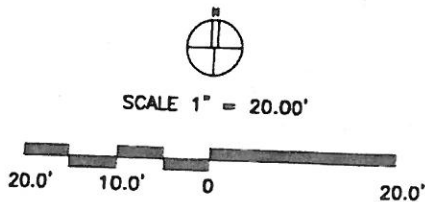
PARTY OF THE SECOND PART

Exhibit D-3 - Terminal Space - Effective January 1, 2011



US Airways
R16-1-6-W6-N24-1
657.8 sq. ft.

CONC. WALL (BY CITY)
STUD/WYTHOLD WALL (BY CITY)
GLASS WALL (BY CITY)
VENTIL. LEASE LINE
COLLARS
NIC = Not Included
(In Lease or Sq. Ft. Data)

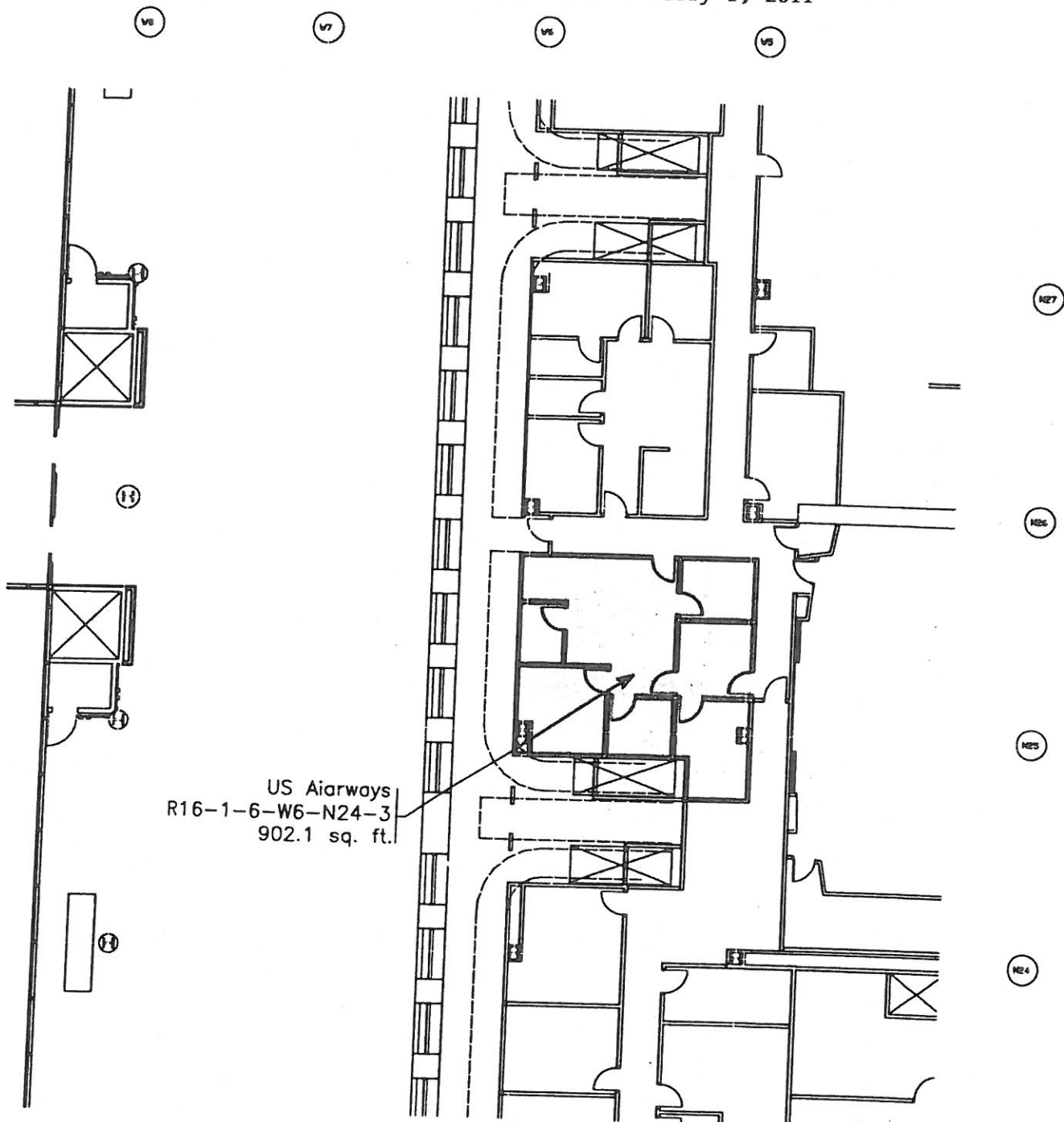


Ronald Horn
MANAGER OF DESIGN

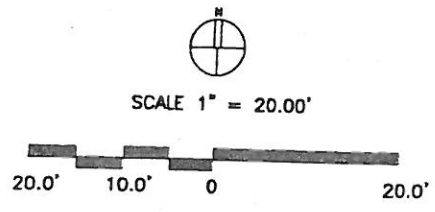
NOTE: This exhibit depicts only square footage of leased area based upon planning data and is not intended to address construction details.

