

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

**DEPARTMENT:** AIRPORT

**AGENDA DATE:** February 26, 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 MAST Partners, L.P. ("Lessee") to allow for the relocation of parking spaces and for landscaping on the Premises as part of the Butterfield Trail Industrial Park Street and Landscape Improvement Project and to amend the description of the Premises to read as follows:

A portion of Lot 6, and a portion of Lot 7, Block 3, Butterfield Trail Industrial Park Unit One, Replat "A", City of El Paso, El Paso County, Texas, containing 68,938.5 square feet or 1.5826 acres of land, more or less, and municipally known and numbered as 13 Founders Blvd., 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 to delete an identified parcel measuring approximately 2,184 square feet, which fronts on a dedicated public street; the identified parcel does not interfere with Lessee's continued occupancy. Effective Date of July 1, 2012, the adjusted square footage remaining will be 68,938.5 square feet with the subsequent annual rent adjusted to \$7,148.92.

**PRIOR COUNCIL ACTION:**

10/1/94 Original Butterfield Trail Industrial Park Lease with Cherry Systems Corporation  
12/1/94 Lessor's Approval of Assignment to 13 Founders Joint Venture  
11/18/97 Lessor's Approval of Assignment to MAST Partners, L.P.

**AMOUNT AND SOURCE OF FUNDING:**

Lease is revenue generating.

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**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**



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

**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 MAST Partners L.P. (“Lessee”) to allow for the relocation of parking spaces and for landscaping on the Premises as part of the Butterfield Trail Industrial Park Street and Landscape Improvement Project and to amend the description of the Premises to read as follows:

A portion of Lots 6 and 7, Block 3, Butterfield Trail Industrial Park Unit 1, Replat A, an Addition to the City of El Paso, El Paso County, Texas, containing 1.5826 acres or 68,938.5 square feet of land, more or less, and municipally known and numbered as 13 Founders Blvd., El Paso, Texas.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2013.

**CITY OF EL PASO**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

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

STATE OF TEXAS            )  
                                          )  
COUNTY OF EL PASO        )            **FIRST AMENDMENT TO  
BUTTERFIELD TRAIL INDUSTRIAL PARK LEASE**

This First Amendment to Butterfield Trail Industrial Park Lease (“Lease”) by and between the City of El Paso (“Lessor”) and MAST Partners L.P. (“Lessee”) is made this \_\_\_\_ day of \_\_\_\_\_, 2013.

**WHEREAS**, effective October 1, 1994 the Lessor entered into a Butterfield Trail Industrial Park Lease (“Lease”) with Cherry Systems Corporation covering the following described property:

A portion of Lot 6 and a portion of Lot 7, Block 3, Butterfield Trail Industrial Park, Unit One, Replat “A”, City of El Paso, El Paso County, Texas, consisting of 1.633 acres of land and municipally known and numbered as 13 Founders Blvd., El Paso, Texas (“Premises”).

**WHEREAS**, effective December 1, 1994 the Lessor executed a Lessor’s Approval of Assignment transferring the Lease from Cherry Systems Corporation to 13 Founders Joint Venture;

**WHEREAS**, the Lease was assigned to MAST Partners, L.P. by that Lessor’s Approval of Assignment effective November 18, 1997;

**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:

A portion of Lots 6 and 7, Block 3, Butterfield Trail Industrial Park Unit 1, Replat A, an Addition to the City of El Paso, El Paso County, Texas, containing 1.5826 acres or 68,938.5 square feet of land, more or less, and being more particularly described by metes and bounds in “**EXHIBIT A**” attached hereto and municipally known and numbered as 13 Founders Blvd., El Paso, Texas (“Premises”).

2. As of the Effective Date of this First Amendment, Lessor and Lessee agree the annual rental shall be **SEVEN THOUSAND ONE HUNDRED FORTY EIGHT AND 92/100 DOLLARS (\$7,148.92)**.

