

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

DEPARTMENT: Airport

AGENDA DATE: April 6, 2010

CONTACT PERSON NAME AND PHONE NUMBER: Monica Lombraña, A.A.E. 780 4793

DISTRICT(S) AFFECTED: All

SUBJECT:

That the City Manager be authorized to sign the Lessor's Approval of Assignment of a Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor:), Marvin L. Oates, as Trustee of Marvin L. Oates Trust ("Oates Trust")("Assignor")and Buzz Oates LLC ("Assignee").

BACKGROUND / DISCUSSION:

Marvin L. Oates, as Trustee of the Marvin L. Oates Trust has been a Butterfield Trail Industrial Park ("BTIP") lessee at #20 Zane Grey since Texas Builders/Mueller assigned ownership of leasehold in March 2002.

The initial term of the Lease is for 35 years, terminating on October 31, 2026 and presently generating annual revenues of \$20,714.40 on approximately 135,000 square feet of land. There are 16½ years remaining on the initial lease term, with two – 10 year options. All terms and conditions of Lease are to remain the same.

Marvin L. Oates, as Trustee of Marvin L. Oates Trust ("Oates Trust") now desires to assign the current Lease to Buzz Oates LLC, a California limited liability company.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A. This is a revenue generating lease.

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 Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Marvin L. Oates, as Trustee of the Marvin L. Oates Trust dated March 7, 1995 ("Assignor"), and Buzz Oates LLC ("Assignee") for the following described property:

Lot 3, Block 7, Butterfield Trail Industrial Park, Unit One, Replat "A", an addition to the City of El Paso, El Paso County, Texas, municipally known as 20 Zane Grey, El Paso, Texas.

ADOPTED this ____ day of _____ 2010.

THE 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

3. **GUARANTOR.** Assignor guarantees payment of rent and other charges or fees due to the Lessor and shall remain fully liable for the prompt and complete performance of any and all obligations arising, or to arise, under the Lease.
4. **RATIFICATION OF LEASE.** Except as expressly modified herein, no provision of this consent alters or modifies any of the terms and conditions of the Lease; all other terms and conditions of the Lease shall remain in full force and effect.
5. **ADDRESS FOR NOTICE.** Notices to Assignee and Assignors shall be sufficient if sent by certified mail, postage prepaid, addressed to:

ASSIGNOR: Marvin L. Oates, as Co-Trustee of the Marvin L. Oates Trust
dated March 7, 1995, as amended
615 Elder Creek Road
Sacramento, CA 95828
Attn: Brian Marty, Esq.

ASSIGNEE: Buzz Oates LLC
8615 Elder Creek Road
Sacramento, CA 95828
Attn: Brian Marty, Esq.

6. **AUTHORIZED REPRESENTATIVE.** The persons signing this Lessor's Approval of Assignment on behalf of the Assignee, Assignor, and Guarantor represent and warrant that they have the legal authority to bind the Assignee, Assignor or Guarantor, respectively, to the provisions of this Lessor's Approval of Assignment.
7. **NON-WAIVER.** The Lessor's Approval of Assignment hereby given by Lessor shall not end the need for Lessor's consent for any future assignments.
8. **EFFECTIVE DATE.** The Effective Date of this Lessor's Approval of Assignment will be April 6, 2010.

(SIGNATURES BEGIN ON THE FOLLOWING PAGE)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Sacramento }

On 2/24/10 before me, Bonnie Allerhand, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Marvin L. Oates, Phillip D. Oates
Name(s) of Signer(s)

Larry E. Allbaugh

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Bonnie Allerhand
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: LESSOR'S Approval of Assignment

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

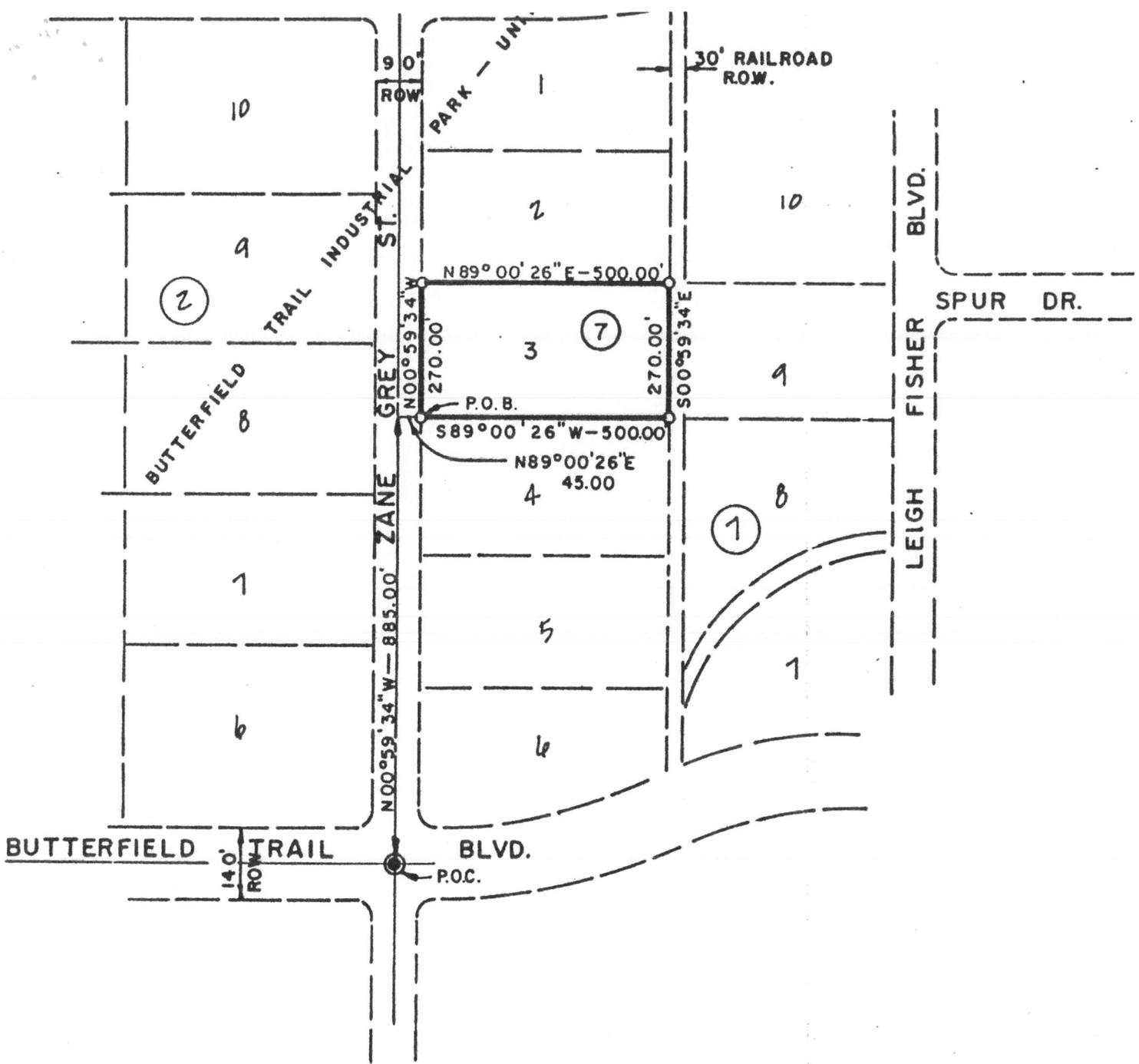
Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> Corporate Officer — Title(s): _____
<input type="checkbox"/> Individual
<input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General
<input type="checkbox"/> Attorney in Fact
<input type="checkbox"/> Trustee
<input type="checkbox"/> Guardian or Conservator
<input type="checkbox"/> Other: _____ | <p style="text-align: center; margin: 0;">RIGHT THUMBPRINT OF SIGNER</p> <p style="text-align: center; margin: 0;">Top of thumb here</p> | <input type="checkbox"/> Corporate Officer — Title(s): _____
<input type="checkbox"/> Individual
<input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General
<input type="checkbox"/> Attorney in Fact
<input type="checkbox"/> Trustee
<input type="checkbox"/> Guardian or Conservator
<input type="checkbox"/> Other: _____ | <p style="text-align: center; margin: 0;">RIGHT THUMBPRINT OF SIGNER</p> <p style="text-align: center; margin: 0;">Top of thumb here</p> |
|---|---|---|---|

Signer Is Representing: _____

Signer Is Representing: _____



135,000 SQUARE FEET OR 3.099 AC.

Faught & Associates Inc.

Consulting Engineers

1551 Montana Avenue
 El Paso, Texas 79902
 (915) 542-4900

PLAT

BEING ALL OF LOT 3, BLOCK 7,
 BUTTERFIELD TRAIL INDUSTRIAL PARK
 UNIT ONE — REPLAT "A"
 CITY OF EL PASO, EL PASO COUNTY
 TEXAS

Recorded in Volume

Page

El Paso County Plat Record

Drawn by R. R.

Date 9-18-86

Job No.

W.O. No. 5010-52

EXHIBIT
A

20 zane grey st (2750x2125x24b jpeg)

