

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 First Amendment to Airline Support Facilities
7 Lease Agreement between the City and County of Denver and Delta Air Lines, Inc.,
8 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 First Amendment to Airline Support Facilities Lease Agreement
12 between the City and County of Denver and Delta Air Lines, Inc., in the words and figures contained
13 and set forth in that form of First Amendment to Airline Support Facilities Lease Agreement filed in the
14 office of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver on the 14th day of
15 April, 2011, City Clerk's Filing No. 09-353-A is hereby approved.

16
17 COMMITTEE APPROVAL DATE: April 8, 2011

18 MAYOR-COUNCIL DATE: April 12, 2011

19 PASSED BY THE COUNCIL _____ 2011
20 _____ - PRESIDENT

21 APPROVED: _____ - MAYOR _____ 2011

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

26 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2011 _____ 2011

27
28 PREPARED BY: Helen Eckardt Raabe *[Signature]* DATE: April 14, 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 14, 2011

FIRST AMENDMENT TO
AIRLINE SUPPORT FACILITIES LEASE AGREEMENT

This First Amendment to Airline Support Facilities Lease 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 DELTA AIR LINES, INC., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and authorized to do business in the State of Colorado ("Airline").

WHEREAS, the City and Airline have previously entered into an Airline Support Facilities Lease Agreement at Denver International Airport ("DIA"), dated May 6, 2008 ("Existing Agreement");

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

1. Exhibit A-1, attached hereto, replaces Exhibit A of the Existing Agreement, effective on the dates specified in the attached revised Exhibit A-1.
2. Exhibit B-1, attached hereto, replaces Exhibit B of the Existing Agreement, effective on the dates specified in the attached revised Exhibit B-1.
3. Section 1.01 (C) of the Existing Lease is replaced as follows:

(C) Demised Premises

The Demised Premises shall consist of the following for the period January 1, 2010 through December 31, 2011:

Ramp Lease Area: (Parcel No.1)	7,500.0 square feet, more or less
Air Cargo Building Space: (Parcel No.2)	5,768.5 square feet, more or less
Landside Lease area: (Parcel No.3)	5350.0 square feet, more or less
Total Ground Lease Area:	18,618.5 square feet, more or less

08-353-A

The Demised Premises shall consist of the following for the period March 1, 2005 through October 31, 2010:

Ramp Lease Area: (Parcel No.1)	13, 125.0 square feet, more or less
Air Cargo Building Space: (Parcel No.2)	10,094.6 square feet, more or less
Landside Lease area: (Parcel No.3)	9,362.5 square feet, more or less
Total Ground Lease Area:	32,582.1 square feet, more or less

4. Subsection (a) of Section 4.01, "TERM OF LEASE," of the Existing Agreement is deleted in its entirety and replaced with the following:

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

5. 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.

6. This First Amendment to Airline Support 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]

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

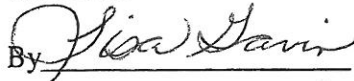
By _____
Assistant City Attorney

REGISTERED AND COUNTERSIGNED:

By _____
Manager of Finance
Contract Control No. AR 56030 (1)

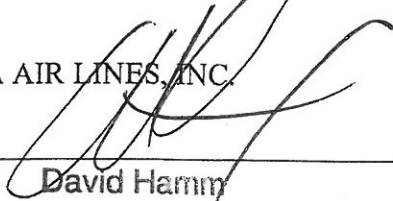
By _____
Auditor

ATTEST:

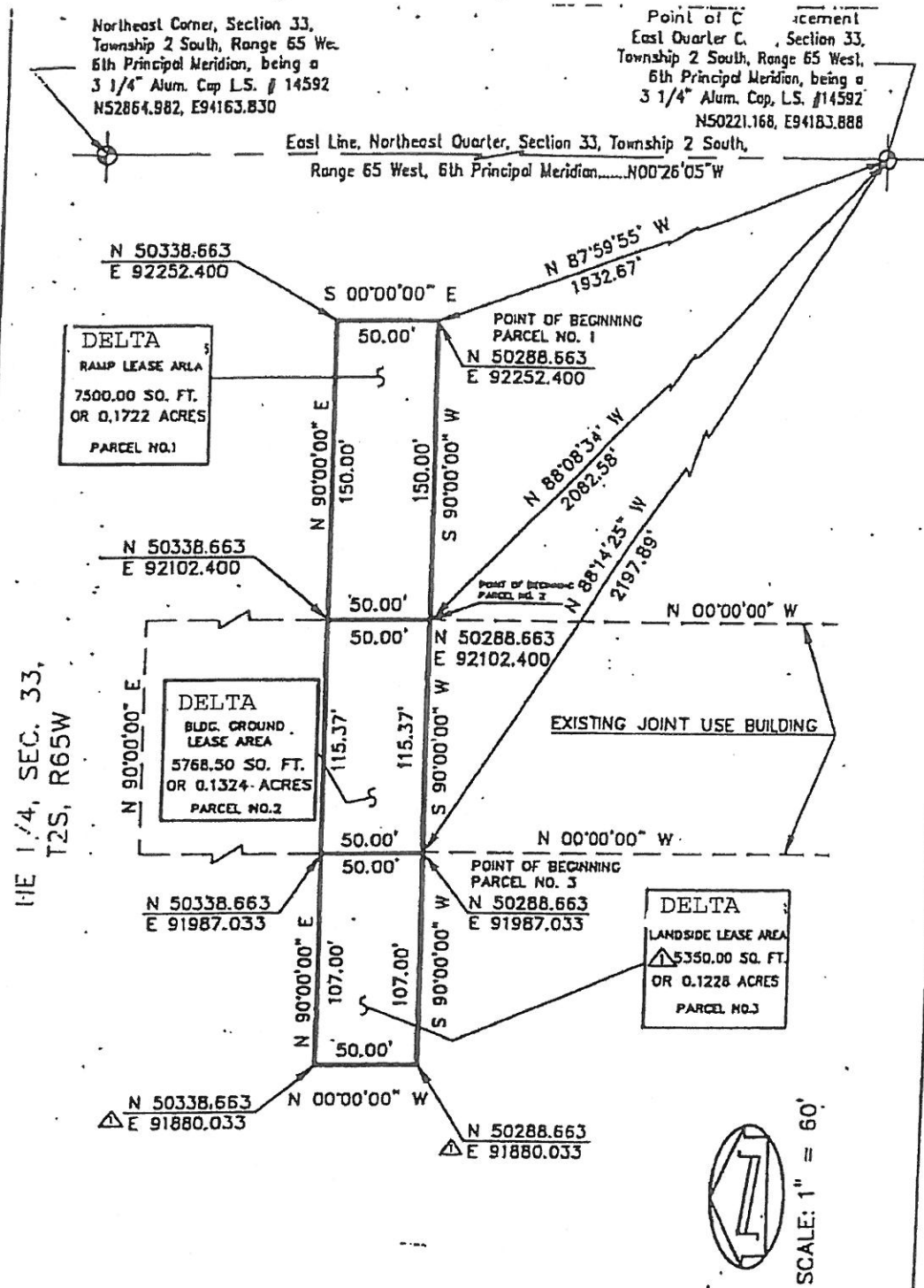
By  _____
Title Analyst

PARTY OF THE FIRST PART

DELTA AIR LINES, INC.

By  _____
Title Director- Corporate Real Estate

PARTY OF THE SECOND PART



N 1/4, SEC. 33,
T2S, R65W

Northeast Corner, Section 33,
Township 2 South, Range 65 West,
6th Principal Meridian, being a
3 1/4" Alum. Cop. L.S. # 14592
NS2864.982, E94163.830

Point of Beginning
East Quarter Corner, Section 33,
Township 2 South, Range 65 West,
6th Principal Meridian, being a
3 1/4" Alum. Cop. L.S. # 14592
NS0221.168, E94183.888

East Line, Northeast Quarter, Section 33, Township 2 South,
Range 65 West, 6th Principal Meridian.....N00°26'05" W

The Basis of Bearings and Survey Coordinate System values
are taken from the Denver International Airport (DIA) grid
control map, which may be reviewed at the DIA Engineering
Section, Survey Office, 7141-Powhatan Rd., Denver, Co. 80249.

