

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

DEPARTMENT: AIRPORT

AGENDA DATE: May 29, 2012

CONTACT PERSON NAME AND PHONE NUMBER: Monica Lombraña/780-4724

DISTRICT(S) AFFECTED: 2

**SUBJECT:**

**APPROVE** a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

This item is a Resolution to authorize the City Manager to sign a First Amendment to the Temporary Land Use Lease by and between the City of El Paso (Lessor) and EAN Holdings, LLC (Lessee) to extend the term of the lease through August 31, 2013, and to provide for additional options to extend the lease for the following property:

A portion of Block 2, Tract 4A, Ascarate Grant, City of El Paso, El Paso County, Texas, containing approximately 100,000 square feet of land, and which is located behind Cargo Building 2, located at 6415 Convair Road, El Paso, El Paso County, Texas.

**BACKGROUND / DISCUSSION:**

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns? EAN Holdings, LLC leases approximately 100,000 square feet of land behind Cargo #2 to store vehicles that support operation of its three Vehicle Rental Concession Agreements (i.e., Enterprise Rent-A-Car, Alamo Rent A Car, and National Car Rental) at the Airport. The Lessee requested to continue leasing and utilizing the space until the land is needed for construction of the new consolidated rental car facility (ConRAC). The Airport is recommending the extension of the lease through August 31, 2012, plus eight (8) additional options of three (3) months each to be exercised by the Lessor with 30 days' notice to the Lessee. This will allow the Lessee to remain occupying the premises until the Airport requires the land for construction of the ConRAC.

**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one?

June 8, 2010 – Approval of a Temporary Land Use Lease for 100,000 square feet of land behind Cargo #2.

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A – this is a revenue-generating item

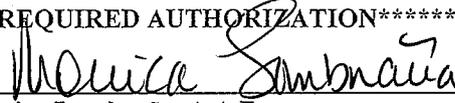
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**BOARD / COMMISSION ACTION:** N/A

Enter appropriate comments or N/A

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

**DEPARTMENT HEAD:**

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

(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 Temporary Land Use Lease by and between the City of El Paso ("Lessor") and EAN Holdings, LLC ("Lessee") to extend the term of the lease through August 31, 2013; provide for additional options to extend for the following described property:

A portion of Block 2, Tract 4A, Ascarate Grant, City of El Paso, El Paso County, Texas, containing approximately 100,000 square feet of land, and which is located behind Cargo Building 2, located at 6415 Convair Road, El Paso, El Paso County, Texas.

APPROVED the \_\_\_\_\_ 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

STATE OF TEXAS        )  
                                  )  
COUNTY OF EL PASO    )

**FIRST AMENDMENT TO TEMPORARY  
LAND USE LEASE**

This First Amendment to the Temporary Land Use Lease by and between the City of El Paso (the "Lessor") and EAN Holdings, LLC (the "Lessee") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2012.

**WHEREAS**, the Lessor and the Lessee entered into a Temporary Land Use Lease, with an effective date of June 8, 2010, ("Lease") for the following described premises:

A portion of Block 2, Tract 4A, Ascarate Grant, City of El Paso, El Paso County, Texas, containing approximately 100,000 square feet of land, and which is located behind Cargo Building 2, located at 6415 Convair Road, El Paso, El Paso County, Texas.

**WHEREAS**, the Lease will expire on June 7, 2012;

**WHEREAS**, the Lessor and the Lessee would like to extend the term of the Lease for an additional period and provide for additional options to extend.

**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. **Term.** The Lessor and the Lessee acknowledge that the term of the Contract is being extended through August 31, 2013, by the complete execution of this First Amendment to the Temporary Land Use Lease.
2. **Options to Extend.** In the event that Lessee is not in default of any terms of this Lease, Lessor shall have the option to extend this Lease for eight (8) additional terms of three (3) months each. Lessor may exercise an option to extend with thirty (30) days notice to Lessee.
3. Regardless of the date executed, the Effective Date of this First Amendment to the Temporary Land Use Lease shall be June 8, 2012.
4. Except as expressly modified herein, all other terms and conditions of the Lease shall remain in full force and effect and shall remain as written.

**IN WITNESS WHEREOF**, this First Amendment to the Temporary Land Use Lease has been approved by the parties hereto as of the dated 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 THE FOLLOWING PAGE]

**LESSEE: EAN HOLDINGS, LLC**

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

**THE STATE OF NEW MEXICO )**  
**)**  
**COUNTY OF BERNALILLO )**

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2012,  
by \_\_\_\_\_ as \_\_\_\_\_ on behalf of EAN Holdings, LLC  
(Lessee).

\_\_\_\_\_  
Notary Public, State of New Mexico

My Commission Expires:

\_\_\_\_\_