

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

DEPARTMENT: AIRPORT

AGENDA DATE: December 7, 2010

CONTACT PERSON NAME AND PHONE NUMBER: Monica Lombraña/780-4724

DISTRICT(S) AFFECTED: 3

**SUBJECT:**

**APPROVE** a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

This is a Resolution to authorize the City Manager to sign a Third Amendment to the Industrial Site Lease by and between the City of El Paso and LFCW, LLC, which allows a Valet Automobile Parking lot to the a permitted use until December 25, 2011 for the following described property:

Lots 2, 3 and 4, Block 1A, El Paso International Airport Tracts, Replat of Unit 4, City of El Paso, El Paso County, Texas, commonly known and numbered as 6440 Airport Road, El Paso, Texas.

**BACKGROUND / DISCUSSION:**

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Lessee approached the Airport about extending the authorization to operate a valet parking operation for one additional year. The Airport agreed as negotiations for a new development on that property are still in progress as well as the upcoming holiday season increases demand for long-term parking, which this Lessee helps to provide to our customers.

**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one?

Consent to Assignment and Amendment to Lease on February 13, 2003

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A – Revenue generating

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**BOARD / COMMISSION ACTION:** N/A

Enter appropriate comments or N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

*Monica Lombraña*  
(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 Industrial Site Lease by and between the City of El Paso and LFCW, LLC, which allows a Valet Automobile Parking Lot to be a permitted use until Dec. 25, 2011 for the following described property:

Lots 2, 3 and 4, Block 1A, El Paso International Airport Tracts, Replat of Unit 4, City of El Paso, El Paso County, Texas, commonly known and numbered as 6440 Airport Road, El Paso, Texas.

APPROVED the \_\_\_\_\_ day of \_\_\_\_\_ 2010.

**CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

Theresa Cullen  
Theresa Cullen  
Deputy City Attorney

**APPROVED AS TO CONTENT:**

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

STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

**THIRD AMENDMENT TO  
INDUSTRIAL SITE LEASE**

This Third Amendment to the Industrial Site Lease by and between the City of El Paso, Texas ("Lessor") and LFCW, LLC ("Lessee") is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2010.

**WHEREAS**, effective Dec. 26, 1995, Lessor and Airport Industrial Leasehold entered into an Industrial Site Lease (the "Lease") for the following real property:

Lots 3 and 4, and a Portion of Lot 2, Block 1A, El Paso International Airport Tracts, Replat of Unit 4, City of El Paso, El Paso County, Texas, containing 186,063 sq. ft. of land more or less, commonly known and numbered as 6440 Airport Road, El Paso, Texas;

**WHEREAS**, on Oct. 31, 2000, Lessor approved a First Amendment to Lease which amended Paragraph 3.11, Valet Automobile Operation Requirements, of the Lease;

**WHEREAS**, on Feb. 13, 2003, Lessor approved a Consent to Assignment and Amendment of Lease which approved an assignment of the Lease to Lessee and revised the description of the Leased Premises to include an additional 20,413 square feet of land in Lot 2, Block 1A, El Paso International Airport Tracts, Replat of Unit 4, City of El Paso, El Paso County, Texas;

**WHEREAS**, Paragraph 3.10, Permitted Uses, of the Lease allows a Valet Automobile Parking Lot as a permitted use for fifteen (15) years, and the term of the approved permitted use expires Dec. 25, 2010; and

**WHEREAS**, Lessee has requested that Lessor allow a Valet Automobile Parking Lot to be a permitted use for an additional one-year period,

**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 III, Paragraph 3.10, Permitted Uses, of the Lease is amended to allow a Valet Automobile Parking Lot to be operated by LFCW, LLC as a permitted use. This use is permitted until Dec. 25, 2011. This permitted use shall not run with the land and shall only apply to LFCW, LLC, unless Lessor gives prior written approval. Lessor and Lessee acknowledge their ability to negotiate an extension of such a permitted use as well as the amount of the additional rental due during such an extension.

2. Article V, Paragraph 5.04, Additional Rental, of the Lease states that should an extension of the term in which a Valet Automobile Parking Lot is a permitted use be granted pursuant to Section 3.10, Permitted Uses, the additional rentals shall continue throughout the extended term based upon percentages agreed to between Lessor and Lessee. Lessor and Lessee agree that the additional rental amount to be paid for the operation of a Valet Automobile Parking Lot until Dec. 25, 2011 will be 20% of Gross Receipts.
3. Regardless of the date executed, the Effective Date of this Third Amendment to the Industrial Site Lease shall be Dec. 26, 2010.
4. Except as expressly modified herein, all other terms and conditions of the Dec. 26, 1995 Lease, the Oct. 31, 2000 First Amendment to the Lease, and the Feb. 13, 2003 Consent to Assignment and Amendment of Lease shall remain in full force and effect and shall remain as written.

IN WITNESS WHEREOF, this Third Amendment to the Industrial Site Lease has been approved by the parties hereto as of the dated first noted above.

**LESSOR: CITY OF EL PASO**

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

**APPROVED AS TO FORM:**

Theresa Cullen  
 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 \_\_\_\_\_ 2010 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: LFCW, LLC

By: Clinton E. Wolf  
Printed Name: CLINTON E. WOLF  
Title: GEN. PARTNER

ACKNOWLEDGMENT

STATE OF TEXAS                    )  
  )  
COUNTY OF EL PASO            )

This instrument was acknowledged before me on this 17 day of November 2010  
by Clinton E. Wolf as Partner of LFCW, LLC  
(Lessee).

Gloria L. Rios  
Notary Public, State of TX

My Commission Expires:

