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

DEPARTMENT: **Airport**
AGENDA DATE: **April 24, 2012**
CONTACT PERSON: **Monica Lombraña A.A.E., (915) 780-4793**
DISTRICT(S) AFFECTED: **All Districts**

SUBJECT:

That the City Manager be authorized to sign a First Amendment to Non-Commercial Aviation Ground Lease by and between the City of El Paso and Dade Aviation, Inc. to include the correct legal description for the following described leased premises:

A 60,000 square foot parcel, more or less, being Lots 25, 26 and 27, and a vacated portion of Boeing Drive, Texas, El Paso International Airport Tracts Unit 2, City of El Paso, El Paso County, Texas, and municipally known and numbered as 7605 Boeing Drive, El Paso, Texas.

BACKGROUND / DISCUSSION:

A February 1, 2004 Non-Commercial Aviation Ground lease with Dade Aviation was approved by City Council, however after approval it was discovered an incorrect exhibit, Exhibit "A", Survey and Plat, was attached to the approved document. All information within the lease, property description, and the 60,000 Sq. Ft. lease area was correct. The First Amendment to the lease is to correct this issue, and this issue only, as all other terms and conditions of the February 1, 2004 Non-Commercial Aviation Ground Lease shall remain in full force and effect and shall remain as written.

PRIOR COUNCIL ACTION:

None other than the approval of the 2004 lease.

AMOUNT AND SOURCE OF FUNDING:

N.A. this is a revenue lease

BOARD / COMMISSION ACTION: N/A

**********REQUIRED AUTHORIZATION**********

DEPARTMENT HEAD:

Monica Lombraña

Monica Lombraña A.A.E.
Director of Aviation

Information copy to appropriate Deputy City Manager

CITY CLERK DEPT.
2012 APR 23 AM 8:49

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 Non-Commercial Aviation Ground Lease by and between the City of El Paso and Dade Aviation, Inc. to include the correct legal description for the following described leased premises:

> A 60,000 square foot parcel, more or less, being Lots 25, 26 and 27, and a vacated portion of Boeing Drive, El Paso International Airport Tracts Unit 2, City of El Paso, El Paso County, Texas, and municipally known and numbered as 7605 Boeing Drive, El Paso, Texas.

PASSED and APPROVED this _____ day of _____ 2012.

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

12-1003-172/107058/Reso. 1st Amend. Dade Aviation

STATE OF TEXAS	)	**FIRST AMENDMENT TO**
	)	**NON-COMMERCIAL AVIATION**
COUNTY OF EL PASO	)	**GROUND LEASE**

This First Amendment to Non-Commercial Aviation Ground Lease, by and between the City of El Paso (Lessor) and Dade Aviation, Inc., (Lessee) is executed on this _____ day of _____, 2012.

WITNESSETH

WHEREAS, Lessor entered into a General Aviation Non-Commercial Ground Lease agreement with Lessee with an effective date of February 1, 2004 (the "Lease") for the following described property:

> Lots 25, 26 and 27, Block 4, and a portion of Boeing Drive, El Paso International Airport Tracts Unit 2, El Paso, El Paso County, Texas.

WHEREAS, while reviewing the Lease, Lessor has discovered that an incorrect metes and bounds description of the Premises had been attached as an exhibit to the Lease.

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 II, Section 2.01, Description of Premises, of the Lease is amended to read as follows:

   A 60,000 square foot parcel, more or less, being Lots 25, 26 and 27, and a vacated portion of Boeing Drive, El Paso International Airport Tracts Unit 2, City of El Paso, El Paso County, Texas being more particularly described by metes and bounds in **EXHIBIT "A-1,"** which is attached hereto, and incorporated herein for all purposes, and municipally known and numbered as 7605 Boeing Drive, El Paso, Texas ("Premises.").

2. Except as expressly modified herein, all other terms and conditions of the February 1, 2004 Non-Commercial Aviation Ground Lease shall remain in full force and effect and shall remain as written.

