

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

DEPARTMENT: AIRPORT

AGENDA DATE: November 27, 2012

CONTACT PERSON NAME AND PHONE NUMBER: Monica Lombraña, A.A.E./780-4724

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

That the City Manager be authorized to sign a First Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and Air Matrix Holdings, LP ("Lessee") to amend the description of the Premises to read as follows:

A portion of Lots 6, 7, and 8, Block 3, Butterfield Trail Industrial Park Unit One, Replat A, an Addition to the City of El Paso, El Paso County, Texas, containing 193,258.7 square feet or 4.4366 acres of land, more or less, and municipally known and numbered as 15 Founders Blvd., El Paso, Texas.

BACKGROUND / DISCUSSION:

Lessor has developed an improvement plan for Butterfield Trail Industrial Park ("BTIP"), which will upgrade public rights-of-way, reconstruct major thoroughfares, landscape medians, construct walkways and create roundabouts within BTIP.

Lessor and Lessee agree to amend the description of the Premises to delete an identified parcel measuring approximately 1,445 square feet, which fronts on a dedicated public street; the identified parcel does not interfere with Lessee's continued occupancy. Effective Date of July 1, 2012, the adjusted square footage remaining will be 193,258.7 square feet with the subsequent annual rent adjusted to \$36,236.04.

PRIOR COUNCIL ACTION:

12/1/97 - Original Butterfield Trail Industrial Park Lease with EastGroup Properties, L.P.,
11/17/09 - Lessor's Approval of Assignment to Air Matrix Holdings, LP

AMOUNT AND SOURCE OF FUNDING:

Lease is revenue generating.

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 First Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and Air Matrix Holdings, LP ("Lessee") to amend the description of the Premises to read as follows:

A portion of Lots 6, 7, and 8, Block 3, Butterfield Trail Industrial Park Unit One, Replat A, an Addition to the City of El Paso, El Paso County, Texas, containing 193,258.7 square feet or 4.4366 acres of land, more or less, and municipally known and numbered as 15 Founders Blvd., El Paso, Texas.

Dated this ____ day of _____ 2012.

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) **FIRST AMENDMENT TO
BUTTERFIELD TRAIL INDUSTRIAL PARK LEASE**

This First Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso (“Lessor”) and Air Matrix Holdings, LP (“Lessee”) is made this ____ day of _____, 2012.

WHEREAS, effective December 1, 1997 the Lessor entered into a Butterfield Trail Industrial Park Lease (“Lease”) with Eastgroup Properties, L.P. covering the following described property:

A portion of Lots 6, 7 and 8, Block 3, Butterfield Trail Industrial Park Unit One, Replat A, an Addition to the City of El Paso, El Paso County, Texas, containing 194,711 square feet or 4.470 acres of land and municipally known and numbered as 15 Founders Blvd., El Paso, Texas (“Premises”).

WHEREAS, the Lease was assigned to Lessee by that Lessor’s Approval of Assignment effective November 10, 2009;

WHEREAS, Lessor has developed an improvement plan for the Butterfield Trail Industrial Park which will upgrade the public rights-of-way within the Butterfield Trail Industrial Park, and the improvements include the reconstruction of major thoroughfares, landscaping of medians, the construction of walkways and the creation of roundabouts within the Butterfield Trail Industrial Park;

WHEREAS, Lessor and Lessee agree that identified upgrades are beneficial and positive because the traffic flow within the Butterfield Trail Industrial Park will be improved and the appearance of the Butterfield Trail Industrial Park will be improved with new landscaping, and these improvements specifically enhance the Lessee’s continued occupancy of the Premises; and

WHEREAS, the Lessor and Lessee agree to amend the description of the Premises to delete an identified parcel which fronts on a dedicated public street because the identified parcel does not interfere with Lessee’s continued occupancy for the uses and purposes for which the Premises are leased and the identified parcel can be used in the improvement of the Butterfield Trail Industrial Park.

