

**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 Third Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and BT-OH, LLC dba United Parcel Service ("Lessee") to amend the description of the Premises to read as follows:

A portion of Lots 8 and 9, Block 13, Butterfield Trail Industrial Park Unit Three; and all of Lot 2 and a portion of Lots 1 and 3, Block 13, Butterfield Trail Industrial Park, Unit 2, an Addition to the City of El Paso, El Paso County, Texas, containing 641,432.0 square feet or 14.7253 acres of land, more or less and municipally known and numbered as 28 Leigh Fisher/23 Spur Drive, 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 10,268.3 square feet, which fronts on a dedicated public street; the identified parcel does not interfere with Lessee's continued occupancy. Effective July 1, 2012, the adjusted remaining square footage will be 641,432.0 with the subsequent annual rent of \$82,143.96.

**PRIOR COUNCIL ACTION:**

3/30/82 – Original Butterfield Trail Industrial Park Lease with BT-OH, LLC  
10/5/99 – Amendment amending description of Leased Premises (due to replat)

**AMOUNT AND SOURCE OF FUNDING:**

N/A Lease is revenue generating.

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**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 Third Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso and BT-OH, LLC dba United Parcel Service to amend the description of the Premises to read as follows:

A portion of Lots 8 and 9, Block 13, Butterfield Trail Industrial Park Unit Three; and all of Lot 2 and a portion of Lots 1 and 3, Block 13, Butterfield Trail Industrial Park, Unit 2, an Addition to the City of El Paso, El Paso County, Texas, containing 641,432.0 square feet or 14.7253 acres of land, more or less and municipally known and numbered as 28 Leigh Fisher/23 Spur Drive, 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        )            **THIRD AMENDMENT TO  
BUTTERFIELD TRAIL INDUSTRIAL PARK LEASE**

This Third Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and BT-OH, LLC dba United Parcel Service ("Lessee") is made this \_\_\_\_ day of \_\_\_\_\_, 2012.

**WHEREAS**, on May 1, 1982 the Lessor entered into a Butterfield Trail Industrial Park Lease ("Lease") with Lessee covering the following described property:

Proposed Lots 1, 2 15 and 16, and portions of proposed Lots 3 and 14, proposed Block 13, Butterfield Trail Industrial Park, an Addition to the City of El Paso, El Paso County, Texas, containing 15.000 acres of land and municipally known and numbered as 23 Spur Drive, El Paso, Texas,

**WHEREAS**, said Lease was amended by a First Amendment which added language regarding subleases to Section 5.02 of the original Lease;

**WHEREAS**, said Leased Premises were replatted on or about March 11, 1985 as:

Lots 1 & 2, and a Portion of Lot 3, Block 13, Butterfield Trail Industrial Park, Unit Two; and a portion of Lot 9, Block 13, Butterfield Trail Industrial Park, Unit Three, City of El Paso, El Paso County, Texas, commonly known as 23 Spur Drive;

**WHEREAS**, the Lease was amended by a Second Amendment to Butterfield Trail Industrial Park Lease effective September 1, 1999 which amended the description of the Leased Premises and which substituted the Lessee for Dalho Corporation as Lessee under the Lease;

**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 Premises Demised, of the Lease is amended to read as follows:

A portion of Lots 8 and 9, Block 13, Butterfield Trail Industrial Park Unit Three; and all of Lot 2 and a portion of Lots 1 and 3, Block 13, Butterfield Trail Industrial Park, Unit 2, an Addition to the City of El Paso, El Paso County, Texas, containing 641,432.00 square feet or 14.7253 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 23 Spur Drive/28 Leigh Fisher Drive, El Paso, Texas ("Premises").

2. As of the Effective Date of this Third Amendment, Lessor and Lessee agree the annual rental shall be **EIGHTY TWO THOUSAND ONE HUNDRED FORTY THREE AND 96/100 DOLLARS (\$82,143.96)**.

3. Regardless of the date executed, the Effective Date of this Third 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 May 1, 1982 Butterfield Trail Industrial Park Lease, as amended by that First Amendment and by that Second Amendment effective September 1, 1999 shall remain in full force and effect and shall remain as written.