IN WITNESS WHEREOF this First Amendment to the Non-Commercial Aviation Ground Lease has been approved by the parties hereto as of the date first noted above.

LESSOR: CITY OF EL PASO

_____
Joyce A. Wilson
City Manager

APPROVED AS TO FORM:

Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:

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 _____, 2012, 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 FOLLOWING PAGE]

LESSEE: DADE AVIATION, INC.

By: _____
Printed Name: Luis Arce
Title: President

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 11 day of April, 2012, by Luis E. Arce as President of **Dade Aviation, Inc.** (Lessee).

_____
Notary Public, State of Texas

My Commission Expires:
12.29.12

GLORIA L. RIOS
Notary Public, State of Texas
My Commission Expires
DECEMBER 29, 2012

Being Lots 25, 26 and 27, Block 4, and a portion
of Boeing Dr., vacated in volume 1028, page 423,
El Paso International Airport Tracts Unit 2
City of El Paso, El Paso County, Texas
March 16, 2011

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Lots 25, 26 and 27, Block 4 and a portion of Boeing Dr., vacated in volume 1028, page 423, Real property records of El Paso County, Texas, El Paso International Airport Tracts Unit 2 as recorded in volume 18, page 31, Plat records of the City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a found bridge nail at the centerline intersection of Boeing Dr. and Beech St. from which an existing brass disk city monument at the centerline intersection of Boeing Drive and Shuttle Columbia St. bears North 81°10'07' East a distance of 1460.22 feet; Thence along the centerline of Boeing South 81°10'07" West a distance of 1034.00 feet to a point; Thence leaving said centerline North 08°49'53" West a distance of 34.00 feet to a set nail on the southerly line of a vacated portion of Boeing Dr. as recorded in Volume 1028, Page 423 Real property records of El Paso County, Texas for the "TRUE POINT OF BEGINNING";

Thence along said line South 81°10'07" West a distance of 300.00 feet to a set chiseled v on sidewalk at the intersection of the northerly right of way line of Boeing Dr. with the common line of Lots 24 and 25, Block 4, El Paso International Airport Tracts Unit 2;

Thence along the common line of said lots 24 and 25, North 08°49'53" West a distance of 200.00 feet to a set ½" rebar with cap marked TX 5152 on the northerly line of El Paso International Airport Tracts Unit 2;

Thence along said line North 81°10'07" East a distance of 300.00 feet to a set nail on common line of lots 27 and 28, block 4, El Paso International Airport Tracts Unit 2;

Thence along said line South 08°49'53" East a distance of 200.00 feet to the TRUE POINT OF BEGINNING" and containing 60,000.00 square feet or 1.3774 acres of land more or less.

NOTE: Bearings based on plat of El Paso International Airport Tracts Unit 11, as recorded in volume 71, page 29, Plat records of El Paso County, Texas.