NOW THEREFORE, 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. Article I, Section 1.01, Description of Leased Premises, of the Lease is amended to read as follows:

A portion of Lots 6, 7, and 8, Block 3, Butterfield Trail Industrial Park Unit One, Replat A, an Addition to the City of El Paso, El Paso County, Texas, containing 193,258.7 square feet or 4.4366 acres of land, more or less, and being more particularly described by metes and bounds in **EXHIBIT "A"** attached hereto and municipally known and numbered as 15 Founders Blvd., El Paso, Texas ("Premises").

2. As of the Effective Date of this First Amendment, Lessor and lessee agree the annual rental shall be **THIRTY SIX THOUSAND TWO HUNDRED THIRTY SIX AND 04/100 DOLLARS (\$36,236.04)**.

3. Regardless of the date executed, the Effective Date of this First Amendment to the Butterfield Trail Industrial Park Lease shall be July 1, 2012.

4. Except as expressly modified herein, all other terms and conditions of the December 1, 1997 Butterfield Trail Industrial Park Lease shall remain in full force and effect and shall remain as written.

IN WITNESS WHEREOF, this First Amendment to the Butterfield Trail Industrial Park Lease has been approved by the parties hereto as of the dated first noted above.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

LESSOR: CITY OF EL PASO

Joyce A. Wilson
City Manager

APPROVED AS TO FORM:

Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:

Monica Lombraña

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 _____, 2012
by Joyce A. Wilson, as City Manager of the City of El Paso (Lessor).

Notary Public, State of Texas

My Commission Expires:

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

LESSEE: Air Matrix Holdings, LP, Texas
Limited partnership

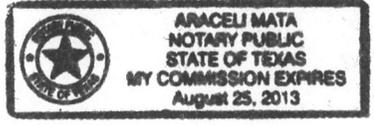
By: Air Matrix Holdings Management, LLC
Its: General Partner

By: [Signature]
Printed Name: DANIEL DOMINGUEZ
Title: VP

ACKNOWLEDGMENT

STATE OF Texas)
COUNTY OF El Paso)

This instrument was acknowledged before me on this 06 day of Jun, 2012
by Air Matrix Holdings, LP by Daniel Dominguez Partner of Air Matrix Holdings
Management, LLC, its General Partner. (Lessee).