Note: This does not represent a monumented
land survey. Nor does it represent a search
for easements or Rights-of-Way of record.
It is intended only to depict the attached
description.

No.	DATE	MARK	WALA

CITY AND COUNTY OF DENVER
DEPARTMENT OF AVIATION
DENVER INTERNATIONAL AIRPORT

DELTA AIR LINES LEASE AREA
AT JOINT USE CARGO BUILDING
EXHIBIT A-1

Michael Steffens 7/1/07
Michael Steffens, P.E. Dale
Manager of Construction

Northeast Quarter, Section 33,
Township 2 South, Range 65 West,
6th Principal Meridian, being a
3 1/4" Alum. Cap L.S. # 14592
N52864.982, E94163.830

PO OF COMMENCEMENT
East Quarter Corner, Section 33,
Township 2 South, Range 65 West,
6th Principal Meridian, being a
3 1/4" Alum. Cap, L.S.# 14592
N50221.168, E94183.888

East Line, Northeast Quarter, Section 33, Township 2 South,
Range 65 West, 6th Principal Meridian.....N00°26'05"W

Exhibit A-1
Effective March 1, 2005
through October 31, 2010



SCALE: 1"=60'

Point of Beginning
Parcel No. 1
N 50238.663
E 92252.400

N 50151.163
E 92252.400

Point of Beginning
Parcel No. 2
N 50238.663
E 92102.400

N 50151.163
E 92102.400

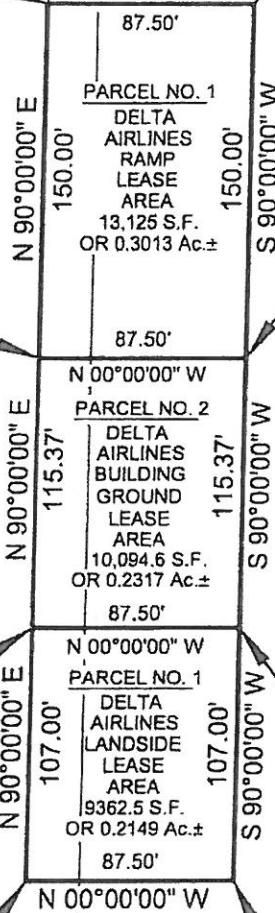
Point of Beginning
Parcel No. 3
N 50238.663
E 91987.033

N 50151.163
E 91987.033

NE 1/4, SEC. 33,
T2S, R65W

N 50238.663
E 91880.033


N 50151.163
E 91880.033



Note:

This does not represent a monumented land survey. Nor does it represent a search for easements or Rights-of-Way of record. It is intended only to depict the attached description.

The Basis of Bearings and Survey Coordinate System values are taken from the Denver International Airport (DIA) grid control map, which may be reviewed at the DIA Engineering Section, Survey Office, 27301 - E. 71st Ave., Unit 4, Denver, CO 80249.

 3/22/08
Michael H. Steffens, P.E. Date
Manager of Construction

CITY AND COUNTY OF DENVER
DEPARTMENT OF AVIATION
DENVER INTERNATIONAL AIRPORT

DELTA AIRLINES LEASE AREA
AT JOINT USE CARGO BUILDING
EXHIBIT A-1

NO.	DATE	NAME	REVISION

DATE 2/7/01	SCALE 1"=60'	DRAWN BY KRC	DESIGN BY KRC	CHECKED BY KRC	SHEET NO 1	DRAWING NO 100000000
----------------	-----------------	-----------------	------------------	-------------------	---------------	-------------------------

Effective January 1, 2010 through End of Term

**LEGAL DESCRIPTION FOR DELTA AIR LINES LEASE AREAS AT JOINT USE
CARGO BUILDING**

DATE: 06 MAY 1996 REV: 13 JANUARY 1997

Bearings used in this legal description are based on the East line of the Northeast quarter of Section 33, Township 2 South, Range 65 West, of the 6th Principal Meridian, City and County of Denver, State of Colorado as being N 00°26'05" W. Found a 3 1/4" Aluminum Cap, L.S. #14592, at the East 1/4 corner and found a 3 1/4" Aluminum Cap, marked L.S. #14592, at the Northeast corner of said Section 33.

