

**CITY OF EL PASO, TEXAS**  
**DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)**

**DEPARTMENT:** Aviation  
**AGENDA DATE:** May 15, 2007  
**CONTACT PERSON/PHONE:** Patrick T. Abeln-780-4724  
**DISTRICT(S) AFFECTED:** 3

**SUBJECT:**

Authorize the City Manager to sign an a Surrender of Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and Aerolitoral S.A. De C.V.

**BACKGROUND / DISCUSSION:**

In July, 2001 and effective August 1, 2001, City Council approved new Airline Operating Agreements for the existing airlines serving El Paso International Airport, including Aerolitoral. Although the Agreement does not expire until August 31, 2007, Aerolitoral desires to be released from the rights and responsibilities of the Agreement. The Department of Aviation agrees to the release and is interested in pursuing a different proposed use for the space currently leased to Aerolitoral.

As consideration for the City's approval of surrender and early termination of the Agreement, the City shall take immediate possession of the premises leased to Aerolitoral. Additionally, Aerolitoral will make one final lump sum payment to the City in the amount of \$24,000.00 in satisfaction of all rental amounts owed by Aerolitoral to the City under the agreement.

**PRIOR COUNCIL ACTION:**

No

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

CITY CLERK DEPT.  
07 MAY - 4 AM 9:09

**COUNCIL ACTION REQUIRED:** City Council did not delegate the authority to sign airport leases, concession agreements or operating agreements.

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

**LEGAL:** (if required) Raymond L. Telles **FINANCE:** (if required) \_\_\_\_\_  
Raymond L. Telles, Asst. City Attorney

**OTHER:** Patrick T. Abeln, A. A. E., Director of Aviation Patrick T. Abeln  
(Example: if RCA is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:** \_\_\_\_\_

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

# RESOLUTION

**WHEREAS**, the City of El Paso ("City") entered into an Airline Operating Agreement and Terminal Building Lease with Aerolitoral S.A. de C.V. ("Aerolitoral") with an effective date of August 1, 2001; and

**WHEREAS**, Aerolitoral has ceased operations from the El Paso International Airport and has requested termination of the referenced Airline Operating Agreement and Terminal Building Lease; and

**WHEREAS**, the City has other planned uses for the space previously occupied by Aerolitoral and such a termination is in the best interests of both parties;

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

That the City Manager be authorized to sign a Surrender of Airline Operating Agreement and Terminal Building Lease by and between the CITY OF EL PASO and AEROLITORAL S.A. DE C.V.

**ADOPTED THIS \_\_\_\_ DAY OF MAY 2007.**

THE CITY OF EL PASO

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

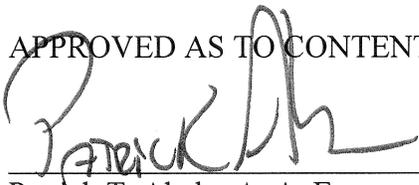
ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Raymond L. Telles  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Patrick T. Abeln, A. A. E.  
Director of Aviation

CITY CLERK DEPT.  
07 MAY -4 AM 9:09

STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

**SURRENDER OF AIRLINE OPERATING  
AGREEMENT AND TERMINAL BUILDING LEASE**

This **SURRENDER OF AIRLINE OPERATING AGREEMENT AND TERMINAL BUILDING LEASE** ("Surrender") is entered into by and between the **CITY OF EL PASO, TEXAS**, a municipal corporation in the State of Texas ("Lessor") and **AEROLITORAL S.A. de C.V.** ("Lessee"), a corporation organized and existing under the laws of Mexico.

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**WHEREAS**, Lessee acquired various rights and assumed responsibilities as more fully enumerated within that Airline Operating Agreement and Terminal Building Lease between the parties dated July of 2001 and effective August 1, 2001 (the "Agreement"), which is incorporated herein for all purposes;

**WHEREAS**, although the Agreement does not expire until midnight of August 31, 2007, Lessee desires to be released from the rights and responsibilities of the Agreement and Lessor agrees to such release and is interested in pursuing a different proposed use for the space currently leased to Lessee through the Agreement; and

