

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** AIRPORT

**AGENDA DATE:** January 8, 2013

**CONTACT PERSON NAME AND PHONE NUMBER:** Monica Lombraña, A.A.E./780-4724

**DISTRICT(S) AFFECTED:** All Districts

**SUBJECT:**

That the City Manager be authorized to sign a First Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and Buzz Oates El Paso LLC. ("Lessee") to amend the description of the Premises to read as follows:

Lots 4, 5 and 6, Block 7, Butterfield Trail Industrial Park Unit One, Replat "A", an Addition to the City of El Paso, El Paso County, Texas, containing 390,637 square feet or 8.968 acres of land, and municipally known and numbered as 16 Zane Grey Drive, El Paso, Texas;

And

Lot 1, Block 12, Butterfield Trail Industrial Park Unit Two, an Addition to the City of El Paso, El Paso County, Texas containing approximately 144,910.1 square feet or 3.3267 acres of land more or less, and municipally known and numbered as 21 Butterfield Trail, El Paso, Texas.

**BACKGROUND / DISCUSSION:**

Lessor has developed an improvement plan for Butterfield Trail Industrial Park ("BTIP") which will upgrade public rights-of-way, reconstruct major thoroughfares, landscape medians, construct walkways and create roundabouts within BTIP.

Lessor and Lessee agree to amend the description of the Premises for 21 Butterfield Trail to delete an identified parcel measuring approximately 445.2 square feet, which fronts on a dedicated public street; the identified parcel does not interfere with Lessee's continued occupancy. Effective July 1, 2012, the remaining adjusted square footage will be 144,910.1 with a subsequent total annual rent of \$101,944.29.

**PRIOR COUNCIL ACTION:**

11/1/91 Original Butterfield Trail Industrial Park Lease with Texas Builders  
1/1/93 Lessor's Approval of Assignment to Texas Builders/Mueller  
9/1/01 Lessor's Approval of Assignment to Marvin L. Oates and Mueller Capitol Plaza - Sacramento  
9/30/03 Lessor's Approval of Assignment to Buzz Oates Development LP  
4/6/10 Lessor's Approval of Assignment to Buzz Oates LLC and Buzz Oates Development LP  
10/23/12 Lessor's Approval of Assignment to Buzz Oates El Paso LLC

**AMOUNT AND SOURCE OF FUNDING:**

N/A Lease is revenue generating.

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a First Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and Buzz Oates El Paso LLC ("Lessee") to amend the description of the Premises to read as follows:

Lots 4, 5 and 6, Block 7, Butterfield Trail Industrial Park Unit One, Replat "A", an Addition to the City of El Paso, El Paso County, Texas, containing 390,637 square feet or 8.968 acres of land and municipally known and numbered as 16 Zane Grey St., El Paso, Texas; and a portion of Lot 1, Block 12, Butterfield Trail Industrial Park Unit Two, an Addition to the City of El Paso, El Paso County, Texas, containing 144,910.1 square feet or 3.3267 acres of land, more or less, and municipally known and numbered as 21 Butterfield Trail Blvd., El Paso, Texas,.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2012.

**CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook  
Mayor

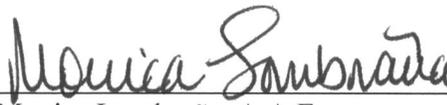
**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Theresa Cullen  
Deputy City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Monica Lombraña, A.A.E.  
Director of Aviation



**WHEREAS**, Lessor has developed an improvement plan for the Butterfield Trail Industrial Park which will upgrade the public rights-of-way within the Butterfield Trail Industrial Park, and the improvements include the reconstruction of major thoroughfares, landscaping of medians, the construction of walkways and the creation of roundabouts within the Butterfield Trail Industrial Park;

**WHEREAS**, Lessor and Lessee agree that identified upgrades are beneficial and positive because the traffic flow within the Butterfield Trail Industrial Park will be improved and the appearance of the Butterfield Trail Industrial Park will be improved with new landscaping, and these improvements specifically enhance the Lessee's continued occupancy of the Premises; and

**WHEREAS**, the Lessor and Lessee agree to amend the description of the Premises to delete an identified parcel which fronts on a dedicated public street because the identified parcel does not interfere with Lessee's continued occupancy for the uses and purposes for which the Premises are leased and the identified parcel can be used in the improvement of the Butterfield Trail Industrial Park.