Ron R. Conde
R.P.L.S. No. 5152
Job No. 311-13

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

3-16-11

EXHIBIT
PAGE 1 OF 2
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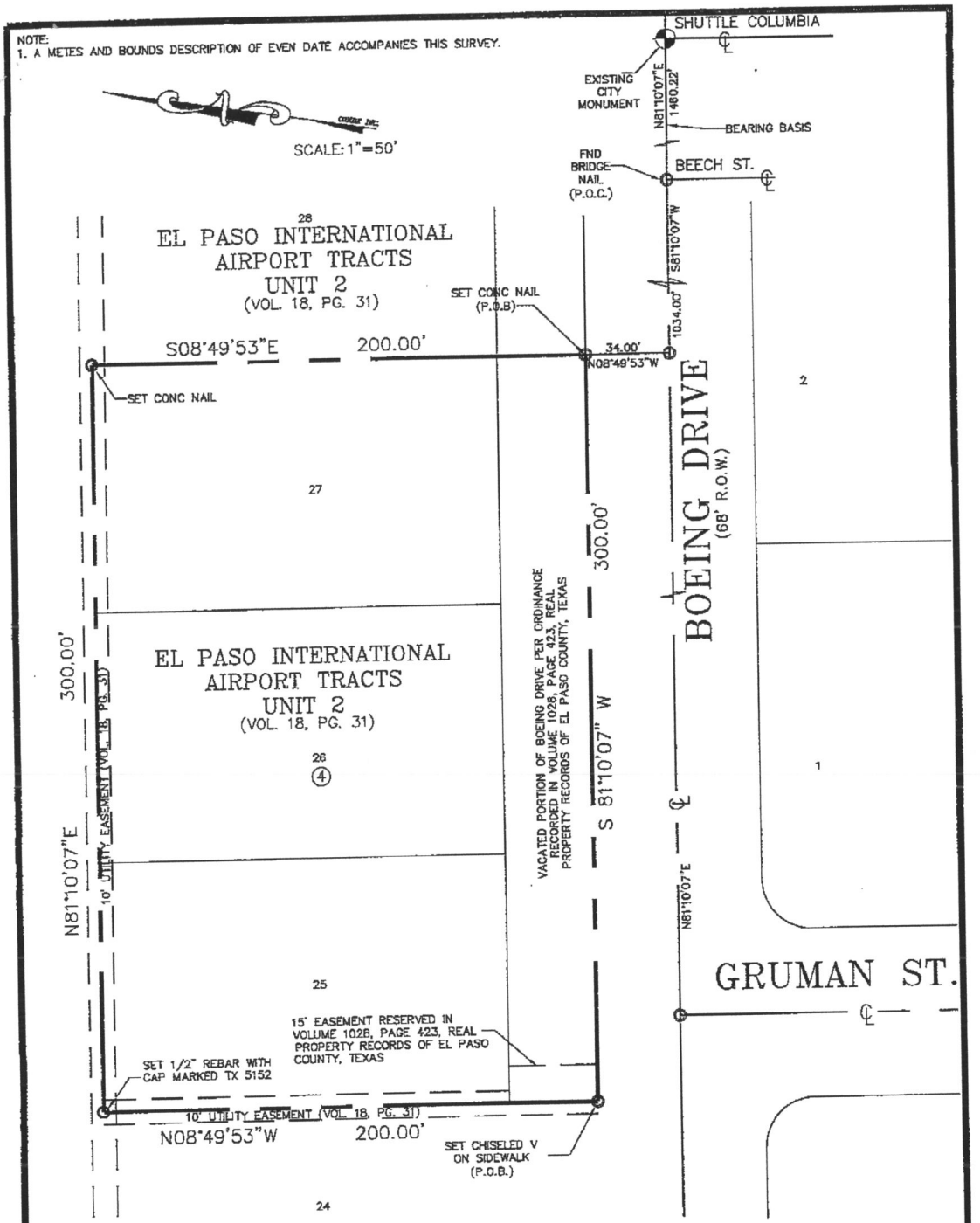
CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283 FAX (915) 592-0286

NOTE:
1. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SURVEY.



CERTIFICATION

THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF BASED ON THE FACTS EXISTING AT TIME OF THIS SURVEY.

RON R. CONDE R.P.L.S #5152

JOB # 311-13	DATE: MARCH 16, 2011	FIELD: A.V.	OFFICE: F.R.
LOCATED IN ZONE C	PANEL # 480214-0035B	DATED 10-15-1982	
RECORDED IN VOLUME 18	PAGE 31 . PLAT RECORDS,	EL PASO COUNTY, TX	
	LOTS 25, 26 & 27, BLOCK 4 AND A PORTION OF BOEING DR. VACATED IN VOLUME 1028, PAGE 423 EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 2 CITY OF EL PASO, EL PASO COUNTY, TEXAS		
	CONDE INC. 6080 SURETY SUITE 100 EL PASO, TEXAS 79905	CADD FILE: S:\C\EP INT\311-13	

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EXHIBIT
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