

FIFTH AMENDMENT TO PERMIT AGREEMENT

THIS FIFTH AMENDMENT TO PERMIT AGREEMENT is made and entered into as of the date stated on the City’s signature page below, by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, for and on behalf of its Department of Aviation ("**City**" or "**Grantor**"); **PARK CREEK METROPOLITAN DISTRICT**, a quasi-municipal corporation and political subdivision of the State of Colorado; and **FOREST CITY STAPLETON, INC.**, a Colorado corporation (**Park Creek and Forest City collectively are “Grantees”**).

WITNESSETH:

WHEREAS, the City granted Grantees a permit to access certain City-owned property in the area of the former Stapleton International Airport through a Permit Agreement dated January 15, 2004, a First Amendment to Permit Agreement dated December 12, 2006, a Second Amendment to Permit Agreement dated December 16, 2008, a Third Amendment to Permit Agreement dated January 12, 2012, and a Fourth Amendment to Permit Agreement dated January 9, 2015 (collectively the "**400 Permit**"); and

WHEREAS, the parties desire to further amend the 400 Permit;

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the parties hereto agree as follows:

1. Section 4, entitled "Term", is amended and restated to read as follows:

Subject to the provisions hereof, the privileges granted herein shall commence on January 15, 2004, and shall terminate **May 15, 2019**, unless and until the term is cancelled or terminated as set forth in Paragraphs 5 or 9 below.

2. Except as otherwise provided herein, all of the terms and conditions of the existing 400 Permit shall remain in full force and effect and are hereby ratified and reaffirmed.
3. This Fifth Amendment to Permit Agreement is expressly subject to, and shall not become effective or binding on the City, until it is fully executed by all signatories of the City and County of Denver.

END OF AGREEMENT; SIGNATURE PAGES FOLLOW

Contract Control Number:

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals at Denver, Colorado as of

SEAL

CITY AND COUNTY OF DENVER

ATTEST:

By _____

APPROVED AS TO FORM:

REGISTERED AND COUNTERSIGNED:

By _____

By _____

By _____



Contract Control Number: PLANE-AC34006-05

Contractor Name: Park Creek Metropolitan District

By: 

Name: Tammi T. Holloway
(please print)

Title: Assistant Secretary
(please print)

ATTEST: [if required]


By: _____

Name: _____
(please print)

Title: _____
(please print)



FOREST CITY STAPLETON, INC.,
a Colorado corporation

By: 
Name: John S. Lehigh
Title: vice president

Permit Agreement – 400 Series Fifth Amendment - AC34006(5)