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Article I, Section 1.01, Description of Premises Demised, of the Lease is amended to read as follows:

Lots 4, 5 and 6, Block 7, Butterfield Trail Industrial Park Unit One, Replat "A", an Addition to the City of El Paso, El Paso County, Texas, containing 390,637 square feet or 8.968 acres of land and municipally known and numbered as 16 Zane Grey St., El Paso, Texas;

and

A portion of Lot 1, Block 12, Butterfield Trail Industrial Park Unit Two, an Addition to the City of El Paso, El Paso County, Texas, containing 144,910.1 square feet or 3.3267 acres of land, more or less, and municipally known and numbered as 21 Butterfield Trail Blvd., El Paso, Texas, and being more particularly described by metes and bounds in **EXHIBIT "A"** attached hereto ("Premises").

2. As of the Effective Date of this First Amendment, Lessor and Lessee agree the annual rental shall be **ONE HUNDRED ONE THOUSAND NINE HUNDRED FORTY FOUR AND 29/100 DOLLARS (\$101,944.29)**. Notwithstanding the foregoing, Lessor and Lessee acknowledge that the foregoing statement of the annual rental amount reflects a unilateral notification of a rental adjustment from Lessor to Lessee effective November 1, 2011. Lessee has contested the November, 2011 rental adjustment, and Lessor and Lessee are following the procedures identified in the Lease to determine the appropriate amount, if any, of such rental adjustment. The foregoing amount is included in this First Amendment for the sole purpose of illustrating the scope of the rental decrease which results from the reduction in the size of the Premises, and Lessee does not hereby waive its right to contest the underlying November, 2011 rental adjustment.

3. Regardless of the date executed, the Effective Date of this First Amendment to the Butterfield Trail Industrial Park Lease shall be July 1, 2012.

4. Except as expressly modified herein, all other terms and conditions of the November 1, 1991 Butterfield Trail Industrial Park Lease shall remain in full force and effect and shall remain as written.

IN WITNESS WHEREOF, this First Amendment to the Butterfield Trail Industrial Park Lease has been approved by the parties hereto as of the dated first noted above.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]





TO CITY MONUMENT  
AT THE INTERSECTION  
OF LEIGH FISHER BLVD.  
AND STURGE DRIVE  
940.36' (NMR)

**LEIGH FISHER BLVD.**  
(90° R.O.W.)

S 87°54'08" E 371.72' 30' RAILROAD R.O.W.

OWNER: CITY OF EL PASO  
REVISED LEASE AREA  
21 BUTTERFIELD TRAIL BOULEVARD  
144,910.1 Sq. Ft. (NET)  
3.3267 Acres (NET)

**BUTTERFIELD TRAIL  
INDUSTRIAL PARK UNIT TWO**

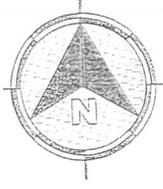
BOOK 57, PAGE 43,  
E.P.C.P.R.

PORTION OF LOT 1 TO BE DEDICATED AS  
STREET R.O.W. BY FUTURE REPLAT  
367.0 SQ. FT. OR 0.0089 ACRES

P.O.B. N86°39'08"W 109.99'

**BUTTERFIELD TRAIL BLVD.**  
(R.O.W. WIDTH VARIES)

PORTION OF LOT 1 TO BE DEDICATED AS  
STREET R.O.W. BY FUTURE REPLAT  
58.2 SQ. FT. OR 0.0013 ACRES



GRAPHIC SCALE



**LEGEND**

- LEASE AREA BOUNDARY LINE
- SUBDIVISION BOUNDARY LINE
- RIGHT-OF-WAY LINE
- CENTERLINE OF RIGHT-OF-WAY
- LOT LINE
- EXISTING CITY MONUMENT
- LEASE AREA CORNER
- LOT NUMBER
- BLOCK NUMBER

LINE	BEARING	LENGTH
L1	S87°54'08"E	371.72'
L2	N02°12'07"E	321.83'
L3	N02°12'07"E	5.82'
L4	N56°39'08"W	36.41'