<p>KEY PLAN TERMINAL AREA</p>		REVISED	DENVER INTERNATIONAL AIRPORT	
		10/25/04	EXHIBIT D-3	
		10/12/09	Terminal Level 6	
		03/08/10	US Airways	
			CC#: usa	DATE: 3/13/93
R16-1-6-15-20				

Exhibit D-3 - Terminal Space - Effective January 1, 2011



US Airways
R16-1-6-W6-N24-3
902.1 sq. ft.



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

Ronald Horn
MANAGER OF DESIGN

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

<p>KEY PLAN TERMINAL AREA</p>		REVISED	DENVER INTERNATIONAL AIRPORT EXHIBIT D-3 Terminal Level 6 US Airways
		10/25/04	
		10/12/09	
			CC#: usa
			DATE: 3/15/93
R16-1-6-15-18			

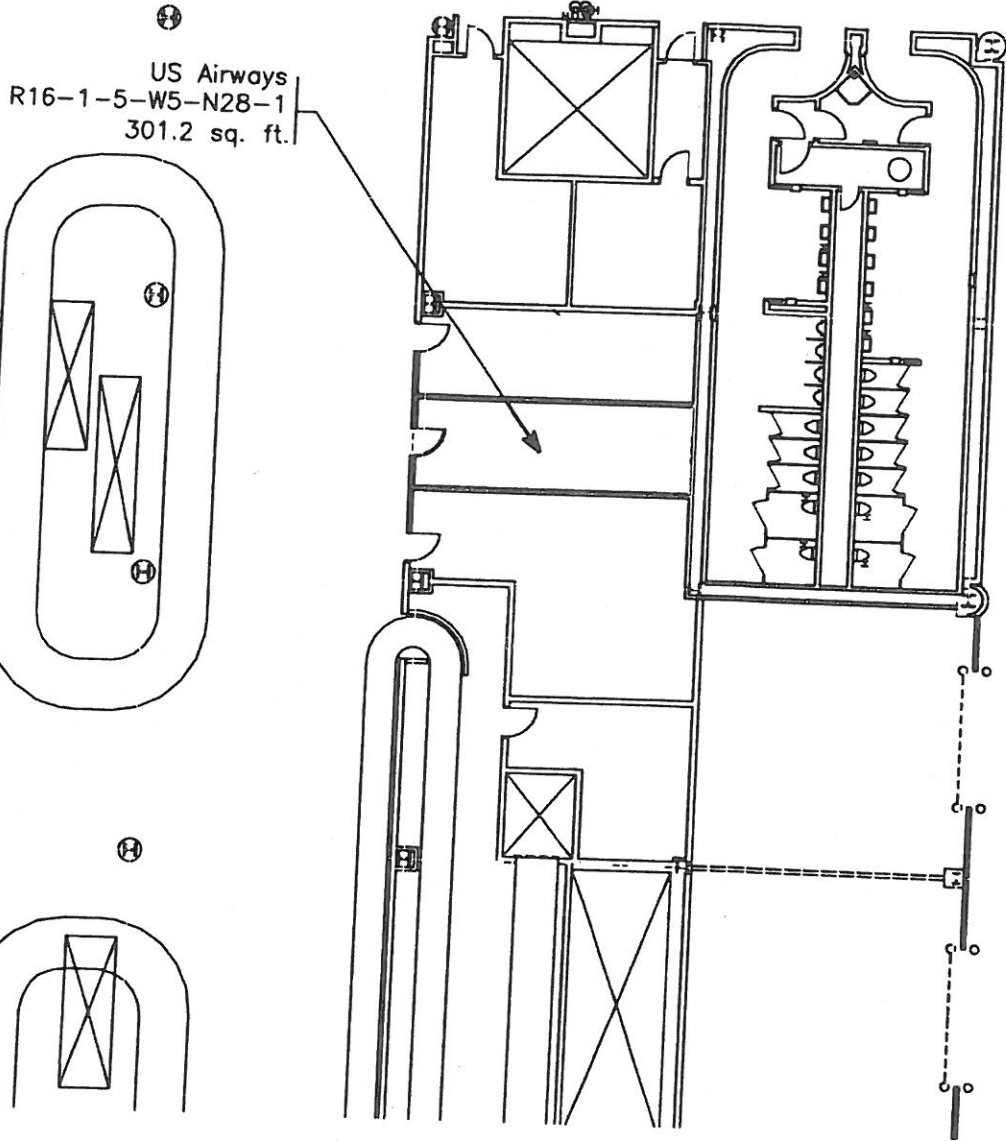
Exhibit D-3 - Terminal Space - Effective January 1, 2011

VS

VS

V4

V3



N30

N29

N28

N27

19

18

US Airways
R16-1-5-W5-N28-1
301.2 sq. ft.

- CONC. WALL (BY CITY)
- STUD/STYPOLY WALL (BY CITY)
- GLASS WALL (BY CITY)
- TERMINANT LEASE LINE
- ⊕ ⊞ COLUMNS
- NIC = Not Included
(In Lease or Sq. Ft. Calc.)



SCALE 1" = 20.00'



Ronald Horn
MANAGER OF DESIGN

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

<p>KEY PLAN TERMINAL AREA</p>		REVISED	DENVER INTERNATIONAL AIRPORT
		1/25/00	
10/12/09	CC#: nwd		
		DATE: 3/12/93	