**WHEREAS**, the parties therefore believe the execution of this Surrender is in the best interests of both parties, and therefore Lessor desires to accept Lessee's proposed surrender of all rights and responsibilities originally granted through the Agreement;

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements herein set forth, Lessor and Lessee agree and covenant as follows:

1. Lessor agrees to the early termination of the Agreement and further agrees to Lessee's immediate surrender of all rights and responsibilities under said Agreement as of the date on which this Surrender is fully executed by both parties.
2. As consideration for Lessor's approval of this surrender and early termination of this Agreement, Lessor shall take immediate possession of the premises leased to Lessee under the Agreement. As additional consideration for such surrender and early termination, Lessee shall also make one final lump sum payment to Lessor of **TWENTY FOUR THOUSAND AND 00/100 DOLLARS (\$24,000.00)** in satisfaction of all rental amounts owed by Lessee to Lessor under the Agreement.
3. Lessor shall accept surrender of the leased premises, including all other rights and responsibilities of the Lessee noted within the Agreement, with such acceptance to become effective upon final execution of this Surrender by both parties;

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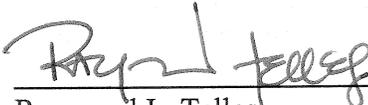
provided, however, that Lessor's acceptance of Lessee's surrender is conditioned upon Lessor's receipt of Lessee's payment of the lump sum as noted herein.

EXECUTED AND EFFECTIVE this \_\_\_\_ day of \_\_\_\_\_ 2007.

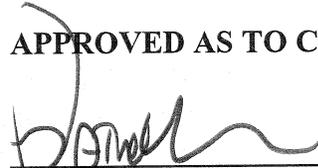
**CITY OF EL PASO:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Raymond L. Telles  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Patrick T. Abeln, 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 \_\_\_\_\_, 2007, by **Joyce A. Wilson** as **City Manager** of the **City of El Paso**. (Lessor).

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

My Commission Expires:  
\_\_\_\_\_

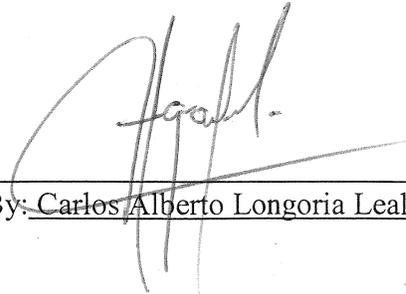
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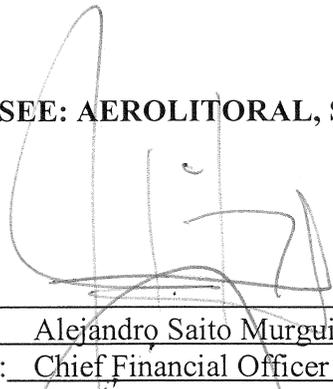
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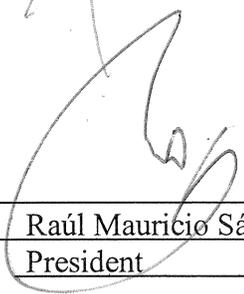


ATTEST:

LESSEE: AEROLITORAL, S.A. de C.V.

  
By: Carlos Alberto Longoria Leal

  
By: Alejandro Saito Murguia  
Title: Chief Financial Officer

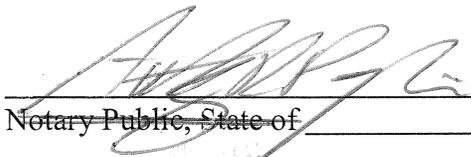
  
By: Raúl Mauricio Sáenz Campos  
Title: President

**ACKNOWLEDGMENT**

~~THE STATE OF~~ \_\_\_\_\_ )

~~COUNTY OF~~ \_\_\_\_\_ )

This instrument was acknowledged before me on this 25th day of April, 2007,  
by Carlos Alberto Longoria Leal, of **Aerolitoral, S.A. de C.V.** (Lessee).  
Alejandro Saito Murguia, and Raul Mauricio Saenz Campos

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

My Commission Expires:  
\_\_\_\_\_

ANTHONY R. PAGLIAI  
VICE CONSUL OF THE  
UNITED STATES OF AMERICA

07 MAY -4 AM 9:10  
CITY CLERK DEPT.