

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

DEPARTMENT: Airport

AGENDA DATE: July 13, 2010

CONTACT PERSON NAME AND PHONE NUMBER: Monica Lombraña, A.A.E. 780-4793

DISTRICT(S) AFFECTED: All

SUBJECT:

That the City Manager be authorized to sign a Lessor's Approval of Assignment of the Industrial Site Lease by and between the City of El Paso ("Lessor"), Opportunity Center for the Homeless ("Assignor") and West Texas Non-Profit Developments ("Assignee").

BACKGROUND / DISCUSSION:

Opportunity Center for the Homeless has been an Industrial Park lessee since October 2001 when El Paso Coalition for the Homeless received a name change through the State of Texas, becoming Opportunity Center for the Homeless. West Texas Non-Profit Developments is a subsidiary of Opportunity Center for the Homeless, and Opportunity Center for the Homeless has a 9-year track record of on time payments. The initial term of this Lease was for 40 years, terminating on September 15, 2021.

The location and corresponding annual rent from this lease is detailed below:

- 6501 Boeing = \$17,006.16 on approximately 127,246 square feet of land;

There are approximately 11 years remaining on the initial lease terms, with no options. All terms and conditions of said Lease are to remain the same.

Opportunity Center for the Homeless now desires to assign the current Lease to West Texas Non-Profit Developments, a Texas Non-Profit Corporation.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

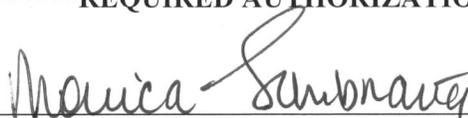
N/A. This is a revenue generating lease.

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

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 of the Industrial Site Lease by and between the City of El Paso ("Lessor"), Opportunity Center for the Homeless ("Assignor") and West Texas Non-Profit Developments ("Assignee") for the following described property:

Lots 4, 5 and 6, Block 2A, El Paso International Airport Tracts, Unit 4, City of El Paso, El Paso County, Texas, municipally known and numbered as 6501 Boeing, El Paso, Texas.

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

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

LESSOR'S APPROVAL OF ASSIGNMENT

The City of El Paso ("Lessor") entered into an Industrial Site Lease dated September 15, 1981 between the Lessor and Ron Martin and Associates; amended by that Amendment to Lease dated February 8, 1983; assigned to Region XIX Education Center by that Lessor's Approval of Assignment effective February 1, 1993; assigned to SkyPark I Partners, Ltd. by that Lessor's Approval of Assignment dated June 1, 1997; amended by that Second Amendment to Industrial Site Lease and Lessor's Approval of Assignment to Ladies for Education, Advancement and Progress (L.E.A.P.) effective December 1, 1998; as amended on February 20, 2001; and subsequently assigned to El Paso Coalition for the Homeless, which changed its name to Opportunity Center for the Homeless, ("Assignor") by that Lessor's Approval of Assignment and Amendment to Lease dated October 23, 2001 (collectively referred to herein as the "Lease") for the following described property:

Lots 4, 5 and 6, Block 2A, El Paso International Airport Tracts, Unit
4, City of El Paso, El Paso County, Texas, municipally known and
numbered as 6501 Boeing, El Paso, Texas.

1. CONSENT TO ASSIGNMENT. Lessor hereby approves and consents to the assignment of the Lease from Assignor to West Texas Non-Profit Development ("Assignee"), on the condition that Assignee assumes and becomes liable to pay any and all sums owing or becoming due Lessor under terms of the Lease from and after the effective date of the assignment of the Lease to Assignee, and upon the further condition that Assignee agrees to accept and abide by all the terms, covenants, and conditions of the Lease.

2. PROOF OF INSURANCE AND INDEMNIFICATION. Assignee has provided a certificate of insurance to evidence compliance with the insurance requirements of the Lease and expressly agrees to be bound by the indemnification provisions contained in the Lease.

3. GUARANTOR. Assignor shall be released and discharged from all rights, privileges and obligations under the Lease arising from and after the effective date of the assignment of the Lease 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 Lease had originally been executed between Lessor and Assignee.

4. RATIFICATION OF LEASE. 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.

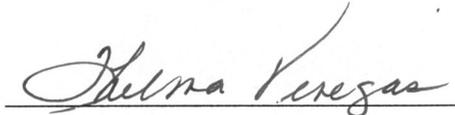
ASSIGNOR: Opportunity Center for the Homeless


Printed Name: TERRY CROWSHAW
Title: PRESIDENT

ASSIGNOR'S ACKNOWLEDGEMENT

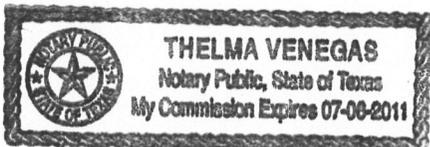
THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 18th day of June, 2010, by Terry Crowshaw as President of Opportunity Center for the Homeless (Assignor).



Notary Public, State of Texas

My Commission Expires:
7-6-2011



[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

ASSIGNEE: West Texas Non-Profit
Developments



Printed Name: Ann Herkenhoff

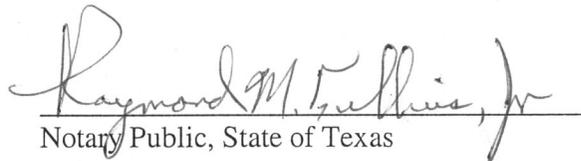
Title: ~~Executive Vice President~~

West Texas
non-Profit Dev

ASSIGNEE'S ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 28 day of JUNE,
2010, by Ann Herkenhoff as Executive Vice President of **West Texas Non-Profit
Developments** (Assignee)


Notary Public, State of Texas

My Commission Expires:
1-15-11