IN WITNESS WHEREOF, this Third 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]**

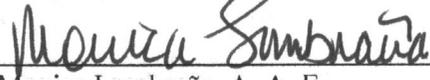
**LESSOR: CITY OF EL PASO**

\_\_\_\_\_  
Joyce A. Wilson  
City Manager

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Theresa Cullen  
Deputy City Attorney

**APPROVED AS TO CONTENT:**

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

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS** )  
  )  
**COUNTY OF EL PASO** )

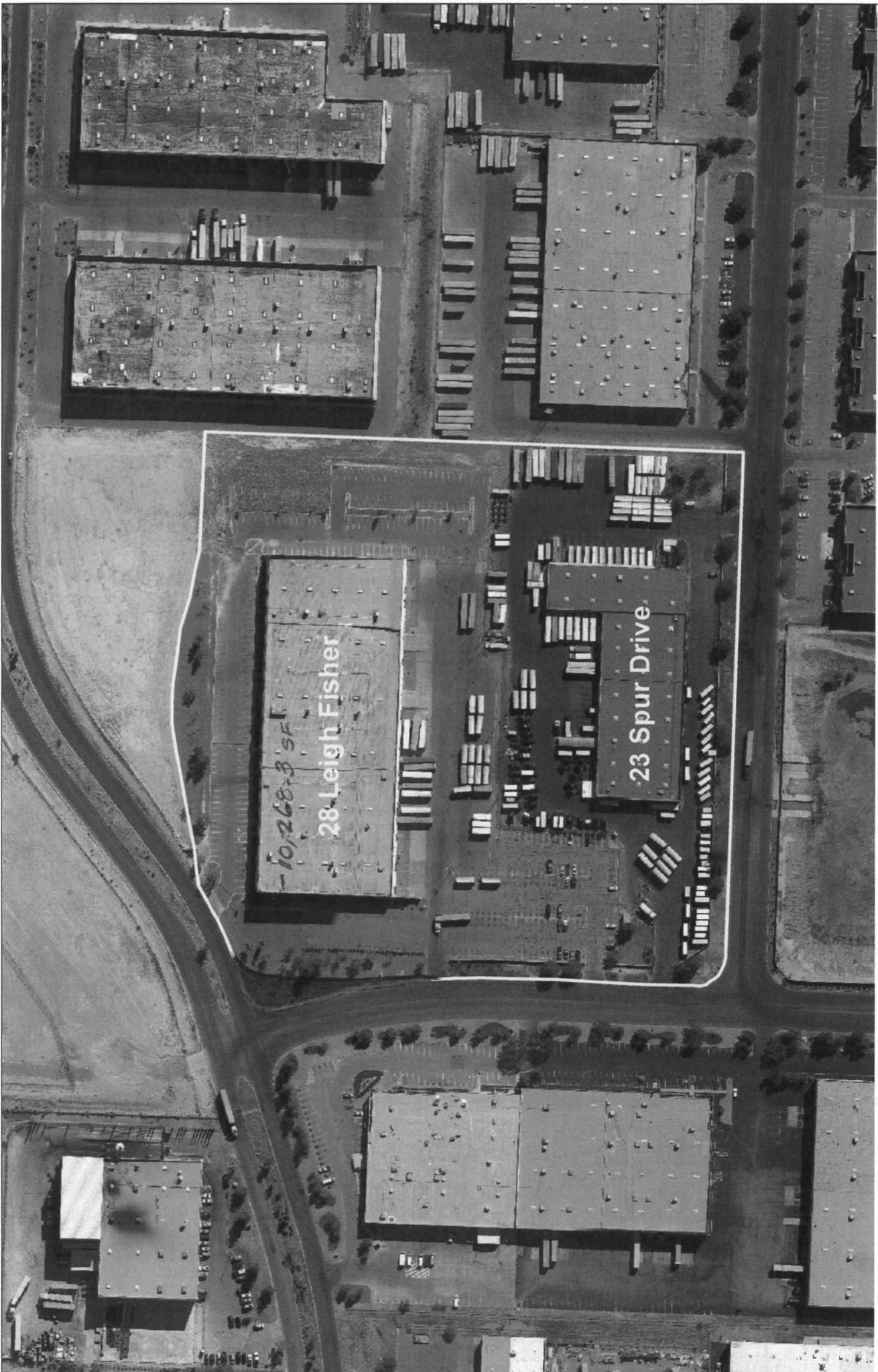
This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_ 2012  
by Joyce A. Wilson, as City Manager of the City of El Paso (Lessor).

