

**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 Kasco Butterfield LLC ("Lessee") to amend the description of the Premises to read as follows:

A portion of Lot 1 and all of Lot 2, Block 7, Butterfield Trail Industrial Park Unit 1, Replat A, an Addition to the City of El Paso, El Paso County, Texas, containing 266,876.8 square feet or 6.1266 acres of land, more or less, and municipally known and numbered as 24 Zane Grey Street, 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 272.4 square feet, which fronts on a dedicated public street; as the identified parcel does not interfere with Lessee's continued occupancy. Effective July 1, 2012 the remaining adjusted square footage will be 266,876.8 square feet with a subsequent annual rent of \$41,123.95.

**PRIOR COUNCIL ACTION:**

8/1/81 Original Butterfield Trail Lease with Contico Industrial, Inc.  
3/17/98 Lessor's Approval of Assignment to Continental Sprayers, Inc.  
1/22/08 Lessor's Approval of Assignment to Kasco Butterfield LLC

**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 First Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and Kasco Butterfield LLC ("Lessee") to amend the description of the Premises to read as follows:

A portion of Lot 1 and all of Lot 2, Block 7, Butterfield Trail Industrial Park Unit 1, Replat A, an Addition to the City of El Paso, El Paso County, Texas, containing 266,876.8 square feet or 6.1266 acres of land, more or less, and municipally known and numbered as 24 Zane Grey Street, 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 Kasco Butterfield LLC (“Lessee”) is made this \_\_\_\_ day of \_\_\_\_\_, 2012.

**WHEREAS**, on August 1, 1981 the Lessor entered into a Butterfield Trail Industrial Park Lease (“Lease”) with Contico International, Inc. for the following described property:

A portion of Section 30, Block 80, Township 2, Texas & Pacific Railroad Co. Surveys, shown as Lots 1 and 2, Block 7, Butterfield Trail Industrial Park Unit One, an Addition to the City of El Paso, El Paso County, Texas, (“Premises”).

**WHEREAS**, on October 13, 1981 Lessor approved an assignment of the lease to Continental Sprayers, Inc.;

**WHEREAS**, on November 10, 1981 the Lessor cancelled that certain Lessor’s Consent to Assignment of Lease dated October 13, 1981 and consented to a sublease of the Premises to Continental Sprayers, Inc.

**WHEREAS**, the Lease was assigned to Continental Sprayers International, Inc. f/k/a Continental Acquisition Corp. by that Lessor’s Approval of Assignment effective March 17, 1998;

**WHEREAS**, effective January 22, 2008, the Lessor approved a Lessor’s Approval of Assignment assigning the lease to Kasco Butterfield LLC;

**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 Lot 1 and all of Lot 2, Block 7, Butterfield Trail Industrial Park Unit 1, Replat A, an Addition to the City of El Paso, El Paso County, Texas, containing 266,876.8 square feet or 6.1266 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 24 Zane Grey Street, El Paso, Texas ("Premises").

2. As of the Effective Date of this First Amendment, Lessor and Lessee agree the annual rental shall be **FORTY ONE THOUSAND ONE HUNDRED TWENTY-THREE AND 95/100 DOLLARS (\$41,123.95)**.

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 August 1, 1981 Butterfield Trail Industrial Park Lease dated August 1, 1981 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

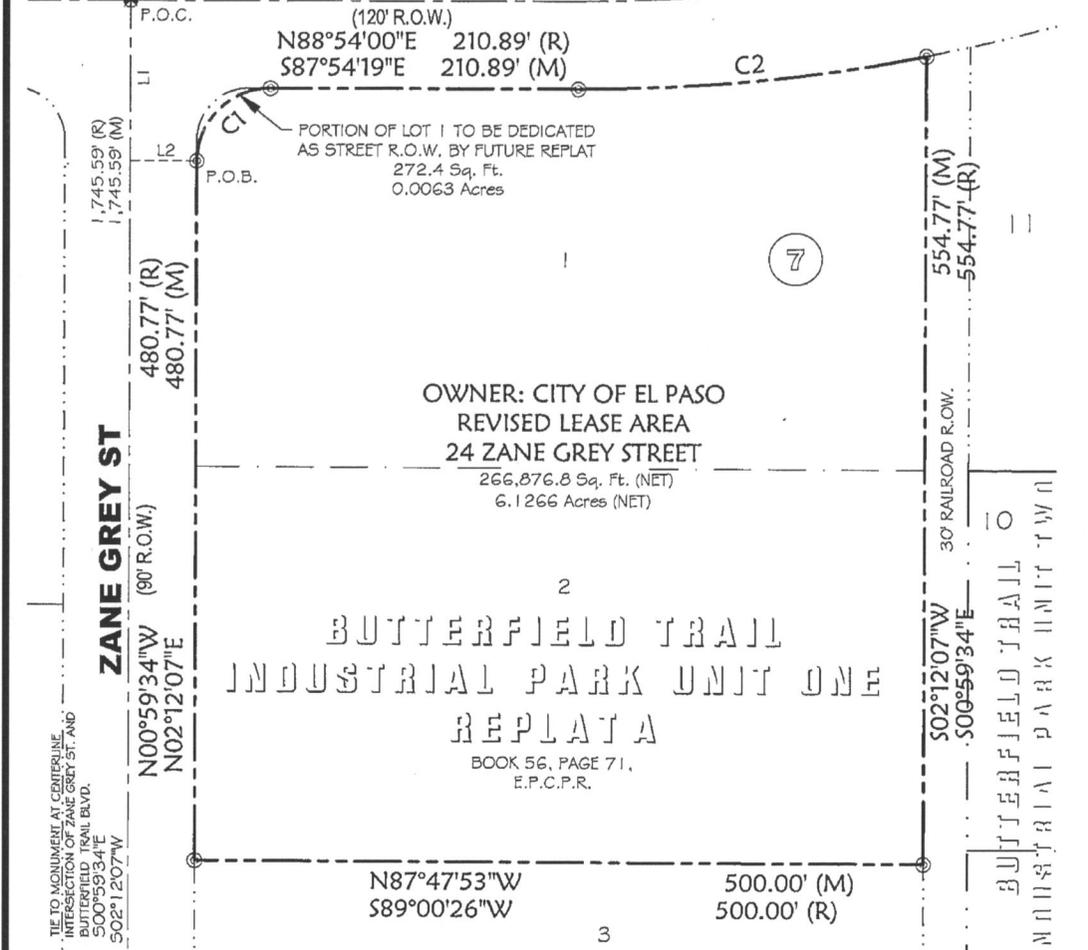
My Commission Expires:  
\_\_\_\_\_

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]





**FOUNDERS BLVD.**

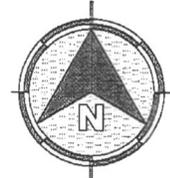


**LEGEND**

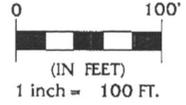
- LEASE AREA BOUNDARY LINE
- RIGHT-OF-WAY LINE
- CENTERLINE OF RIGHT-OF-WAY
- LOT LINE
- EXISTING CITY MONUMENT
- LEASE AREA CORNER
- LOT NUMBER
- BLOCK NUMBER

| CURVE TABLE |          |         |           |               |         |
|-------------|----------|---------|-----------|---------------|---------|
| CURVE       | RADIUS   | LENGTH  | DELTA     | BEARING       | CHORD   |
| C1          | 50.00'   | 78.45'  | 89°53'34" | N 47°08'54" E | 70.64'  |
| C2(M)       | 1247.11' | 240.75' | 11°03'38" | N 86°33'52" E | 240.37' |
| C2(R)       | 1247.11' | 240.75' | 11°03'38" | N 83°22'11" E | 240.37' |

| LINE TABLE |         |               |
|------------|---------|---------------|
| LINE       | LENGTH  | BEARING       |
| L1 (M)     | 109.82' | S 02°12'07" W |
| L1 (R)     | 109.82' | S 00°59'34" E |
| L2 (M)     | 45.00'  | S 87°47'53" E |
| L2 (R)     | 45.00'  | N 89°54'00" E |



