

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: Airport
AGENDA DATE: July 14, 2009
CONTACT PERSON/PHONE: Monica Lombraña, A.A.E.
Director of Aviation
780-4793
DISTRICT(S) AFFECTED: ALL

SUBJECT:

Approve a Resolution authorizing the City Manager to sign the First Amendment to Industrial Site Lease, between the CITY OF EL PASO ("Lessor") and Dick Poe Motors, Inc. ("Lessee")

BACKGROUND / DISCUSSION:

On August 1, 1999, Dick Poe Motors, Inc., entered into an Industrial Site Lease with El Paso International Airport for a strip of Airport land adjoining the dealership. The land strip is 20 feet by 445.80 feet and is used for additional parking. The strip, located behind the dealership, is land locked, and has no frontage. The current lease will expire July 31, 2009, and both the Airport and Dick Poe Motors, Inc. wish to extend the lease for an additional five years by amending the lease, and provide an annual payment option. All other terms and conditions of the lease shall remain unchanged.

LEASE: Area: 8,916 Sq Ft
Rate: \$0.40 per Sq Ft (\$3,566.40 per annum)
Term: 5-Years
Options: None

PRIOR COUNCIL ACTION:

August 1, 1999 Industrial Site Lease approved by City Council

AMOUNT AND SOURCE OF FUNDING:

N/A This is a revenue generation lease.

BOARD / COMMISSION ACTION:

The Airport Advisory Board at their June 18, 2009 meeting approved of the First Amendment to the Lease.

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

LEGAL: Cynthia Osborn **FINANCE:** (if required) _____
Cynthia Osborn, Asst. City Attorney

OTHER: Monica Lombraña 6/14/09
Monica Lombraña, A.A.E., Director of Aviation

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

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 Industrial Site Lease by and between the City of El Paso ("Lessor"), and Dick Poe Motors, Inc. ("Lessee") to add a Second Option to Extend the Lease an additional five (5) years, to expire on July 31, 2014.

ADOPTED THIS ___ day of _____ 2009.

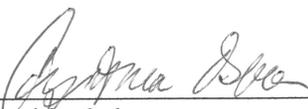
CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

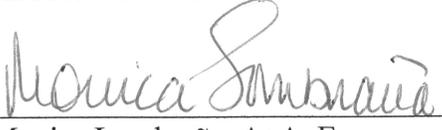
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



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

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

**FIRST AMENDMENT TO
INDUSTRIAL SITE LEASE**

THIS **First Amendment** to Industrial Site Lease is entered into this ____ day of _____, 2009 by and between the **CITY OF EL PASO** (“Lessor”) and **DICK POE MOTORS, INC.** (“Lessee”).

WHEREAS, Lessor and Lessee entered into an Industrial Site Lease (“Lease ”) with an effective date of August 1, 1999; and

WHEREAS, pursuant to Section 4.02 of the Lease, the single five (5) year option period will expire on July 31, 2009, without a second option to extend; and

WHEREAS, the parties desire to amend the Lease to provide for a Second five (5) year Option to Extend.

NOW THEREFORE, for and 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. **Second Option to Extend.** The term of the Lease is hereby extended for an additional five (5) years on the same terms and conditions, except that the Ground Rental for this five (5) year option period shall be \$3,566.40 per year. Lessee, at its option, may make a single annual payment on or before the first day of the Second Option Period and yearly thereafter, or may make monthly payments pursuant to the terms of the Lease.

2. **Ratification.** Except as herein amended, all other terms and conditions of the Lease, not specifically changed by this First Amendment, shall remain unchanged and in full force and effect.

3. **Effective Date.** This Amendment shall be effective upon the date it is executed by the City Manager on behalf of the City of El Paso.

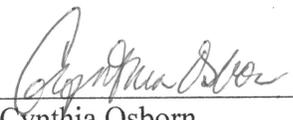
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IN WITNESS WHEREOF, the parties have hereunto set their hands as of the date first noted above.

LESSOR: CITY OF EL PASO

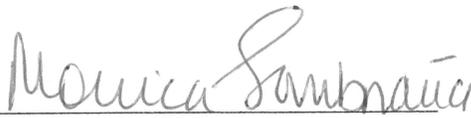
Joyce A. Wilson, City Manager

APPROVED AS TO FORM:



Cynthia Osborn
Assistant 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 _____, 2009, by **Joyce A. Wilson** as **City Manager** of the **City of El Paso** ("Lessor").

Notary Public

My Commission Expires:

(SIGNATURES CONTINUE ON THE FOLLOWING PAGE)

LESSEE: DICK POE MOTORS, INC.