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:  
\_\_\_\_\_

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

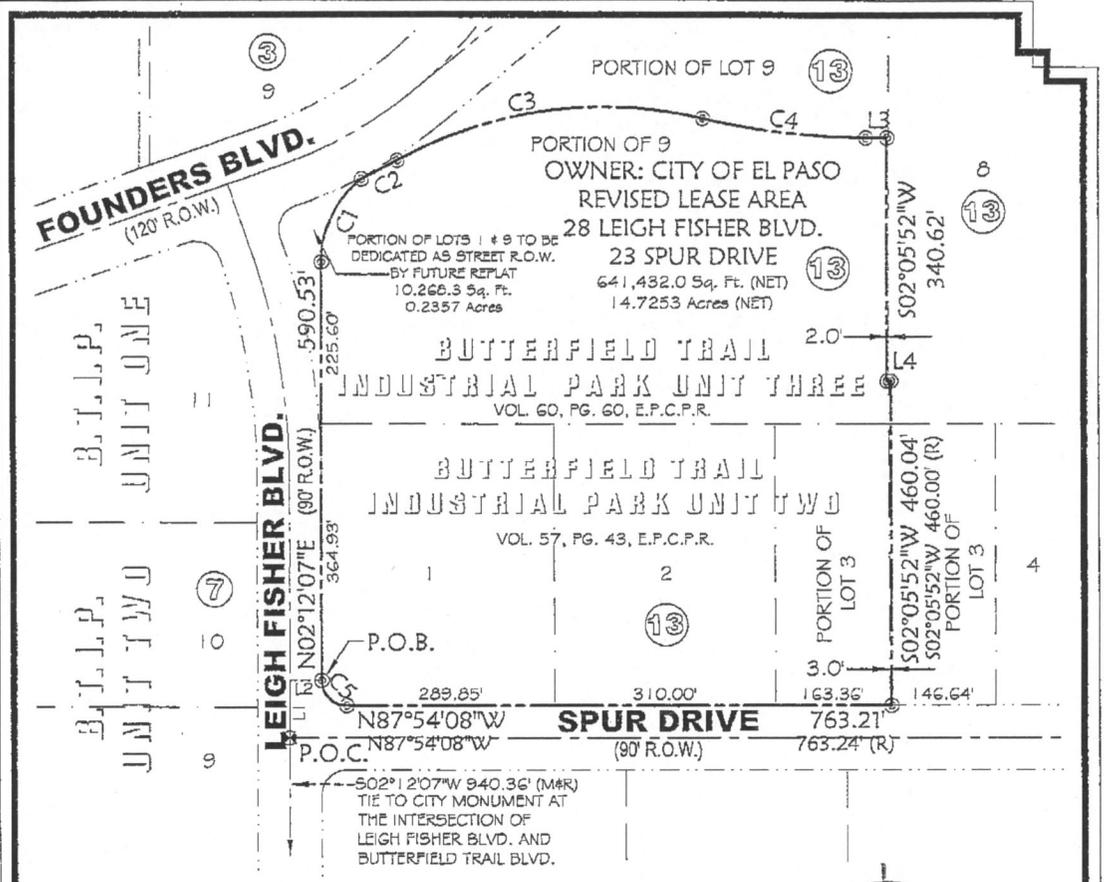




28 Leigh Fisher

-10,268.3 SF

23 Spur Drive

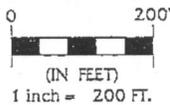


CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CH. BRNG.	CHORD
C1	150.00'	134.72'	51°27'38"	N27°55'56"E	130.24'
C2	920.00'	56.58'	3°31'26"	N65°00'14"E	56.58'
C3	600.00'	440.58'	42°04'20"	N84°16'41"E	430.75'
C4	1001.74'	231.12'	13°13'10"	S81°17'44"E	230.61'
C5	35.00'	55.04'	90°06'15"	N42°51'01"W	49.54'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N02°12'07"E	80.15'
L2	S87°47'53"E	45.00'
L3	S87°54'08"E	29.19'
L4	S87°54'08"E	5.00'



**GRAPHIC SCALE**



**LEGEND**

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

**REFERENCE NOTES**

1. BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NO. 4208 DETERMINED THROUGH G.P.S. OBSERVATIONS AT A NATIONAL GEODETIC SURVEY (N.G.S.) BRASS DISK MONUMENT 'CEN 2" (P.L.D. C05993) 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* 5/18/12  
 AARON ALVARADO, TX, R.L.P.S. NO. 6223

REV: 5-18-12  
 REV: 3-27-12

**REVISED LEASE AREA MAP**

DRAWN BY: J.M. CHECKED BY: A.A. DATE: 03-15-2012 SCALE: 1" = 200'  
 (28 LEIGH FISHER BOULEVARD - 23 SPUR DRIVE)  
 A PORTION OF LOTS 8 & 9, BLOCK 13, BUTTERFIELD TRAIL INDUSTRIAL PARK UNIT THREE, LOT 2 & A PORTION OF LOTS 1 & 3, BLOCK 13, BUTTERFIELD TRAIL INDUSTRIAL PARK UNIT TWO, CITY OF EL PASO, EL PASO COUNTY, TEXAS.