[Signature]
Notary Public, State of

My Commission Expires:
08-25-2013



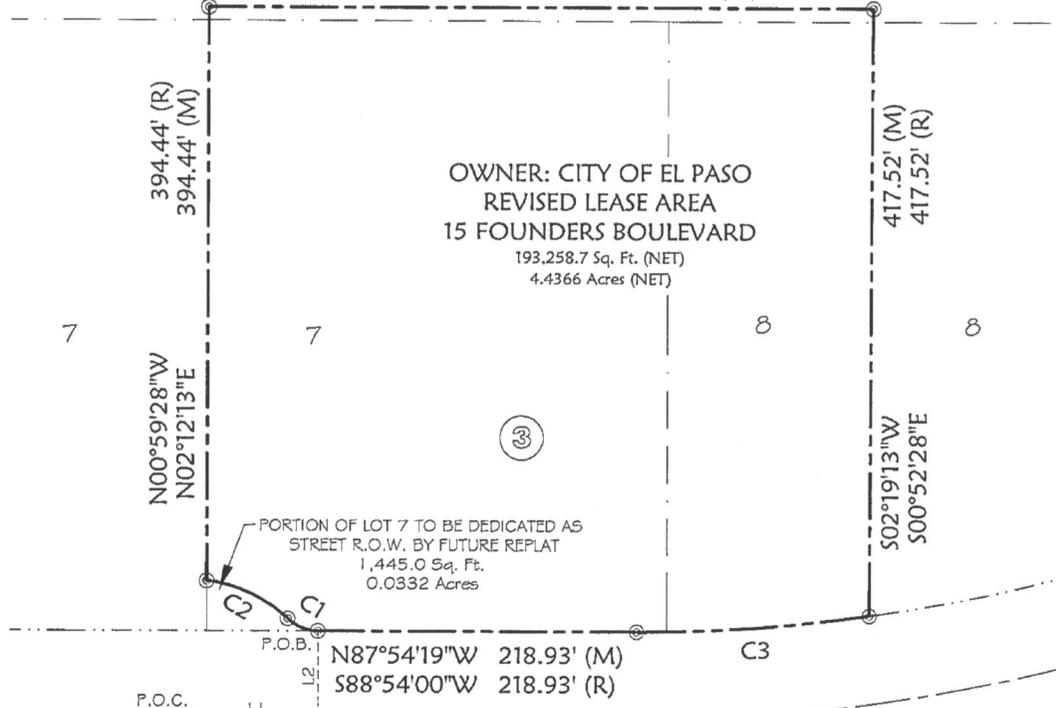
15 Founders Blvd

14450

BUTTERFIELD TRAIL INDUSTRIAL PARK UNIT ONE, REPLAT A

VOL. 56, PG. 71, E.P.C.P.R.

POND SITE N88°53'24"E 6 455.85' (R)
S87°54'55"E 455.83' (M)

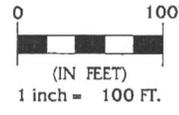


LEGEND (120' R.O.W.)

- LEASE AREA BOUNDARY LINE
- RIGHT-OF-WAY LINE
- CENTERLINE OF RIGHT-OF-WAY
- LOT LINE
- EXISTING CITY MONUMENT
- LEASE AREA CORNER
- LOT NUMBER 7
- BLOCK NUMBER 3



GRAPHIC SCALE



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	30.00'	23.01'	43°56'44"	N 65°55'57" W	22.45'
C2	95.00'	62.19'	37°30'20"	N 62°42'45" W	61.08'
C3(M)	1127.11'	160.46'	8°09'24"	S 88°00'59" W	160.32'
C3(R)	1127.11'	160.46'	8°09'24"	S 84°49'18" W	160.32'

REFERENCE NOTES

1. BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NO. 4203 DETERMINED THROUGH G.P.S. OBSERVATIONS AT A NATIONAL GEODETIC SURVEY (N.G.S.) BRASS DISK MONUMENT 'CEN 2' (P.I.D. C06093) LOCATED IN THE OPEN AREA BETWEEN THE RIGHT TURN LANE WHERE AIRWAYS BOULEVARD TURNS INTO AIRPORT ROAD AND THE SOUTHWEST CORNER OF THE EL PASO INTERNATIONAL AIRPORT. SAID MONUMENT LIES IN A HAND WELL 141 FEET SOUTHWEST OF THE WEST RAIL AND 126 FEET NORTHEAST OF A STREET LIGHT.

CERTIFICATION

I HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND THAT THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Aaron Alvarado 3-29-12
AARON ALVARADO, TX, R.P.L.S. NO. 6223

LINE TABLE		
LINE	LENGTH	BEARING
L1(M)	86.75'	S 87°54'19" E
L1(R)	86.75'	N 88°54'00" E
L2(M)	60.00'	N 02°05'41" E
L2(R)	60.00'	N 01°06'00" W

REV: 3-27-12



REVISED LEASE AREA MAP

DRAWN BY: A.A. CHECKED BY: A.A. DATE: 03-14-2012 SCALE: 1" = 100'
(15 FOUNDERS BOULEVARD)
A PORTION OF LOTS 6, 7 & 8, BLOCK 3, BUTTERFIELD TRAIL INDUSTRIAL PARK
UNIT ONE, REPLAT "A", CITY OF EL PASO, EL PASO COUNTY, TEXAS.

BROCK & BUSTILLOS INC.

