

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: Aviation

AGENDA DATE: December 18, 2007

CONTACT PERSON/PHONE: Patrick T. Abeln, A.A.E. – 780-4724

DISTRICT(S) AFFECTED: 02

SUBJECT:

Resolution authorizing the City Manager to sign a Lessor's Approval of Assignment whereby the City of El Paso authorizes the assignment of the referenced Butterfield Industrial Park Lease Agreement to Camilla Nut Company, LP.

BACKGROUND / DISCUSSION:

Effective March 1, 1983, the City of El Paso entered into a Butterfield Trail Industrial Park Lease with Jark Joint Venture for the property described as Portions of Lots 6 and 8, Block 3, Butterfield Trail Industrial Park, Unit One located at #19 Founders Blvd., consisting of approximately 134,084 square feet. The Lease was assigned to Analytical Information Systems, Inc. on December 30, 1986, further assigned on July 21, 1998 to Kemp Enterprises, Inc. and subsequently assigned to Wood Traditions Furniture on September 25, 2007.

The initial lease term is for forty (40) years expiring February 28, 2023 and contains one (1) 10-year renewal option. The current lease rate is \$0.1440/sf which equates to \$19,308.12/annum (\$1,609.01/mo.). In accordance with the Lease, the rent is to be adjusted every ten (10) year anniversary to an amount equal to eight percent (8%) of the fair market value of the land with a 20% cap. The next rent adjustment will be due January 1, 2013.

Wood Traditions Furniture Co., Inc. is selling the improvements to Camilla Nut Company, L.P., a Texas Limited Partnership, and is requesting Lessor's Approval of Assignment of the underlying ground lease.

Please refer to the attached map for the location of the property in Butterfield Trail Industrial Park.

PRIOR COUNCIL ACTION:

Lessor's Approval of Assignment to Wood Traditions Furniture on September 25, 2007.

AMOUNT AND SOURCE OF FUNDING:

This is a revenue generating contract.

BOARD / COMMISSION ACTION:

Approved by the Airport Board on November 15, 2007

CITY CLERK DEPT.
07DEC-7 AM 11:47

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) Raymond L. Telles **FINANCE:** (if required) _____
Raymond L. Telles, Asst. City Attorney

OTHER: Patrick T. Abeln, A. A. E., Director of Aviation Patrick T. Abeln _____
(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Wood Traditions Furniture Co., Inc. ("Assignor"), and Camilla Nut Company, LP ("Assignee") for the following described property:

A portion of Lots 6 and 8, Block 3, Butterfield Trail Industrial Park Unit 1, City of El Paso, El Paso County, Texas, containing 3.078 acres, more or less, which is municipally known and numbered as 19 Founders Boulevard, El Paso, Texas.

ADOPTED this ____ day of _____ 2007.

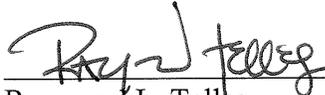
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

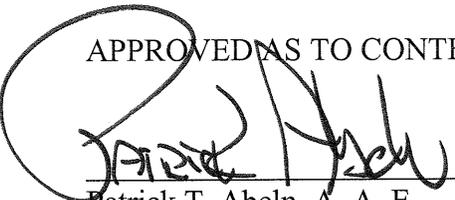
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Raymond L. Telles
Assistant City Attorney

APPROVED AS TO CONTENT:



Patrick T. Abeln, A. A. E.
Director of Aviation

CITY CLERK DEPT.
07 DEC -7 AM 11:47

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

LESSOR’S APPROVAL OF ASSIGNMENT

The City of El Paso (“Lessor”) entered into a Butterfield Trail Industrial Park Lease effective March 1, 1983 between the Lessor and Jark Joint Venture, which was subsequently assigned to Analytical Information Systems, Inc. pursuant to an Assignment of Lease dated December 30, 1986, which was then assigned to Kemp Enterprises, Inc. pursuant to that Lessor’s Approval of Assignment with an effective date of August 1, 1998, and thereafter assigned to Wood Traditions Furniture Co., Inc. (“Assignor”) pursuant to that Lessor’s Approval of Assignment with an effective date of September 25, 2007 (collectively referred to herein as the “Lease”) covering the following described leased premises:

A portion of Lots 6 and 8, Block 3, Butterfield Trail Industrial Park Unit 1, City of El Paso, El Paso County, Texas, containing 3.078 acres, more or less, being more particularly described in **EXHIBIT A**, attached hereto and made a part hereof, and municipally known and numbered as 19 Founders Blvd., El Paso, Texas (“Premises”).

