

DRAFT

SIXTH AMENDMENT TO GROUND LEASE AND AGREEMENT

THIS SIXTH AMENDMENT TO GROUND LEASE AND AGREEMENT ("**Amendment**") is executed and effective as of this ___ day of _____ 2021, by and between SUNBORNE XVI, LTD., a Colorado limited partnership ("**Lessee**"), and ARAPAHOE COUNTY PUBLIC AIRPORT AUTHORITY ("**Authority**"; together with Sublessee, the "**Parties**" and, individually, a "**Party**").

WITNESSETH

8

WHEREAS, Lessee and the Authority have entered into that certain Ground Lease and Agreement effectively dated as of March 1, 2007 ("**Original Lease**"), as amended by that certain First Amendment to Ground Lease and Agreement dated May 9, 2008, and effective on June 1, 2008 ("**First Amendment**"); that certain Second Amendment to Ground Lease and Agreement dated May 13, 2010 ("**Second Amendment**"); that certain Third Amendment to Ground Lease and Agreement dated July 31, 2012, and effective on August 10, 2012 ("**Third Amendment**"); that certain Fourth Amendment to Ground Lease and Agreement dated December 13, 2018, and effective on November 1, 2018 ("**Fourth Amendment**"); and that certain Fifth Amendment to Ground Lease and Agreement dated February 11, 2021, and effective on February 1, 2021 ("**Fifth Amendment**"; together with the Original Lease, the First Amendment, the Second Amendment, the Third Amendment, ~~and the~~ Fourth Amendment, the "**Lease**"), for certain premises more particularly described therein; and

* and effective May 1, 2010

and Fifth Amendment

WHEREAS, Lessee and the Authority desire to further amend certain provisions of the Lease, as more fully set forth herein.

AGREEMENT

1. **Definitions.** All capitalized terms used herein and not defined shall have the same meanings set forth in the Lease.
2. **Legal Description.** Exhibit D attached to the Lease, setting forth the "Legal Description and Map for Parcel 1" of the Premises, as previously amended pursuant to the Third Amendment, is hereby further amended in its entirety by the substitution of **Exhibit D** hereto.
3. **Land Rent.** Land Rent under the Lease with respect to Parcel 1 shall be and is hereby revised as set forth in **Schedule 1** attached hereto. The first sentence of Article III.A., Land Rent, as most recently amended pursuant to the Fifth Amendment, is hereby further amended by the Land Rent schedule set forth in **Schedule 1** hereto with respect to Parcel 1.
4. **Miscellaneous Provisions.**
 - (a) In the event of any conflict between the terms and provisions of the Lease and those of this Amendment, the terms and provisions of the Amendment shall govern and be controlling.

-Need To Review

Need To review

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the date and year first above written.

AUTHORITY:

ARAPAHOE COUNTY PUBLIC AIRPORT
AUTHORITY

By: _____
Name: _____
Title: Chair

ATTEST:

By: _____
Name: _____
Title: _____

[SUBLESSOR SIGNATURE CONTINUES ON FOLLOWING PAGE]

EXHIBIT D

LEGAL DESCRIPTION

[See Attached]

Gwen Balk

From: Tyler Packard <tpackard@sunborne.net>
Sent: Thursday, July 29, 2021 3:08 PM
To: Gwen Balk
Cc: Nolan Donley; tjohnson@skyharbour.group; Bret Packard; Moore, Dana (dgmoore@foxrothschild.com)
Subject: 6th Amendment Language only
Attachments: SIXTH AMENDMENT TO GROUND LEASE AND AGREEMENT- PARCEL 1(124418676.2)-C.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Gwen,

I wanted to send the draft language of the sixth amendment over to you for review. We used the same language we have used in the past. I also wanted to provide a summary of what you will see once we have the legal exhibits attached. I will be out of town but available for the next two weeks and Nolan is up to speed and will handle it from here.

Parcel 1 (currently Exhibit D) will be split into the following. If you would like us to change any of the lot names, please feel free to do so. Except for Lot 21. That's mine and Bret's and it's the number of our favorite hockey player! 😊

Exhibit L- Parcel 1 West
Exhibit M- Parcel 1 East
Exhibit N- Parcel 1 North
Exhibit O- Taxilane Sierra
Exhibit P- Lot 21

The acreage of Exhibit B, the Street ROW Parcel, will be reduced and the lots listed above will absorb the square footage that is being removed from Exhibit B. Shorter version, more money for the Airport Authority!

Once our exhibits are ready Nolan will get them over to you for your review.

As always, thank you for your help!

Tyler

TYLER PACKARD | MANAGER | The SunBorne Companies
8001 South InterPort Boulevard, Suite 300, Englewood, CO 80112
(303) 708-8590 ext. 22
Fax:: (303) 708-8593
TPACKARD@sunborne.net
www.centennialinterport.com



"The New Approach to Centennial Airport"

