

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012

COUNCIL BILL NO. CB11-0934
COMMITTEE OF REFERENCE:
BUSINESS, WORKFORCE, & SUSTAINABILITY

A BILL

For an ordinance approving a proposed Third Amendment to License Agreement for the use of existing utilities, Ref. No. 2 between the City and County of Denver and Park Creek Metropolitan District at the former Stapleton site.

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

Section 1. The proposed Third Amendment to License Agreement for the use of existing utilities, Ref. No. 2 between the City and County of Denver and Park Creek Metropolitan District, in the words and figures contained and set forth in that form of Agreement available in the office and on the web page of City Council, and to be filed in the office of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, under City Clerk's Filing No. 2004-0553-C, is hereby approved.

COMMITTEE APPROVAL DATE: December 16, 2011

MAYOR-COUNCIL DATE: December 20, 2011

PASSED BY THE COUNCIL: _____, 2012

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____, 2012

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

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2012; _____, 2012

PREPARED BY: Debra Overn, Assistant City Attorney  DATE: December 22, 2011

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

Douglas J. Friednash, City Attorney for the City and County of Denver

BY: _____, Assistant City Attorney DATE: December 22, 2011

THIRD AMENDMENT TO LICENSE AGREEMENT

THIS THIRD AMENDMENT TO LICENSE AGREEMENT is made and entered into as of the date stated on the City signature page below, by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, on behalf of its Department of Aviation (the "City"), and **PARK CREEK METROPOLITAN DISTRICT**, a quasi-municipal corporation and political subdivision of the State of Colorado (the "District" or "Grantee").

WITNESSETH:

WHEREAS, the City and the District entered into a License Agreement for the Use of Existing Utilities dated August 4, 2004, which was amended by a First Amendment to License Agreement dated December 12, 2006, and a Second Amendment to License Agreement dated November 5, 2008 (collectively the "License"), in which the City allowed the District to use and upgrade certain existing utilities at the former Stapleton International Airport to accommodate ongoing redevelopment of that site; and

WHEREAS, the City and the District desire to further amend the License;

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements contained in the License and hereinafter contained, the parties agree as follows:

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

Subject to the provisions hereof, the privileges granted herein shall commence on August 4, 2004 and terminate on December 31, 2014, unless terminated sooner as provided in this Agreement.

2. A new Section 26 is added to the License, as follows:

26. ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS: The Grantee consents to the use of electronic signatures by the City. The Agreement, and any other documents requiring a signature hereunder, may be signed electronically by the City in the manner specified by the City. The Parties agree not to deny the legal effect or enforceability of the Agreement solely because it is in electronic form or because an electronic record was used in its formation. The Parties agree not to object to the admissibility of the Agreement in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

3. Except as modified and amended here, the License, and each and every term, provision and condition thereof, is hereby ratified and reaffirmed.
4. This Third Amendment to License Agreement shall not be effective or binding upon the City until approved and fully executed by all signatories of the City and County of Denver.

END OF DOCUMENT
SIGNATURE PAGES FOLLOW

Contract Control Number: AC43014

Vendor Name:

By: CM/CV

Name: Cheryl Cohen-Vader
(please print)

Title: First Vice President
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)



Contract Control Number: AC43014

Vendor Name:

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:

DOUGLAS J. FRIEDNASH, Attorney
for the City and County of Denver

By _____

By _____

By _____