1. **CONSENT TO ASSIGNMENT.** Lessor hereby approves and consents to the assignment of the Lease from Assignor to Camilla Nut Company LP, a Texas limited partnership (“Assignee”), on the condition that Assignee assumes and becomes liable to pay any and all sums owing or becoming due Lessor under the terms of the Lease from and after the effective date of the assignment of the Lease to Assignee, and upon the further condition that Assignee agrees to accept and abide by all the terms, covenants, and conditions of the Lease.
2. **PROOF OF INSURANCE AND INDEMNIFICATION.** Assignee has provided a certificate of insurance to evidence compliance with the insurance requirements of the Lease and expressly agrees to be bound by the indemnification provisions contained in the Lease.
3. **GUARANTOR.** Assignor shall be released and discharged from all rights, privileges and obligations under the Lease arising from and after the effective date of the assignment of the Lease and Assignee shall, as of the effective date of the assignment, enjoy all rights and privileges and be responsible for satisfying all such obligations the same as if the Lease had originally been executed between Lessor and Assignee.
4. **RATIFICATION OF LEASE.** Except as expressly modified herein, no provision of this consent alters or modifies any of the terms and conditions of the Lease; all other terms and conditions of the Lease shall remain in full force and effect.

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CITY CLERK DEPT.

5. **ADDRESS FOR NOTICE.** Notices to Assignee and Assignor shall be sufficient if sent by certified mail, postage prepaid, addressed to:

ASSIGNEE: Camilla Nut Company, LP.
P.O. Box 508
Camilla, GA 31730
Attn: _____

ASSIGNOR: Wood Traditions Furniture Co., Inc.
19 Founders
El Paso, Texas 79906
Attn: Carlos E. Amaya, President

6. **AUTHORIZED REPRESENTATIVE.** The persons signing this Lessor's Approval of Assignment on behalf of the Assignee and Assignor represent and warrant that they have the legal authority to bind the Assignee or Assignor, respectively, to the provisions of this Lessor's Approval of Assignment.

7. **NON-WAIVER.** The Lessor's Approval of Assignment hereby given by Lessor shall not end the need for Lessor's consent for any future assignments.

8. **EFFECTIVE DATE.** The parties have approved this Lessor's Approval of Assignment hereto this 18 day of DECEMBER 2007.

CITY CLERK DEPT.
07 DEC -7 AM 11:47

(SIGNATURES BEGIN ON THE FOLLOWING PAGE)

ATTEST:

ASSIGNOR: Wood Traditions Furniture Co., Inc.

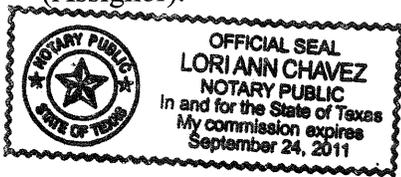
Marty R Harrell
Printed Name: Marty R Harrell

[Signature]
Printed Name: CARLOS AMAYA
Title: PRESIDENT

ASSIGNOR'S ACKNOWLEDGMENT

THE STATE OF Texas)
COUNTY OF El Paso)

This instrument was acknowledged before me on this 21 day of November, 2007,
by Carlos Amaya as President of **Wood Traditions Furniture Co., Inc.**
(Assignor).



