

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

DEPARTMENT: Aviation

AGENDA DATE: June 8, 2010

CONTACT PERSON/PHONE: Monica Lombraña, A.A.E. -780-4793

DISTRICT(S) AFFECTED: All

SUBJECT: This is a resolution authorizing the City Manager to sign a Surrender of a Temporary Land Use Lease by and between the City of El Paso and Enterprise Leasing Company – West.

BACKGROUND / DISCUSSION:

As assignee of Enterprise Leasing Company – West, EAN Holdings LLC has requested additional space for parking of their rental vehicle. However, there is no additional space available at the present location to accommodate their request of 100,000 SF. The City and EAN Holdings LLC have agreed that it is mutually beneficial to relocate to another space and surrender the 33,379 SF of land currently being leased.

PRIOR COUNCIL ACTION:

Approval of a Temporary Land Use Lease for Enterprise Leasing Company –West on November 11, 2008.

AMOUNT AND SOURCE OF FUNDING:

N/A - Revenue Generating

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:



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

Information copy to appropriate Deputy City Manager

RESOLUTION

WHEREAS, the City of El Paso entered into a Temporary Land Use Lease with Enterprise Leasing Company – West to use approximately 33, 379 square feet of land,

WHEREAS, Lessee's successor EAN Holdings LLC has requested additional space for its use pursuant to the Agreement but there is no additional space for expansion at the present location;

WHEREAS, although the term of the Temporary Land Use Lease expires June 30, 2010, Lessor would like Lessee to relocate to another site at the El Paso International Airport in order to accommodate Lessee's request for additional space,

WHEREAS, a termination of the Temporary Land Use Lease 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 a Temporary Land Use Lease by and between the City of El Paso and Enterprise Leasing Company - West.

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

STATE OF TEXAS)
)
COUNTY OF EL PASO) **SURRENDER OF TEMPORARY LAND USE LEASE**

This **SURRENDER OF TEMPORARY LAND USE LEASE** (“Surrender”) is entered into by and between the **CITY OF EL PASO, TEXAS**, a municipal corporation in the State of Texas (“Lessor”) and **ENTERPRISE LEASING COMPANY - WEST** (“Lessee”), a corporation organized and existing under the laws of the State of Nevada.

WHEREAS, Lessee acquired various rights, including the right to use approximately 33,379 square feet of land, as more fully enumerated within a Temporary Land Use Lease between the parties dated Nov. 11, 2008 and with an effective date of Dec.1, 2008 (the “Agreement”), which is incorporated herein for all purposes;

WHEREAS, Lessee’s successor EAN Holdings LLC has requested additional space for its use pursuant to the Agreement but there is no additional space for expansion at the present location;

WHEREAS, although the term of the Agreement expires June 30, 2010, Lessor would like to Lessee to relocate to another site at the El Paso International Airport in order to accommodate Lessee’s request for additional space, and Lessee desires to be released from the rights and responsibilities of the Agreement and Lessor agrees to a release of the Agreement;

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’s successor, EAN Holdings, LLC will enter into a new Temporary Use Agreement with Lessor for approximately 100,000 square feet of land within a portion of Block 2, Tract 4A, Ascarate Grant, City of El Paso, El Paso County, Texas, which is located behind Cargo Building 2, located at 6415 Convair Road, El Paso, El Paso County, Texas, and Lessee shall immediately tender a lump sum payment of all rental amounts owed by Lessee to Lessor under the Agreement through the date of surrender.

