

**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 Holdings, Inc., formerly known as Enterprise Rent A Car Company (Assignor) and EAN Holdings, LLC (Assignee) for the following described property:

Lot 3, Block 1-B, El Paso International Airport Tracts, City of El Paso, El Paso County,
Texas, containing 33,115 square feet of land, commonly known as 6400 Convair Road.

BACKGROUND / DISCUSSION:

On September 15, 2008, Enterprise Holdings, Inc., formerly known as Enterprise Rent A Car Company (Assignor) adopted a Limited Liability company Agreement as required by the Delaware Limited Liability Company Act and filed a Certificate of Formation for EAN Holdings, LLC (Assignee). As such, the Assignor is hereby requesting the City's approval to assign the lease.

PRIOR COUNCIL ACTION:

Approval of an Industrial Site Lease for aforementioned property for Enterprise Rent A Car Company on July 17, 2001.

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 a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Enterprise Holdings, Inc., formerly known as Enterprise Rent-A-Car Company, ("Assignor"), and EAN Holdings, LLC ("Assignee") for the following described property:

Lot 3, Block 1-B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, containing 33,115 square feet of land, commonly known as 6400 Convair Road, El Paso, Texas.

ADOPTED this the ____ day of _____ 2010.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:



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

3. **GUARANTOR.** Assignor guarantees payment of rent and other charges or fees due to Lessor and shall remain fully liable for the prompt and complete performance of any and all obligations arising, or to arise, under the Lease.

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 Lease; all other terms and conditions of the Lease shall remain in full force and effect.

5. **ADDRESS FOR NOTICE.** Notices to Assignee and Assignor 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

ASSIGNOR: Enterprise Holdings, Inc.
2700 Chandler Ave., Suite A-1
Las Vegas, Nevada 89120

6. **AUTHORIZED REPRESENTATIVE.** The persons signing this Lessor's Approval of Assignment on behalf of Assignor and Assignee represent and warrant that they have the authority legally to bind Assignor or Assignee, respectively, to the provisions of this Lessor's Approval of Assignment.

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

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

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