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

FILE NO: 05100-043G

May 10, 2012 - 2:25PM  
 J:\05100-043G-BTIF-REPLAT\05100-043G-DOCS\05100-043G-REMAINDER AREA FISHER FOUNDERS SE-REV1.dwg



ROMAN BUSTILLOS, P.E.  
President  
RANDY P. BROCK, P.E.  
Executive Vice President  
SERGIO J. ADAME, P.E.  
Vice President - Engineering  
ISAAC CAMACHO, R.P.L.S.  
Survey Manager  
TBPE Reg No. F-737  
TBPLS Reg No. 101314-00

**METES AND BOUNDS DESCRIPTION**  
**"REVISED LEASE AREA-28 LEIGH FISHER BOULEVARD**  
**AND 23 SPUR DRIVE"**

*A 14.7253 acre lease area being a portion of Lots 8 and 9, Block 13, Butterfield Trail Industrial Park Unit 3, as recorded in Volume 60, Page 60 and all of Lot 2 and a portion of Lots 1 and 3, Block 13, Butterfield Trail Industrial Park Unit 2, as recorded in Volume 57, Page 43, 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 Leigh Fisher Boulevard (90.00 feet wide) and Spur Drive (90.00 feet wide); **WHENCE**, an existing City Monument found at the center line intersection of said Leigh Fisher Boulevard and Butterfield Trail Boulevard (R.O.W. Varies), bears South 02°12'07" West (South 02°12'07" West-record), a distance of 940.36 feet; **THENCE**, leaving the centerline of Spur Drive and following the centerline of Leigh Fisher Boulevard, North 02°12'07" East, a distance of 80.15 feet; **THENCE**, leaving the centerline of Leigh Fisher Boulevard, South 87°47'53" East, a distance of 45.00 feet to the east right-of-way line of Leigh Fisher Boulevard for the **POINT OF BEGINNING** of the lease area herein described;

**THENCE**, following the east right-of-way line of Leigh Fisher Boulevard, North 02°12'07" East, at a distance of 291.96 feet pass the east right-of-way line of said Leigh Fisher Boulevard and continuing on for a total distance of 590.53 feet to a point of curvature;

**THENCE**, following the arc of a curve to the right having a radius of 150.00 feet, a central angle of 51°27'38", an arc length of 134.72 feet and whose long chord bears North 27°55'56" East, a distance of 130.24 feet to the beginning of a non-tangent curve to the left;

**THENCE**, following the arc of a curve to the left having a radius of 920.00 feet, a central angle of 3°31'26", an arc length of 56.58 feet and whose long chord bears North 65°00'14" East, a distance of 56.58 feet to a point of reverse curvature;

**THENCE**, following the arc of a curve to the right having a radius of 600.00 feet, a central angle of 42°04'20", an arc length of 440.58 feet and whose long chord bears North 84°16'41" East, a distance of 430.75 feet to a point of reverse curvature;

**THENCE**, following the arc of a curve to the left having a radius of 1,001.74 feet, a central angle of 13°13'10", an arc length of 231.12 feet and whose long chord bears South 81°17'44" East, a distance of 230.61 feet to a point of non-tangency;

**THENCE**, South 87°54'08" East, a distance of 29.19 feet to the northeast corner of the lease area herein described;

**THENCE**, along a line parallel with and 2.00 feet west of the east boundary line of Lot 9, Block 13, Butterfield Trail Industrial Park, Unit Three, South 02°05'52" West, a distance of 340.62 feet to an angle point of the lease area herein described;

**THENCE**, South 87°54'08" East, at a distance of 2.00 feet pass the east boundary line of said Lot 9 and continuing on for a total distance of 5.00 feet to an angle point of the lease area herein described;

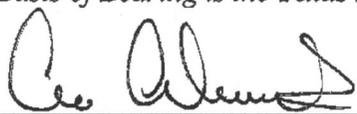
**THENCE**, South 02°05'52" West, a distance of 460.04 feet (460.00 feet-record) to the north right-of-way line of Spur Drive for the southeast corner of the lease area herein described;

**THENCE**, following the north right-of-way line of Spur Drive, North 87°54'08" West, a distance of 763.21 feet (763.24 feet-record) to a point of curvature;

**THENCE**, continuing along the north right-of-way line of Spur Drive and following the arc of a curve to the right having a radius of 35.00 feet, a central angle of 90°06'15", an arc length of 55.04 feet and whose long chord bears North 42°51'01" West, a distance of 49.54 feet to the **POINT OF BEGINNING**.

*Said Lease Area contains 14.7253 acres (641,432.0 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 4203, N.A.D. 83.*

 5/18/12

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

March 27, 2012

REV: 5-18-12

05100-043G-L9-B13-U3-REV1.doc