CARGO HANDLING RAMPSIDE LEASE AREA (Parcel No. 1)

A parcel of land located in the Northeast one quarter of said Section 33, being more particularly described as follows:

Commencing at the East quarter corner of said Section 33 (N 50221.168: E 94183.888);

Thence N 87°59'55" W, 1932.67 feet to the POINT OF BEGINNING (N 50288.663: E 92252.400);

Thence S 90°00'00" W, 150.00 feet (N 50288.663: E 92102.400);

Thence N 00°00'00" W, 50.00 feet (N 50338.663: E 92102.400);

Thence N 90°00'00" E, 150.00 feet (N 50338.663: E 92252.400);

Thence S 00°00'00" E, 50.00 feet, to the POINT OF BEGINNING, containing 7500.0 square feet or 0.1722 acres, more or less.

TOGETHER WITH

**DELTA AIR LINES CARGO HANDLING BUILDING GROUND LEASE AREA
(Parcel No. 2)**

A parcel of land located in the Northeast one quarter of said Section 33, being more particularly described as follows:

Commencing at the East quarter corner of said Section 33 (N 50221.168: E 94183.888);

Effective January 1, 2010 through End of Term

Thence N 88°08'34" W, 2082.58 feet to the POINT OF BEGINNING (N 50288.663: E 92102.400);

Thence S 90°00'00" W, 115.37 feet (N 50288.663: E 91987.033);

Thence N 00°00'00" W, 50.00 feet (N 50338.663: E 91987.033);

Thence N 90°00'00" E, 115.37 feet (N 50338.663: E 92102.400);

Thence S 00°00'00" E, 50.00 feet, to the POINT OF BEGINNING, containing 5768.5 square feet or 0.1324 acres, more or less.

TOGETHER WITH

DELTA AIR LINES CARGO HANDLING LANDSIDE LEASE AREA (Parcel No. 3)

A parcel of land located in the Northeast one quarter of said Section 33, being more particularly described as follows:

Commencing at the East quarter corner of said Section 33 (N 50221.168: E 94183.888);

Thence N 88°14'25" W, 2197.89 feet to the POINT OF BEGINNING (N 50288.663: E 91987.033);

Thence S 90°00'00" W, 107.00 feet (N 50288.663: E 91880.033);

Thence N 00°00'00" W, 50.00 feet (N 50338.663: E 91880.033);

Thence N 90°00'00" E, 107.00 feet (N 50338.663: E 91987.033);

Thence S 00°00'00" E, 50.00 feet, to the POINT OF BEGINNING, containing 5350.0 square feet or 0.1228 acres, more or less.

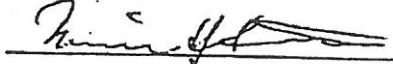
Effective January .1, 2010 through End of Term

The basis of bearings and survey coordinate system values are taken from the Denver International Airport (DIA) grid control map, which may be reviewed at the DIA Engineering Section, Survey office, 7141-Powhaton Rd., Denver, Colorado 80249.

This legal description was prepared by William Armbruster for the Denver International Airport Engineering Section, 8500-Pena Blvd., Denver, Colorado 80249.

I hereby certify that this legal description was prepared under my direct supervision.

Kenneth R. Conlan

 2/11/97
Approved By: Michael Steffens, P.E. Date
Manager of Construction




LEGAL DESCRIPTION FOR DELTA AIRLINES LEASE AREAS AT JOINT USE CARGO BUILDING

DATE: 19 March 2008

Bearings used in this legal description are based on the East line of the Northeast quarter of Section 33, Township 2 South, Range 65 West, of the 6th Principal Meridian, City and County of Denver, State of Colorado as being N 00°26'05" W. Found a 3 1/4" Aluminum Cap, L.S. #14592, at the East 1/4 corner and at the Northeast corner of said Section 33.