**GRAPHIC SCALE**



**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. C60593) 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" = 100'

(24 ZANE GREY STREET)  
 A PORTION OF LOT 1 AND ALL OF LOT 2, BLOCK 7, BUTTERFIELD TRAIL INDUSTRIAL PARK UNIT ONE, REPLAT "A", CITY OF EL PASO, EL PASO COUNTY, TX



**BROCK & BUSTILLOS INC.**  
 CONSULTING CIVIL ENGINEERS  
 LAND SURVEYORS  
 TEPE REG. NO. F-737

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

FILE NO: 05100-0431

Mar 27, 2012 - 2:40pm  
 CADD1  
 U:\05100-0431-BUTTERFIELD TRAIL IMPROVEMENTS\05100-0431-REMAINER AREA-FOUNDER ZANE SE.dwg



**METES AND BOUNDS DESCRIPTION**  
***"REVISED LEASE AREA-24 ZANE GREY STREET"***

*A 6.1266 acre lease area being a portion of Lot 1 and all of Lot 2, Block 7, 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 Founders Boulevard and following the centerline of Zane Grey Street, South 02°12'07" West (South 00°59'34" East-record), a distance of 109.82 feet; **THENCE**, leaving the centerline of Zane Grey Street, South 87°47'53" East (North 89°54'00" East-record), a distance of 45.00 feet to the east right-of-way line of Zane Grey Street for the **POINT OF BEGINNING** of the lease area herein described and the beginning of a non-tangent curve to the right;

**THENCE**, following the east right-of-way line of Zane Grey Street along the arc of said non-tangent curve to the right having a radius of 50.00 feet, a central angle of 72°39'02", an arc length of 65.94 feet and whose long chord bears North 54°04'00" East, a distance of 70.64 feet to the south right-of-way line of Founders Boulevard and the end of said non-tangent curve to the right;

**THENCE**, following the south right-of-way line of Founders Boulevard, South 87°54'19" East, (North 88°54'00" East ~ record), a distance of 210.89 feet to a point of curvature;

**THENCE**, continuing along the south right-of-way line of Founders Boulevard and following the arc of a curve to the left having a radius of 1,247.11 feet, a central angle of 11°03'38", an arc length of 240.75 feet and whose long chord bears North 86°33'52" East, (North 83°22'11" East ~ record), a distance of 240.37 feet to the northeast corner of the lease area herein described, identical to the northeast corner of Lot 1, Block 7, Butterfield Trail Industrial Park, Unit One, Replat A;

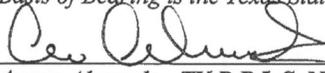
**THENCE**, leaving the south right-of-way line of Founders Boulevard and following the east boundary line of said Lot 1 and continuing along the east boundary line of Lot 2, Block 7, Butterfield Industrial Park, Unit One, Replat A, South 02°12'07" West (South 00°59'34" East-record), a distance of 554.77 feet to the southeast corner of the lease area herein described, identical to the southeast corner of said Lot 2;

**THENCE**, leaving the east boundary line and following the south boundary line of said Lot 2, North 87°47'53" West (South 89°00'26" West-record), a distance of 500.00 feet to the east right-of-way line of Zane Grey Street for the southwest corner of the lease area herein described, identical to the southwest corner of said Lot 2;

**THENCE**, leaving the south boundary line of said Lot 2 and following the east right-of-way line of Zane Grey Street, North 02°12'07" East (North 00°59'34" West-record), a distance of 480.77 feet to the **POINT OF BEGINNING**.

Said Lease Area contains 6.1266 acres (266,876.8 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

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