

**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 Elcom, Inc. ("Lessee") to amend the description of the Premises to read as follows:

All of Lots 3, 4 and a portion of Lot 5, Block 9, and all of Lots 12, 13 and 14, Block 11, Butterfield Trail Industrial Park Unit Two, an Addition to the City of El Paso, El Paso County, Texas, containing 674,029.5 square feet or 15.4736 acres of land, more or less, and municipally known and numbered as 20 Butterfield Trail 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 162.5 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 remaining adjusted square footage will be 674,029.5 with a subsequent annual rent of \$145,590.37.

PRIOR COUNCIL ACTION:

- 9/1/87 Original Butterfield Trail Industrial Park Lease with Louis Kennedy.
- 10/1/93 Lessor's Approval of Assignment to The Lincoln national Life Insurance Company and restated the Lease
- 11/18/97 Lessor's Approval of Assignment to UPC Realty LLC
- 4/8/03 Lessor's Approval of Assignment to Yazaki North America, Inc.
- 3/18/08 Lessor's Approval of Assignment to Elcom, Inc.

AMOUNT AND SOURCE OF FUNDING:

N/A 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 and Elcom, Inc. to amend the description of the Premises to read as follows:

All of Lots 3, 4 and a portion of Lot 5, Block 9, and all of Lots 12, 13 and 14, Block 11, Butterfield Trail Industrial Park Unit Two, an Addition to the City of El Paso, El Paso County, Texas, containing 674,029.5 square feet or 15.4736 acres of land, more or less, and municipally known and numbered as 20 Butterfield Trail Blvd., El Paso, Texas.

Dated this ____ day of _____ 2012.

CITY OF EL PASO

John F. Cook
Mayor

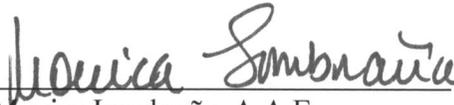
ATTEST:

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 RESTATED
BUTTERFIELD TRAIL INDUSTRIAL PARK LEASE**

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

WHEREAS, on September 1, 1987 the Lessor entered into a Butterfield Trail Industrial Park Lease (“Lease”) with Louis Kennedy covering the following described property:

All of Lots 3, 4 and 5, Block 9, and all of Lots 12, 13 and 14, Block 11, Butterfield Trail Industrial Park Unit Two, an Addition to the City of El Paso, El Paso County, Texas, containing 674,191 square feet or 15.477 acres of land and being more particularly described by metes and bounds in “**EXHIBIT A**” attached hereto and municipally known and numbered as 20 Butterfield Trail, El Paso, Texas (“Premises”).

WHEREAS, effective October 1, 1993 the Lessor executed a Lessor’s Approval of Assignment transferring the Lease to The Lincoln National Life Insurance Company and to restate the terms of the Lease;

WHEREAS, effective October 1, 1993 the Lessor entered into a Restated Butterfield Trail Industrial Park Lease (“Restated Lease”) with The Lincoln National Life Insurance Company for the Premises;

WHEREAS, the Restated Lease was assigned to UPC Realty LLC by that Lessor’s Approval of Assignment effective November 18, 1997;

WHEREAS, the Restated Lease was assigned to Yazaki North America, Inc., by that certain Lessor’s Approval of Assignment effective April 8, 2003;

WHEREAS, the Restated Lease was assigned to Lessee by that certain Lessor’s Approval of Assignment effective March 18, 2008;

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:

All of Lots 3, 4 and a portion of Lot 5, Block 9, and all of Lots 12, 13 and 14, Block 11, Butterfield Trail Industrial Park Unit Two, an Addition to the City of El Paso, El Paso County, Texas, containing 674,029.5 square feet or 15.4736 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 20 Butterfield Trail Blvd., El Paso, Texas ("Premises").

2. As of the Effective Date of this First Amendment, Lessor and Lessee agree the annual rental shall be **ONE HUNDRED FORTY-FIVE THOUSAND FIVE HUNDRED NINETY AND 37/100 DOLLARS (\$145,590.37)**.

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 September 1, 1987 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: ELCOM, INC.

