

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 Airport Use and Facilities
7 Lease Agreement between Shuttle America Corporation 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 First Amendment to Airport Use and Facilities Lease Agreement
12 between Shuttle America Corporation and the City and County of Denver, in the words and figures
13 contained and set forth in that form of the First Amendment to Airport Use and Facilities Lease
14 Agreement between Shuttle America Corporation and the City and County of Denver, filed in the office
15 of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, on the 24th day of
16 November 2010, City Clerk's Filing No. 05-612-A is hereby approved.

17
18 COMMITTEE APPROVAL DATE: November 19, 2010

19 MAYOR-COUNCIL DATE: November 23, 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: November 24, 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: November 24, 2010

FIRST AMENDMENT TO
AIRPORT USE AND FACILITIES LEASE AGREEMENT

This First Amendment to Airport Use and 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 **SHUTTLE AMERICA CORPORATION**, a corporation organized and existing under and by virtue of the laws of the State of Indiana, 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 August 23, 2005 ("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 June 6, 2005 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 First 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]

05-412-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

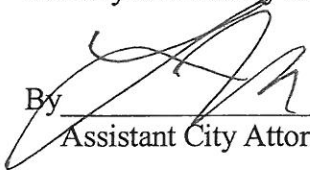
By _____
Mayor

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 56019 (1)

By _____
Auditor

PARTY OF THE FIRST PART

ATTEST:

SHUTTLE AMERICA CORPORATION

By _____

By  _____

Title _____

Title Vice President, Administration

PARTY OF THE SECOND PART