DELTA AIRLINES RAMP LEASE AREA (PARCEL NO. 1)

A parcel of land located in the Northeast one quarter of said Section 33, being more particularly described as follows:

Commencing at the East quarter corner of said Section 33 (N 50221.168; E 94183.888);

Thence N 89°28'52" W, 1931.57 feet to the **POINT OF BEGINNING OF PARCEL NO. 1**, (N 50238.663; E 92252.400);

Thence S 00°00'00" E, 87.50 feet (N 50151.163; E 92252.400);

Thence S 90°00'00" W, 150.00 feet (N 50151.163; E 92102.400);

Thence N 00°00'00" W, 87.50 feet (N 50238.663; E 92102.400);

Thence N 90°00'00" E, 150.00 feet, to the **POINT OF BEGINNING OF PARCEL NO. 1**; containing 13,125.00 square feet or 0.3013 acres, more or less.

TOGETHER WITH

DELTA AIRLINES BUILDING GROUND LEASE AREA (PARCEL NO. 2)

A parcel of land located in the Northeast one quarter of said Section 33, being more particularly described as follows:

Commencing at the East quarter corner of said Section 33 (N 50221.168; E 94183.888);

Thence N 89°28'52" W, 1931.57 feet to the **POINT OF BEGINNING** of Parcel No. 1, (N 50238.663; E 92252.400);

Thence S 90°00'00" W, along the north line of Parcel No. 1 described above, 150.00 feet to the **POINT OF BEGINNING OF PARCEL 2** (N 50238.663; E 92102.400);

Thence S 00°00'00" E, 87.50 feet (N 50151.163; E 92102.400);

Thence S 90°00'00" W, 115.37 feet (N 50151.163; E 91987.033);

Exhibit B-1, Page 5 - Effective March 1, 2005 through October 31, 2010

LEGAL DESCRIPTION FOR DELTA AIRLINES LEASE AREAS AT JOINT USE CARGO BUILDING (cont'd)

Thence N 00°00'00" W, 87.50 feet (N 50238.663; E 91987.033);

Thence N 90°00'00" E, 115.37 feet to the **POINT OF BEGINNING** of Parcel No. 2;

containing 10,094.6 square feet or 0.2317 acres, more or less.

TOGETHER WITH

DELTA AIRLINES LANDSIDE LEASE AREA (PARCEL NO. 3)

A parcel of land located in the Northeast one quarter of said Section 33, being more particularly described as follows:

Commencing at the East quarter corner of said Section 33 (N 50221.168; E 94183.888);

Thence N 89°28'52" W, 1931.57 feet to the **POINT OF BEGINNING** of Parcel No. 1
(N 50238.663; E 92252.400);

Thence S 90°00'00" W, along the north lines of Parcels 1 and 2 described above, 265.37 feet to the **POINT OF BEGINNING OF PARCEL NO. 3** (N 50238.663; E 91987.033);

Thence S 00°00'00" E, 87.50 feet (N 50151.163; E 91987.033);

Thence S 90°00'00" W, 107.00 feet (N 50151.163; E 91880.033);

Thence N 00°00'00" W, 87.50 feet to the **POINT OF BEGINNING OF PARCEL NO. 3**; containing 9362.5 square feet or 0.2149 acres, more or less.

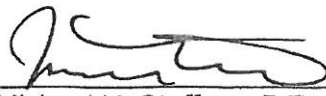
The basis of bearings and survey coordinate system values are taken from the Denver International Airport (DIA) grid control map, which may be reviewed at the DIA Engineering Section, Survey office, 7121-Powhaton Rd., Denver, Colorado 80249.

This legal description was prepared by Kenneth Conlan for the Denver International Airport Engineering Section, 8500-Pena Blvd., Denver, Colorado 80249.

I hereby certify that this
legal description was prepared
under my direct supervision.

Kenneth R. Conlan



Approved By:  3/27/08
Michael H. Steffens, P.E. Date
Manager of Construction