CURVE	RADIUS	LENGTH	DELTA	CH. BRNG.	CHORD
C1	50.00	77.54'	88°51'15"	N42°13'51"W	70.00'
C2	30.00	7.79'	14°53'05"	N05°14'27"W	7.77'
C3	30.00	7.79'	14°53'07"	N05°14'27"W	7.77'
C4	35.00	23.85'	38°02'37"	N68°23'01"W	23.39'
C5	65.00	90.70'	76°25'32"	N57°04'28"W	64.13'
C6	35.00	23.60'	36°58'07"	S74°01'49"W	23.16'
C7	50.00	10.57'	12°06'37"	N00°35'50"W	10.55'
C8	60.00	25.96'	24°13'14"	N56°39'08"W	25.18'
C9	50.00	10.57'	12°06'37"	S67°17'54"W	10.55'

**REFERENCE NOTES**

1. BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NO. 4203 DETERMINED THROUGH G.P.S. OBSERVATIONS AT A NATIONAL GEODETIC SURVEY (N.G.S.) BRASS DISK MONUMENT "CEN 2" (F.I.D. C00593) LOCATED IN THE OPEN AREA BETWEEN THE RIGHT TURN LANE WHERE AIRWAYS BOULEVARD TURNS INTO AIRPORT ROAD AND THE SOUTHWEST CORNER OF THE EL PASO INTERNATIONAL AIRPORT. SAID MONUMENT LIES IN A HAND WELL 141 FEET SOUTHWEST OF THE WEST RAIL AND 126 FEET NORTHEAST OF A STREET LIGHT.

**CERTIFICATION**

I HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND THAT THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Aaron Alvarado* 3-29-12  
AARON ALVARADO, TX, R.F.L.S. NO. 6223

REV: 03-27-12



**REVISED LEASE AREA MAP**

DRAWN BY: J.M. CHECKED BY: A.A. DATE: 03-14-2012 SCALE: 1" = 100'

(21 BUTTERFIELD TRAIL BOULEVARD)  
AARON ALVARADO  
PORTION OF LOT 1, BLOCK 12, BUTTERFIELD TRAIL INDUSTRIAL PARK UNIT TWO, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

**BROCK & BUSTILLOS INC.**

CONSULTING CIVIL ENGINEERS  
LAND SURVEYORS  
TSPE REG. NO. F-737

417 EXECUTIVE CENTER - EL PASO, TX 79902 - PH (915) 542-4900  
FAX (915) 542-2567 - WWW.BROCKBUSTILLOS.COM

FILE NO: 05100-043H

CAD001  
 Mar 27, 2012, 2:50pm  
 13051100-043-BUTTERFIELD TRAIL IMPROVEMENTS(05100-043-1)DDW(05100-043-REMAINER AREA)BUTTER LEIGH.DWG



ROMAN BUSTILLOS, P.E.  
President  
RANDY P. BROCK, P.E.  
Executive Vice President  
SERGIO J. ADAME, P.E.  
Vice President - Engineering  
ISAAC CAMACHO, R.P.L.S.  
Survey Manager  
TBPE Reg No. F-737  
TBPLS Reg No. 101314-00

**METES AND BOUNDS DESCRIPTION**  
***“REVISED LEASE AREA- 21 BUTTERFIELD TRAIL BOULEVARD”***

***A 3.3267 acre lease area being a portion of Lot 1, Block 12, Butterfield Trail Industrial Park Unit 2, as recorded in Volume 57, Page 43, Plat Records, El Paso County, Texas, and being more particularly described by metes and bounds as follows.***

***COMMENCING*** for reference at an existing City Monument found at the centerline line intersection of Butterfield Trail Boulevard (R.O.W Varies) and Leigh Fisher Boulevard (90.00 feet wide); ***WHENCE***, an existing City Monument found at the center line intersection of Leigh Fisher Boulevard and Spur Drive (90.00 feet wide), bears North 02°12'07" East (North 02°12'07" East~ record), a distance of 940.36 feet; ***THENCE***, leaving the centerline of Leigh Fisher Boulevard and following the centerline of Butterfield Trail Boulevard, South 87°54'08" East, a distance of 96.11 feet; ***THENCE***, leaving the centerline of Butterfield Trail Boulevard, North 02°05'52" East, a distance of 51.05 feet to the north right-of-way line of Butterfield Trail Boulevard for the ***POINT OF BEGINNING*** of the lease area herein described;

***THENCE***, leaving the south right-of way line of Butterfield Trail Boulevard and following the arc of a curve to the right having a radius of 50.00 feet, a central angle of 88°51'15", an arc length of 77.54 feet and whose long chord bears North 42°13'31" West, a distance of 70.00 feet to a point of tangency;