CONSULTING CIVIL ENGINEERS
LAND SURVEYORS
TBP REG. NO. F-737

FILE NO: 05100-0431

417 EXECUTIVE CENTER—EL PASO, TX 79902—PH (915) 542-4900
FAX (915) 542-2667—WWW.BROCKBUSTILLOS.COM

Mar. 29, 2012 - 9:17am CA001 L:\03100-043-BUTTERFIELD TRAIL IMPROVEMENTS\05100-043-LDD\dwg\05100-043-REMAINDER AREA-FOUNDER ZANE-NORTH-E.dwg



METES AND BOUNDS DESCRIPTION
“REVISED LEASE AREA- 15 FOUNDERS BOULEVARD”

A 4.4366 acre lease area being a portion of Lots 6, 7 and 8, Block 3, Butterfield Trail Industrial Park Unit 1, Replat A, as recorded in Volume 56, Page 71, Plat Records, El Paso County, Texas, and being more particularly described by metes and bounds as follows.

COMMENCING for reference at an existing City Monument found at the centerline line intersection of Founders Boulevard (120.00 feet wide) and Zane Grey Street (90.00 feet wide); *WHENCE*, an existing City Monument found at the center line intersection of said Zane Grey Street and Butterfield Trail Boulevard (140.00 feet wide), bears South 02°12'07" West (South 00°59'34" East~record), a distance of 1745.59 feet; *THENCE*, leaving the centerline of Zane Grey Street and following the centerline of Founders Boulevard, South 87°54'19" East (North 88°54'00" East~record), a distance of 86.75 feet; *THENCE*, leaving the centerline of Founders Boulevard, North 02°05'41" East (North 01°06'00" West~record), a distance of 60.00 feet to the north right-of-way line of Founders Boulevard for the **POINT OF BEGINNING** of the lease area herein described and a point of curvature;

THENCE, leaving the north right-of-way line of Founders Boulevard and following the arc of a curve to the right having a radius of 30.00 feet, a central angle of 43°56'44", an arc length of 23.01 feet and whose long chord bears North 65°55'57" West, a distance of 22.45 feet to a point of reverse curvature;

THENCE, following the arc of a curve to the left having a radius of 95.00 feet, a central angle of 37°30'20", an arc length of 62.19 feet and whose long chord bears North 62°42'45" West, a distance of 61.08 feet to the southwest corner of the lease area herein described;

THENCE, North 02°12'13" East, (North 00°59'28" West ~ record), a distance of 394.44 feet to the northwest corner of the lease area herein described;

THENCE, South 87°54'55" East, (North 88°53'24" East ~ record), a distance of 455.85 feet to the northeast corner of the lease area herein described;

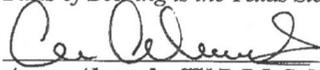
THENCE, South 02°19'13" West, (South 00°52'28" East ~ record), a distance of 417.52 feet to the north right-of-way line of Founders Boulevard for the southeast corner of the lease area herein described and the beginning of a non-tangent curve to the right;

THENCE, following the north right-of-way line of Founders Boulevard along the arc of said non-tangent curve to the right having a radius of 1,127.11 feet, a central angle of 08°09'24", an arc length of 160.46 feet and whose long chord bears South 88°00'59" West, (South 84°49'18" West ~ record), a distance of 160.32 feet to a point of tangency;

THENCE, continuing along north right-of-way line of Founders Boulevard, North 87°54'19" West (South 88°54'00" West~record), a distance of 218.93 feet to the **POINT OF BEGINNING**.

Said Lease Area contains 4.4366 acres (193,258.7 square feet) more or less and being subject to easements, restrictions or covenants of record.

Basis of Bearing is the Texas State Plane Coordinate System, Central Zone, N.A.D.83.

 3-29-12

Aaron Alvarado, TX R.P.L.S. No. 6223

March 27, 2012

05100-0431-L 7 8-B-3-REP-A.doc