[Signature]
Notary Public, State of Texas

My Commission Expires:
9/24/11

(SIGNATURES CONTINUE ON THE FOLLOWING PAGE)

07 DEC -7 AM 11:48

ST. CLERK DEPT.
DEC - 7 AM 11:57

19 Founders

Founders Blvd

Zane Grey Drive

Leigh Fisher Blvd



PREPARED FOR: El Paso International Airport
portion of Lots 6 and 8, Butterfield Trail Industrial Park
Unit One, Replat "A"
El Paso County, Texas

PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Lots 6 and 8, Block 3, Butterfield Trail Industrial Park, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the centerline intersection of Founders Boulevard and Zane Grey Street, thence North $88^{\circ} 54' 00''$ East along the centerline of Founders Boulevard a distance of 305.68 feet, thence North $01^{\circ} 06' 00''$ West a distance of 60.00 feet to a point lying on the north right-of-way line of Founders Boulevard; thence, along said right-of-way line, 160.46 feet along the arc of a curve to the left, whose radius is 1,127.10 feet; whose interior angle is $08^{\circ} 09' 24''$ and whose chord bears North $84^{\circ} 49' 18''$ East a distance of 160.32 feet to THE POINT OF BEGINNING:

Thence North $00^{\circ} 52' 28''$ West a distance of 417.52 feet;

Thence North $88^{\circ} 53' 24''$ East a distance of 340.13 feet;

Thence South $45^{\circ} 29' 13''$ East a distance of 27.56 feet;

Thence South $01^{\circ} 16' 48''$ East a distance of 294.14 feet;
to a point lying on the north right-of-way line of
Founders Boulevard;

Thence continuing along said right-of-way line, South
 $69^{\circ} 46' 25''$ West a distance of 161.51 feet;