3. Lessee has approved the attached plans for relocating the identified parking spaces from the front of the Premises to the side of the Premises and for landscaping (the “Relocation Project”), as shown on **EXHIBIT “B”**. Lessor will construct the Relocation Project at its sole expense. Lessee grants Lessor, its third party representatives, agents, consultants, and contractors (Lessor’s Representatives) permission to enter the Premises for the Relocation Project. Lessor will coordinate with Lessee before Lessor’s Representatives enter the Premises, and Lessor’s Representatives will exercise reasonable care not to disrupt Lessee’s business operations on the Premises during the Relocation Project. Lessor will provide Lessee with at least seven (7) days notice before the Relocation Project begins on the Premises.

4. **Insurance.** Lessor is a governmental entity as that term is defined in the Texas Tort Claims Act and as such operates under a policy of self insurance during the Relocation Project. Lessor will require its contractors entering on the Premises during the Relocation Project to maintain at all times:

- a. Commercial and general liability insurance including bodily injury and property damage liability and personal injury liability, on an occurrence basis, with a combined single limit of not less than \$1,000,000 per occurrence for bodily injury and property damage, and a general aggregate per project in the amount of \$2,000,000, naming Lessee and Lessor as additional insureds, against any injuries or damages to persons or property that may result from or are related to any entry into the Premises during the Relocation Project.
- b. Workers' compensation insurance for all of employees working on the Premises.

All policies of insurance maintained by Lessor's contractors shall (i) be issued by an insurer licensed to do business in Texas; (ii) require at least thirty (30) days written notice to Lessee and Lessor before termination or material alteration; and (iii) (other than the worker's compensation policies) name Lessee and Lessor as "**additional insureds.**" Upon execution hereof and within thirty (30) days prior to the expiration of each such policy, promptly deliver to Lessee certificates of insurance which shall be evidence of such policies and evidence satisfactory to Lessee that all premiums have been paid and the policies are in full force and effect. Notwithstanding the foregoing, the Lessor may self-insure as to the worker's compensation insurance coverage required under Section 4 b., but will require its contractors to carry the required insurance with third party insurance providers.

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

6. Except as expressly modified herein, all other terms and conditions of the October 1, 1994 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]**

**LESSOR: CITY OF EL PASO**

\_\_\_\_\_  
Joyce A. Wilson  
City Manager

**APPROVED AS TO FORM:**

Theresa Cullen  
Theresa Cullen  
Deputy City Attorney

**APPROVED AS TO CONTENT:**

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

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS )**  
**)**  
**COUNTY OF EL PASO )**

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2013  
by Joyce A. Wilson, as City Manager of the City of El Paso (Lessor).

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:

\_\_\_\_\_

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

LESSEE: MAST Partners, L.P.

By: [Signature]  
Printed Name: MARK A. TOMLIN  
Title: V.P. JMT Properties, Inc.  
G.P.

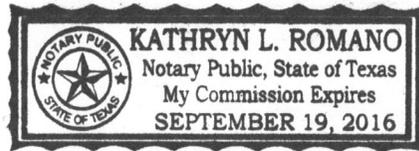
ACKNOWLEDGMENT

STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 7 day of February, 2013  
by MARK TOMLIN as V.P. JMT Properties, Inc. of MAST Partners, L.P. (Lessee).  
G.P.

[Signature]  
Notary Public, State of TEXAS

My Commission Expires:  
September 19, 2016





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- 13 FOUNDERS BOULEVARD"**

*A 1.5826 acre lease area being a portion of Lots 6 and 7, Block 3, Butterfield Trail Industrial Park Unit 1, Replat A, as recorded in Volume 56, Page 71, 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 Founders Boulevard (120.00 feet wide) and Zane Grey Street (90.00 feet wide); *WHENCE*, an existing City Monument found at the center line intersection of said Zane Grey Street and Butterfield Trail Boulevard (140.00 feet wide), bears South 02°12'07" West (South 00°59'34" East~record), a distance of 1745.59 feet; *THENCE*, leaving the centerline of Zane Grey Street and following the centerline of Founders Boulevard, North 87°54'19" West (South 88°54'00" West~record), a distance of 86.75 feet; *THENCE*, leaving the centerline of Founders Boulevard, North 02°05'41" East (North 01°06'00" West~record), a distance of 60.00 feet to the north right-of-way line of Founders Boulevard for the ***POINT OF BEGINNING*** of the lease area herein described;