By: *J. Winn*
Printed Name: DONALD WINN
Title: VP-FINANCE

ACKNOWLEDGMENT

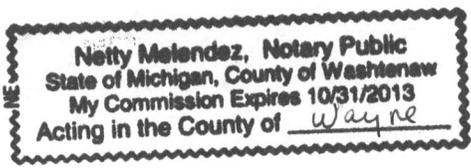
STATE OF MI)
COUNTY OF Wayne)



This instrument was acknowledged before me on this 5th day of June, 2012
by Don Winn as VP-FINANCE of Elcom, Inc. (Lessee).

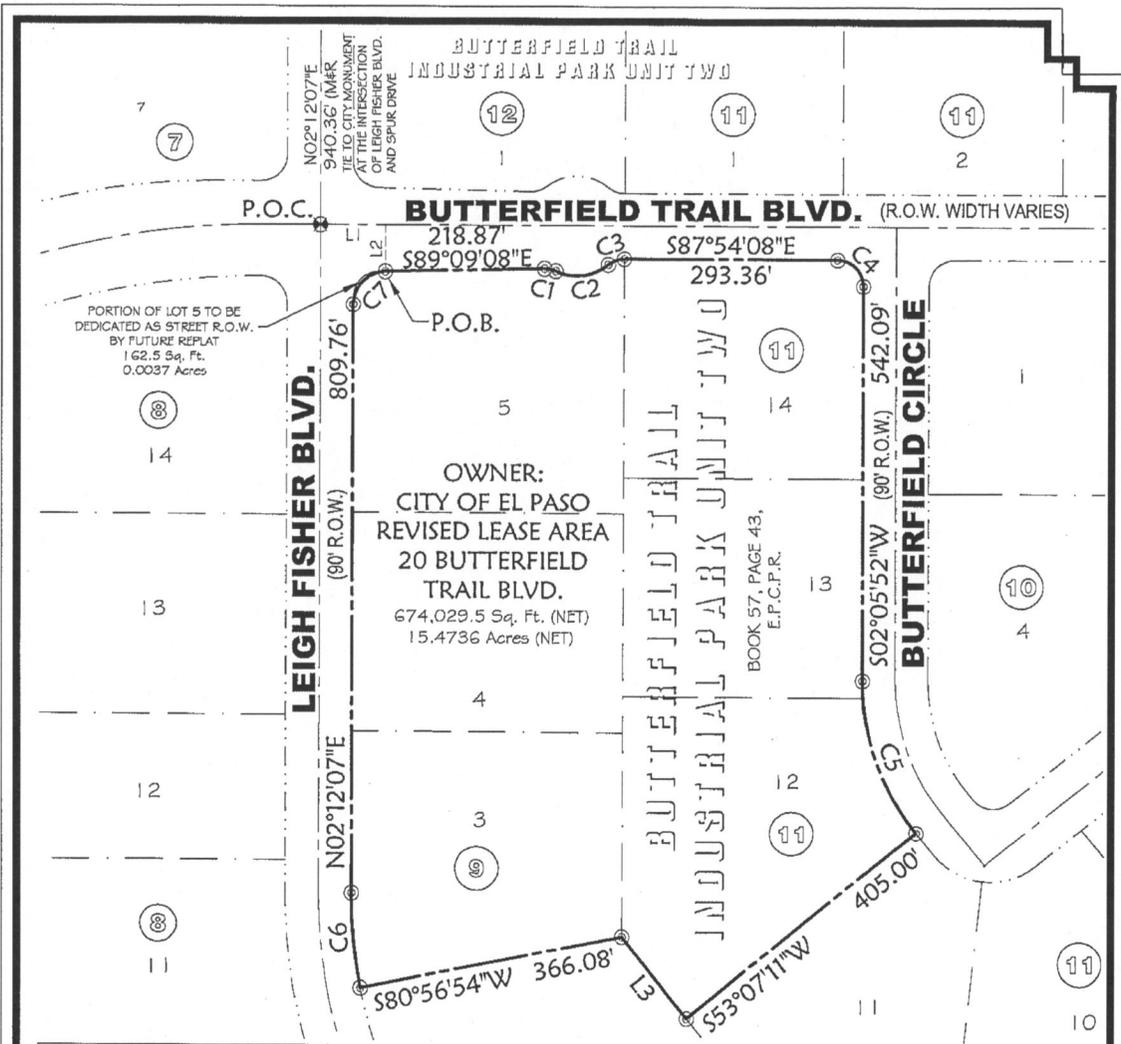
Netty Melendez
Notary Public, State of MI

My Commission Expires:
10-31-2013



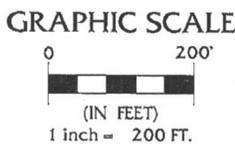
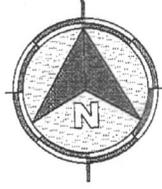
3579063





LINE TABLE		
LINE	BEARING	LENGTH
L1	S87°54'08"E	86.82'
L2	S02°05'52"W	63.21'
L3	N36°52'49"W	141.92'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CH. BRNG.	CHORD
C1	35.00'	15.97'	26°08'44"	S76°04'45"E	15.83'
C2	68.00'	75.88'	63°56'11"	N85°01'32"E	72.00'
C3	35.00'	23.85'	39°02'26"	N72°34'39"E	23.39'
C4	35.00'	54.98'	90°00'00"	S42°54'08"E	49.50'
C5	332.68'	226.32'	38°58'41"	S17°23'28"E	221.98'
C6	659.37'	129.50'	11°15'12"	N03°25'26"W	129.30'
C7	45.00'	69.62'	88°38'45"	N46°31'29"E	62.88'



- LEGEND**
- LEASE AREA 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. 4203 DETERMINED THROUGH G.P.S. OBSERVATIONS AT A NATIONAL GEODETIC SURVEY (N.G.S.) BRASS DISK MONUMENT 'CEN 2" (P.I.D. CE0593) 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

REV: 3-27-12



REVISED LEASE AREA MAP

DRAWN BY: J.M. CHECKED BY: A.A. DATE: 03-14-2012 SCALE: 1" = 200'

(20 BUTTERFIELD TRAIL BOULEVARD)
 A PORTION OF LOT 5 & ALL OF LOTS 3 & 4, BLOCK 9 & LOTS 12, 13 & 14,
 BLOCK 11, BUTTERFIELD TRAIL INDUSTRIAL PARK UNIT TWO,
 CITY OF EL PASO, EL PASO COUNTY, TEXAS.

B BROCK & BUSTILLOS INC.

CONSULTING CIVIL ENGINEERS
 LAND SURVEYORS
 T&PE REG. NO. F-737

417 EXECUTIVE CENTER--EL PASO, TX 79902--PH (915) 542-4900
 FAX (915) 542-2867--WWW.BROCKBUSTILLOS.COM

Mar. 27, 2012 - 2:56pm
 J:\05100-043-BUTTERFIELD TRAIL IMPROVEMENTS\05100-043-LEASING\05100-043-REVANDED AREA-BUTTER LEIGH-SE.dwg
 CADD

FILE NO: 05100-043H



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- 20 BUTTERFIELD TRAIL BOULEVARD"

A 15.4736 acre lease area being all of Lots 3, 4 and a portion of Lot 5, Block 9 and all of Lots 12, 13 and 14, Block 11, 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 Butterfield Trail Boulevard (R.O.W Varies) and Leigh Fisher Boulevard (90.00 feet wide); *WHENCE*, an existing City Monument found at the center line intersection of Leigh Fisher Boulevard and Spur Drive (90.00 feet wide), bears North 02°12'07" East (North 02°12'07" East~ record), a distance of 940.36 feet; *THENCE*, leaving the centerline of Leigh Fisher Boulevard and following the centerline of Butterfield Trail Boulevard, South 87°54'08" East, a distance of 88.82 feet; *THENCE*, leaving the centerline of Butterfield Trail Boulevard, South 02°05'52" West, a distance of 63.21 feet to the south right-of-way line of Butterfield Trail Boulevard for the **POINT OF BEGINNING** of the lease area herein described;

THENCE, following the south right-of way line of Butterfield Trail Boulevard, South 89°09'08" East, a distance of 218.87 feet to a point of curvature;

THENCE, continuing along the south right-of way line of Butterfield Trail Boulevard and following the arc of a curve to the right having a radius of 35.00 feet, a central angle of 26°08'44", an arc length of 15.97 feet and whose long chord bears South 76°04'45" East, a distance of 15.83 feet to the beginning of a reverse curve to the left;

THENCE, continuing along the south right-of way line of Butterfield Trail Boulevard and following the arc of a curve to the left having a radius of 68.00 feet, a central angle of 63°56'11", an arc length of 75.88 feet and whose long chord bears North 85°01'32" East, a distance of 72.00 feet to the beginning of a reverse curve to the right;

THENCE, continuing along the south right-of way line of Butterfield Trail Boulevard and following the arc of a curve to the right having a radius of 35.00 feet, a central angle of 39°02'26", an arc length of 23.85 feet and whose long chord bears North 72°34'39" East, a distance of 23.39 feet to the northeast corner of Lot 5, Block 9, identical to the northwest corner of Lot 14, Block 11, Butterfield Industrial Park Unit Two;

THENCE, continuing along the south right-of-way line of Butterfield Trail Boulevard, South 87°54'08" East, a distance of 293.36 feet to a point of curvature;

THENCE, continuing along the south right-of-way line of Butterfield Trail Boulevard and following the arc of a curve to the right having a radius of 35.00 feet, a central angle of

90°00'00", an arc length of 54.98 feet and whose long chord bears South 42°54'08" East, a distance of 49.50 feet to a point of tangency on the west right-of-way line of Butterfield Circle;

THENCE, following the west right-of-way line of Butterfield Circle, South 02°05'52" West, a distance of 542.09 feet to a point of curvature;

THENCE, continuing along the west right-of-way line of Butterfield Circle and following the arc of a curve to the left having a radius of 332.68 feet, a central angle of 38°58'41", an arc length of 226.32 feet and whose long chord bears, South 17°23'28" East, a distance of 221.98 feet to the southeast corner of the lease area herein described, identical to the southeast corner of Lot 12, Block 11, Butterfield Trail Industrial Park, Unit Two;

THENCE, leaving the west right-of-way line of Butterfield Circle and following the southeasterly boundary line of said Lot 12, South 53°07'11" West, a distance of 405.00 feet to the southerly corner of said Lot 12 for an angle point of the lease area herein described;

THENCE, leaving the southeasterly boundary line and following the southwesterly boundary line of said Lot 12, North 36°52'49" West, a distance of 141.92 feet to the southwest corner of said Lot 12, identical to the southeast corner of Lot 3, Block 9, Butterfield Trail Industrial Park Unit Two for an angle point of the lease area herein described;

THENCE, leaving the southwesterly boundary line of said Lot 12 and following the south boundary line of said Lot 3, South 80°56'54" West, a distance of 366.08 feet to the southwest corner of said Lot 3, identical to the east right-of-way line of Leigh Fisher Boulevard and the beginning of a non-tangent curve to the right;

THENCE, following the east right-of-way line of Leigh Fisher Boulevard and following the arc of a curve to the right having a radius of 659.37 feet, a central angle of 11°15'12", an arc length of 129.51 feet and whose long chord bears North 03°25'26" West, a distance of 129.30 feet to a point of tangency;

THENCE, continuing along the east right-of-way line of Leigh Fisher Boulevard, North 02°12'07" East, a distance of 809.76 feet to a point of tangency;

THENCE, leaving the east right-of-way line of Leigh Fisher Boulevard and following the arc of a curve to the right having a radius of 45.00 feet, a central angle of 88°38'45", an arc length of 69.62 feet and whose long chord bears North 46°31'29" East, a distance of 62.88 feet to the **POINT OF BEGINNING**.

Said Lease Area contains 15.4736 acres (674,029.5 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.

 3-29-12

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

March 27, 2012

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