***THENCE***, North 02°12'07" East, a distance of 5.83 feet to a point of curvature;

***THENCE***, following the arc of a curve to the left having a radius of 30.00 feet, a central angle of 14°53'08", an arc length of 7.79 feet and whose long chord bears North 05°14'27" West, a distance of 7.77 feet to the beginning of a reverse curve to the right;

***THENCE***, following the arc of a curve to the right having a radius of 30.00 feet, a central angle of 14°53'07", an arc length of 7.79 feet and whose long chord bears North 05°14'27" East, a distance of 7.77 feet to the east right-of-way line of Leigh Fisher Boulevard for a point of tangency;

***THENCE***, following the east right-of-way line of Leigh Fisher Boulevard, North 02°12'07" East, a distance of 321.83 feet to the northwest corner of the lease area herein described, identical to the northwest corner of Lot 1, Block 12, Butterfield Trail Industrial Park, Unit Two;

***THENCE***, leaving the east right-of-way line of Leigh Fisher Boulevard and following the north boundary line of said Lot 1, South 87°54'08" East, a distance of 371.72 feet to the northeast corner of the lease area herein described, identical to the northeast corner of said Lot 1;

**THENCE**, leaving the north boundary line and following the east boundary line of said Lot 1, South  $02^{\circ}12'07''$  West, a distance of 399.21 feet to the southeast corner of the lease area herein described, identical to the southeast corner of said Lot 1 and the north right-of-way line of Butterfield Trail Boulevard;

**THENCE**, leaving the east boundary line of said Lot 1 and following north right-of way line of Butterfield Trail Boulevard following the arc of a curve to the right having a radius of 35.00 feet, a central angle of  $39^{\circ}02'37''$ , an arc length of 23.85 feet and whose long chord bears North  $68^{\circ}23'01''$  West, a distance of 23.39 feet to a point of reverse curvature;

**THENCE**, continuing along north right-of way line of Butterfield Trail Boulevard following the arc of a curve to the left having a radius of 68.00 feet, a central angle of  $76^{\circ}25'33''$ , an arc length of 90.70 feet and whose long chord bears North  $87^{\circ}04'29''$  West, a distance of 84.13 feet to a point of reverse curvature;

**THENCE**, continuing along north right-of way line of Butterfield Trail Boulevard following the arc of a curve to the right having a radius of 35.00 feet, a central angle of  $38^{\circ}38'07''$ , an arc length of 23.60 feet and whose long chord bears South  $74^{\circ}01'49''$  West, a distance of 23.16 feet to a point of tangency;

**THENCE**, continuing along the north right-of-way line of Butterfield Trail Boulevard, North  $86^{\circ}39'08''$  West, a distance of 109.99 feet to a point of curvature;

**THENCE**, leaving the north right-of-way line of Butterfield Trail Boulevard and following the arc of a curve to the right having a radius of 50.00 feet, a central angle of  $12^{\circ}06'37''$ , an arc length of 10.57 feet and whose long chord bears North  $80^{\circ}35'50''$  West, a distance of 10.55 feet to a point of reverse curvature;

**THENCE**, following the arc of a curve to the left having a radius of 60.00 feet, a central angle of  $24^{\circ}13'14''$ , an arc length of 25.36 feet and whose long chord bears North  $86^{\circ}39'08''$  West, a distance of 25.18 feet to a point of reverse curvature;

**THENCE**, following the arc of a curve to the right having a radius of 50.00 feet, a central angle of  $12^{\circ}06'37''$ , an arc length of 10.57 feet and whose long chord bears South  $87^{\circ}17'34''$  West, a distance of 10.55 feet to a point of tangency on the north right-of-way line of Butterfield Trail Boulevard;

**THENCE**, following the north right-of-way line of Butterfield Trail Boulevard, North  $86^{\circ}39'08''$  West, a distance of 36.41 feet to the **POINT OF BEGINNING**.

Said Parcel contains 3.3267 acres (144,910.1 square feet) more or less and being subject to easements, restrictions or covenants of record.

Basis of Bearing is the Texas State Plane Coordinate System, Central Zone 4203, N.A.D. 83.

 3-29-12

Aaron Alvarado, TX R.P.L.S. No 6223

March 27, 2012

05100-043H-L1-B12-U2.doc