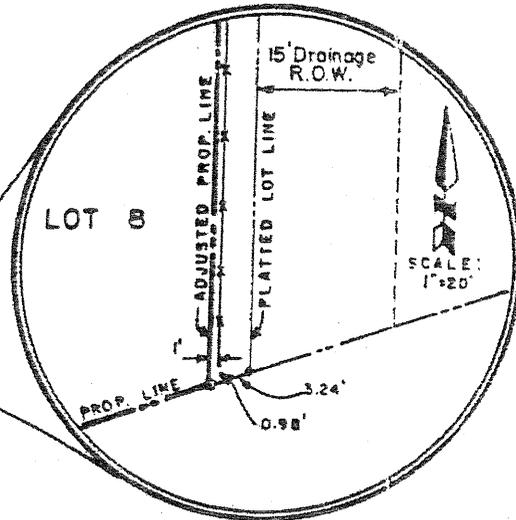
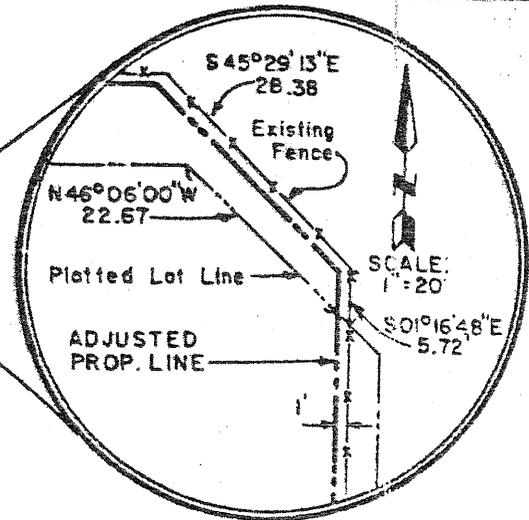
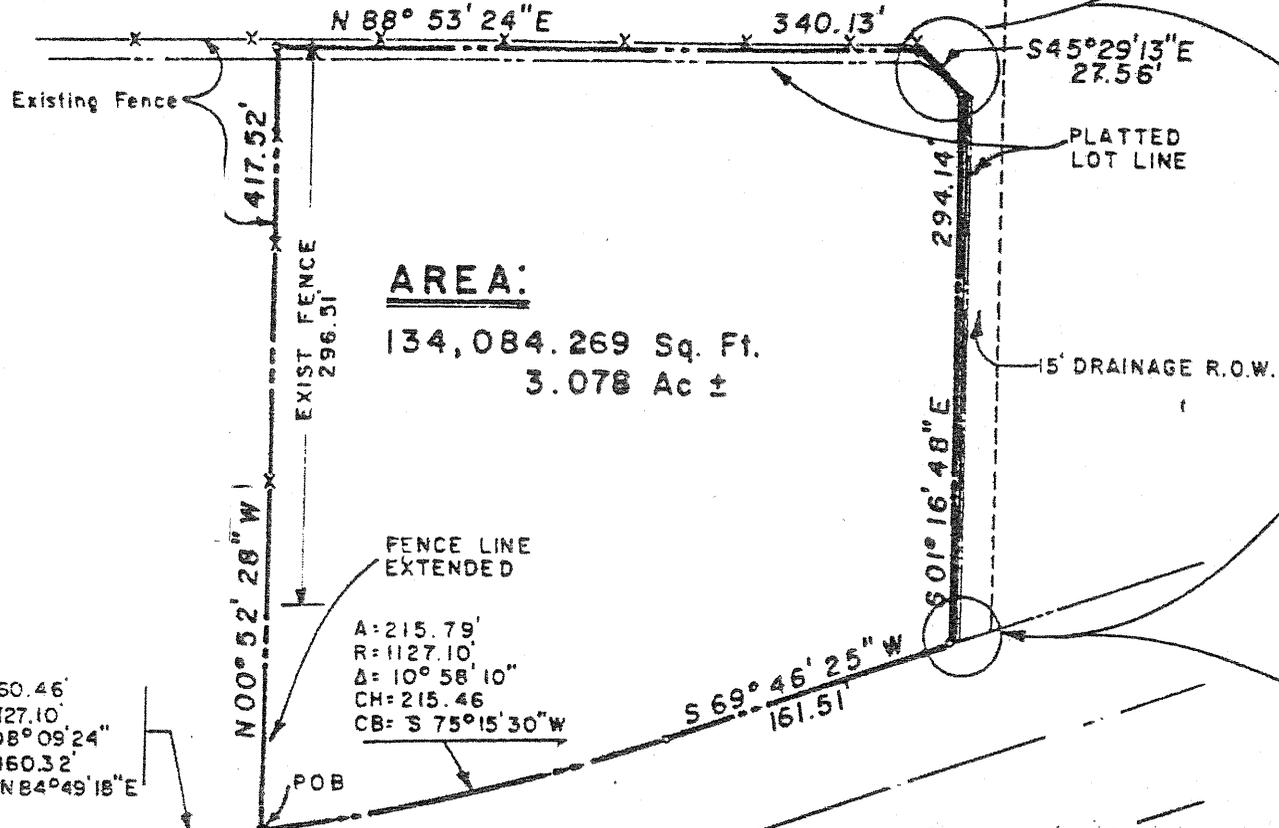
Thence, continuing along said right-of-way line, 215.79 feet along
the arc of a curve to the right, whose radius is 1127.10 feet, whose interior angle
is $10^{\circ} 58' 10''$ and whose chord bears South $75^{\circ} 15' 30''$ West a distance of 215.46
feet to the POINT OF BEGINNING and containing 134,084.269 square feet, or
3.078 acres of land, more or less, subject to all easements of record.


Ramon E. Lara, P.E.
CREMANS INC.

January 25, 1983



POND SITE



SCALE: 1" = 100'

EXHIBIT A

REVISED JAN 27, 1963

P L A T

BEING A PORTION OF LOTS 6 AND 8, BLOCK 3,
BUTTERFIELD TRAIL INDUSTRIAL PARK
UNIT ONE, REPLAT "A", CITY OF EL PASO
EL PASO COUNTY, TEXAS

FIELD:	DRAWN: J.B.S.	CREMANS INC. Engineers Planners EL PASO, TEXAS.
CHE'D: R.S.	APP'D:	
DRAWN'S NO.	FILE NO.	

"NOT A SURVEY"

