

1 BY AUTHORITY

2 ORDINANCE NO. \_\_\_\_\_

COUNCIL BILL NO. \_\_\_\_\_

3 SERIES OF 2011

COMMITTEE OF REFERENCE:

4 BUSINESS, WORKFORCE & SUSTAINABILITY

5 A BILL

6 For an ordinance approving a proposed Second Amendment to Airport Use And  
7 Facilities Lease Agreement, between the City and County of Denver and Mesa  
8 Airlines, Inc. concerning the use of certain facilities at Denver International Airport.

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** The proposed Second Amendment to Airport Use And Facilities Lease Agreement,  
12 between the City and County of Denver and Mesa Airlines, Inc. in the words and figures contained and  
13 set forth in that form of the Second Amendment to Agreement filed in the office of the Clerk and  
14 Recorder, Ex-Officio Clerk of the City and County of Denver, on the 2nd day of June, 2011, City  
15 Clerk's Filing No. 04-502-B is hereby approved.

17 COMMITTEE APPROVAL DATE: May 27, 2010

18 MAYOR-COUNCIL DATE: May 31, 2010


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 PREPARED BY: George "Skip" Gray, III.  DATE: June 2, 2011

28 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
29 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
30 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6  
31 of the Charter.  
32

33 David W. Broadwell, City Attorney

34 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney

35 DATE: June 2, 2011



04-502-B

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

This Second Amendment to Airport Use and Facilities Lease Agreement is made and entered into as of date described on the signature page, by and between the CITY AND COUNTY OF DENVER, a municipal corporation of the State of Colorado ("the City"), and MESA AIRLINES, INC., a corporation organized and existing under and by virtue of the laws of the State of Arizona, and authorized to do business in the State of Colorado ("Airline").

WHEREAS, the City and Airline have previously entered into an Airport Use and Facilities Lease Agreement at Denver International Airport ("DIA"), dated November 10, 2004 and amended on April 29, 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. 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 May 1, 2002 and shall terminate at Noon MST on December 31, 2011, unless this Agreement is earlier cancelled, terminated or extended as hereinafter provided."

2. 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.

3. This Second Amendment to Airport Use and Facilities Lease Agreement, which 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, may be signed in counterparts each of which shall be deemed to be an original signature page of this Agreement.

[SIGNATURE PAGES FOLLOW]

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 25000 (2)

By \_\_\_\_\_  
Auditor

PARTY OF THE FIRST PART

ATTEST:

By *Janice Effland*  
Title Contract Administrator

MESA AIRLINES, INC.  
By *[Signature]*  
Title VP Customer Svc

PARTY OF THE SECOND PART