*THENCE*, following the north right-of-way line of Founders Boulevard, North 87°54'19" West (South 88°54'00" West ~ record), a distance of 69.44 feet to the southwest corner of the lease area herein described;

*THENCE*, leaving north right-of-way line of Founders Boulevard, North 02°19'44" East, (North 00°51'57" West ~ record), a distance of 408.62 feet to the west northwest corner of the lease area herein described;

*THENCE*, North 45°59'41" East, (North 42°48'00" East ~ record), a distance of 28.03 feet to the north northwest corner of the lease area herein described;

*THENCE*, South 87°54'55" East, (North 88°53'24" East ~ record), a distance of 146.49 feet to the northeast corner of the lease area herein described;

*THENCE*, South 02°12'13" West, (South 00°59'28" East ~ record), a distance of 394.44 feet to the beginning of a non-tangent curve to the left;

*THENCE*, following the arc of said non-tangent curve to the left having a radius of 95.00 feet, a central angle of 50°23'08", an arc length of 83.54 feet and whose long chord bears, South 73°20'31" West, a distance of 80.88 feet to the end of said non-tangent curve to the left and the beginning of a tangent curve to the right;

*THENCE*, following the arc of said tangent curve to the right having a radius of 30.00 feet, a central angle of 43°56'44", an arc length of 23.01 feet and whose long chord bears South 70°07'19" West, a distance of 22.45 feet to the ***POINT OF BEGINNING***.

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Said Lease Area contains 1.5826 acres (68,938.5 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, N.A.D.83.

*Aaron Alvarado* 3-29-12

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

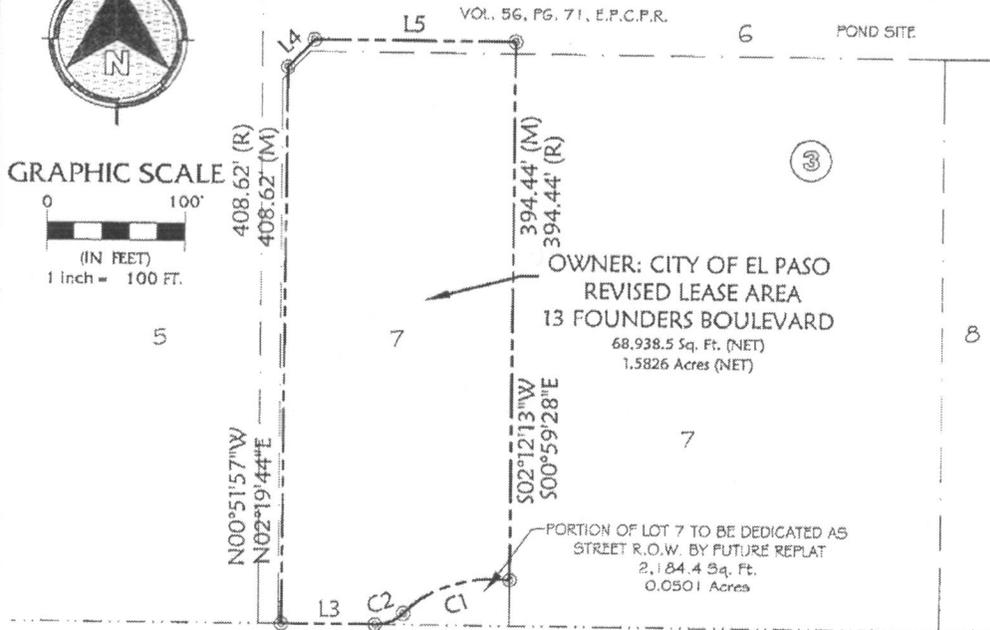
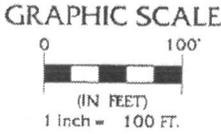
March 27, 2012

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# BUTTERFIELD TRAIL INDUSTRIAL PARK UNIT ONE, REPLATA

VOL. 56, PG. 71, E.P.C.P.R.



**OWNER: CITY OF EL PASO**  
**REVISED LEASE AREA**  
**13 FOUNDERS BOULEVARD**  
 68,938.5 Sq. Ft. (NET)  
 1.5826 Acres (NET)

**PORTION OF LOT 7 TO BE DEDICATED AS STREET R.O.W. BY FUTURE REPLAT**  
 2,184.4 Sq. Ft.  
 0.0501 Acres

**FOUNDERS BLVD.**  
 (120' R. O. W.)

**ZANE GREY ST**  
 (90' R. O. W.)

LINE	LENGTH	BEARING
L1(M)	86.75'	N 87°54'19" W
L1(R)	86.75'	S 88°54'00" W
L2(M)	60.00'	N 02°05'41" E
L2(R)	60.00'	N 01°06'00" W
L3(M)	69.44'	N 87°54'19" W
L3(R)	69.44'	S 88°54'00" W
L4(M)	28.03'	N 45°59'41" E
L4(R)	28.03'	N 42°48'00" E
L5(M)	146.49'	S 87°54'55" E
L5(R)	146.49'	N 88°53'24" E

TIE TO MONUMENT AT CENTERLINE INTERSECTION OF ZANE GREY ST. AND BUTTERFIELD TRAIL BLVD.  
 500°59'34"E 1,745.35' (R)  
 502°12'07"W 1,745.59' (M)

**LEGEND**

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

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	95.00'	83.54'	50°23'08"	S 73°20'31" W	80.88'
C2	30.00'	23.01'	43°56'44"	N 70°07'19" W	22.45'

**REFERENCE NOTES**

1. BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NO. 4202 DETERMINED THROUGH G.P.S. OBSERVATIONS AT A NATIONAL GEODETIC SURVEY (N.G.S.) BRASS DISK MONUMENT 'CEN 2' (P.I.D. C20593) 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.P.L.S. NO. 6223

REV: 3-27-12



**REVISED LEASE AREA MAP**

DRAWN BY: A.A. CHECKED BY: A.A. DATE: 03-14-2012 SCALE: 1" = 100'  
 (13 FOUNDERS BOULEVARD)  
 A PORTION OF LOTS 6 & 7, BLOCK 3, BUTTERFIELD TRAIL INDUSTRIAL PARK  
 UNIT ONE, REPLAT "A", CITY OF EL PASO, EL PASO COUNTY, TEXAS.

