

**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 an Approval of Assignment by and among the City of El Paso (City), Enterprise Leasing Company West (Assignor) and EAN Holdings, LLC (Assignee) of the July 1, 2006 Vehicle Rental Concession Agreement.

BACKGROUND / DISCUSSION:

On August 1, 2009, Enterprise Leasing Company – West (Concessionaire) assigned the Concession Agreement to EAN Holdings, LLC (Assignee) as successor as part of an elective conversion to a limited liability company under the laws of the State of Delaware. As such, the Assignor is hereby requesting the City's approval to assign the lease.

PRIOR COUNCIL ACTION:

Approval of a Vehicle Rental Concession Agreement for Enterprise Leasing Company –West effective on July 1, 2006.

AMOUNT AND SOURCE OF FUNDING:

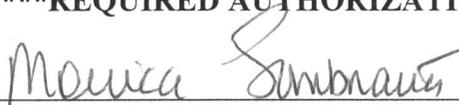
N/A - Revenue Generating

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

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Approval of Assignment by and among the City of El Paso ("City"), Enterprise Leasing Company – West, LLC ("Assignor") and EAN Holdings, LLC ("Assignee") of the July 1, 2006 Vehicle Rental Concession Agreement.

ADOPTED this the ____ day of _____ 2010.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

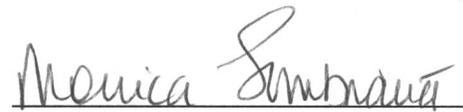
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:



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

3. **GUARANTOR.** Concessionaire shall be released and discharged from all rights, privileges and obligations under the Vehicle Rental Concession Agreement arising from and after the effective date of the assignment of the Vehicle Rental Concession Agreement and Assignee shall, as of the effective date of the assignment, enjoy all rights and privileges and be responsible for satisfying all such obligations the same as if the Vehicle Rental Concession Agreement had originally been executed between City and Assignee.

4. **RATIFICATION OF AGREEMENT.** Except as expressly modified herein, no provision of this consent alters or modifies any of the terms and conditions of the Vehicle Rental Concession Agreement; all other terms and conditions of the Vehicle Rental Concession Agreement shall remain in full force and effect.

5. **ADDRESS FOR NOTICE.** Notices to Assignee shall be sufficient if sent by certified mail, postage prepaid, addressed to:

ASSIGNEE: EAN Holdings, LLC
4740 Pan American Fwy.
Albuquerque, NM 87109
Attn: General Manager

6. **AUTHORIZED REPRESENTATIVE.** The persons signing this Approval of Assignment on behalf of Concessionaire and Assignee represent and warrant that they have the authority legally to bind Concessionaire and Assignee, to the provisions of this CITY'S Approval of Assignment.

7. **NON-WAIVER.** This Approval of Assignment hereby given by City shall not end the need for City's consent for any future assignments.

8. **EFFECTIVE DATE.** The parties have executed this Approval of Assignment hereto this ____ day of _____ 2010.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

**CONCESSIONAIRE: Enterprise Leasing
Company – West, LLC**
A Delaware limited liability company

Printed Name: _____
Title: _____

CONCESSIONAIRE’S ACKNOWLEDGEMENT

THE STATE OF _____)
_____)
COUNTY OF _____)

This instrument was acknowledged before me on this ____ day of _____, 2010,
by _____ as _____ of **Enterprise Leasing Company –
West, LLC** (Concessionaire)

Notary Public, State of _____

My Commission Expires:

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

ASSIGNEE: EAN Holdings, LLC,
a Delaware limited liability company

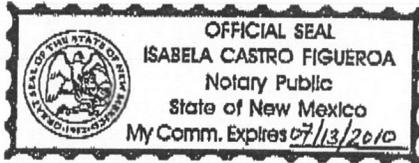
Printed Name: KEVIN HILL
Title: VICE PRESIDENT / GENERAL MGR.

ASSIGNEE'S ACKNOWLEDGEMENT

THE STATE OF New Mexico)

COUNTY OF Bernalillo)

This instrument was acknowledged before me on this 27th day of May,
2010, by Kevin Hill as Vice President of EAN Holdings, LLC (Assignee)
General Mgr.



Isabela Castro Figueroa
Notary Public, State of New Mexico

My Commission Expires:
July 13th, 2010