

FIRST AMENDMENT TO THE AIRPORT USE AND LEASE AGREEMENT

THIS FIRST AMENDMENT TO THE AIRPORT USE AND LEASE 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, on behalf of its Department of Aviation (the “**City**”) and **AIR CANADA**, a foreign corporation organized and existing under and by virtue of the laws of the country of Canada, and authorized to do business in the State of Colorado (“**Airline**”).

WITNESSETH

WHEREAS, the City owns and operates Denver International Airport (“**DEN**” or the “**Airport**”), including the land within DEN; and

WHEREAS, the Airline is engaged in the business of transporting persons, property, cargo, and mail, or one or more thereof, by aircraft at DEN; and

WHEREAS, the parties hereto entered into a certain Use and Lease Agreement, which was effective December 2, 2020, known by contract number 202055441, under which the Airline and the City agree to the terms of the Airline’s use and lease of certain premises and facilities at the Airport (the “**Existing Agreement**”); and

WHEREAS, Airline has requested access onto certain DEN property for use as office space, as identified herein and illustrated on *Exhibit D*, attached hereto (“**Access Property**”); and

WHEREAS, the parties now wish to amend the Existing Agreement and modify the premises leased as set forth in this First Amendment; and

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

1. All references to *Exhibit D* of the Existing Agreement are hereby deleted in their entirety and replaced with the updated *Exhibit D* attached hereto.
2. Except as otherwise provided herein, all of the terms, provisions, and conditions of the Existing Agreement shall remain in full force and effect as though set out in full here and are hereby ratified and reaffirmed.
3. This First Amendment to the Agreement shall not become effective or binding on the City until it is approved by the City Council, if so required by the City’s Charter, and it is fully executed by all signatories of the City and County of Denver.

[SIGNATURE PAGES AND EXHIBIT FOLLOW]