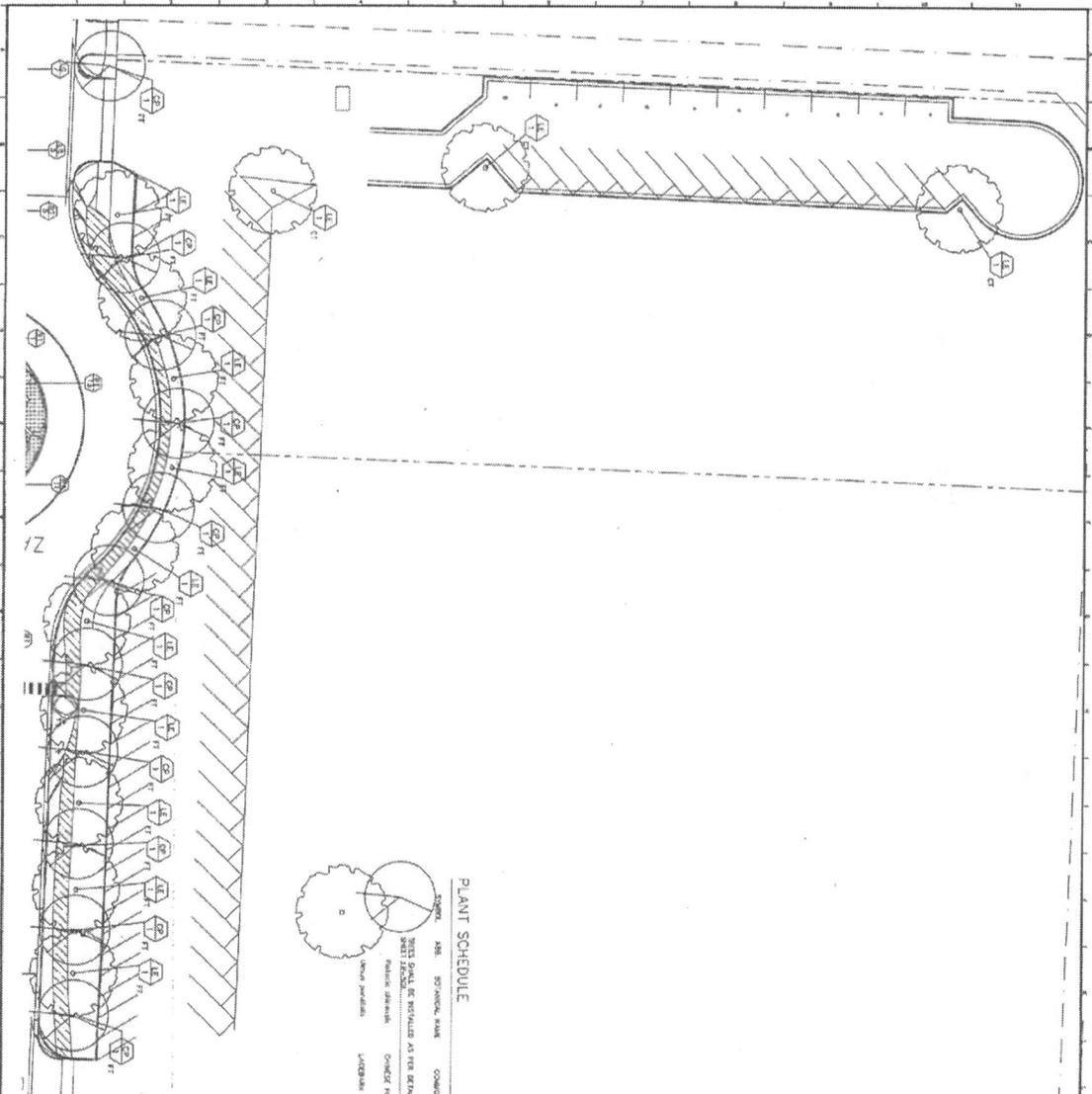


FILE NO: 05100-0431

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 FAX (915) 542-2667—WWW.BROCK&BUSTILLOS.COM

**EXHIBIT A**  
 page 3 of 3

CAD:1  
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PLANT SCHEDULE

SYMBOL	NAME	SCIENTIFIC NAME	COMMON NAME	QUANTITY	SIZE & COMMENTS	PLANTING DATE	PLANTING METHOD
(Symbol)	Plant Name	Scientific Name	Common Name	11	12" x 18" GALVANIZED STEEL	4	12" x 18"
(Symbol)	Plant Name	Scientific Name	Common Name	12	12" x 18" GALVANIZED STEEL	4	12" x 18"

ENTER LEGEND

LANDSCAPE CONTRACT REQUIREMENTS  
 1. ALL PLANTING SHALL BE DONE WITHIN 10 DAYS OF THE START OF CONSTRUCTION.  
 2. ALL PLANTING SHALL BE DONE WITHIN 10 DAYS OF THE START OF CONSTRUCTION.  
 3. ALL PLANTING SHALL BE DONE WITHIN 10 DAYS OF THE START OF CONSTRUCTION.  
 4. ALL PLANTING SHALL BE DONE WITHIN 10 DAYS OF THE START OF CONSTRUCTION.  
 5. ALL PLANTING SHALL BE DONE WITHIN 10 DAYS OF THE START OF CONSTRUCTION.

CITY OF EL PASO ENG. DEPT. LP-121		PROJECT NAME BUTTERFIELD TRAIL INDUSTRIAL PARK STREET AND LANDSCAPE IMPROVEMENTS	SCALE 24" = 10' SHEET	SEAL 	CONSULTANT'S NAME 4119 10th Street, Suite 217 El Paso, TX 79906 Phone: 910-251-8800 Fax: 910-251-8800 E-Mail: info@elaso.com Web: www.elaso.com	REFERENCES BENCHMARKS
		DATE 12/12/12 DRAWN BY J.E.B. CHECKED BY J.E.B. APP. BY J.E.B.	9-22-12	LANDSCAPE PLAN LP-121		

