

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

DEPARTMENT: Aviation

AGENDA DATE: January 19, 2021

CONTACT PERSON NAME AND PHONE NUMBER: Samuel Rodriguez, P.E. Aviation Director (915) 212-7301

DISTRICT(S) AFFECTED: 3

CITY STRATEGIC GOAL 1: Create an Environment Conducive to Strong, Sustainable Economic Development.

SUBJECT:

That the City Manager be authorized to sign a Lessor's Approval of Assignment by the City of El Paso ("Lessor"), Lomeli Investments, LLC ("Assignor") and Americas Compliance Training and Drug Testing, LLC ("Assignee") for property described as Lots 8, Block 7, El Paso International Airport Tracts, Unit 2, City of El Paso, El Paso County, Texas, also known as 7501 Lockheed, El Paso, Texas.

The remaining lease term is 36 years and 5 months with two (2) five-year options. The site is 30,825 SF at \$0.5191 per SF and the annual rent is \$16,001.26. The lease agreement expires July 24, 2057 with option to extend to July 24, 2067.

BACKGROUND / DISCUSSION:

Lomeli Investments, LLC requests the ground lease be assigned to Americas Compliance Training and Drug Testing, LLC, as they are purchasing the building at 7501 Lockheed from Lomeli Investments.

PRIOR COUNCIL ACTION:

July 25, 2017 – Lease Agreement

AMOUNT AND SOURCE OF FUNDING:

N/A This is a revenue – generating item.

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:

Samuel Rodriguez

Samuel Rodriguez, P.E.
Aviation Director

(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 is authorized to sign a Lessor's Approval of Assignment of Southern Industrial Site Lease, by and between the City of El Paso ("Lessor"), Lomeli Investments, LLC ("Assignor"), and Americas Compliance Training & Drug Testing, LLC ("Assignee") for the following described property:

Lot 8, Block 7, El Paso International Airport Tracts, Unit 2, City of El Paso, El Paso County, Texas, commonly known as 7501 Lockheed, El Paso, Texas.

Dated this ____ day of _____ 2021.

CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Josette Flores
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Samuel Rodriguez, P.E.
Director of Aviation

STATE OF TEXAS

§

LESSOR'S APPROVAL OF ASSIGNMENT

COUNTY OF EL PASO

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WHEREAS, the City of El Paso ("Lessor") entered into a Southern Industrial Site Lease, with an Effective Date of July 25, 2017 (the "Lease"), between the Lessor and Lomeli Investment, LLC, a Texas limited liability company ("Assignor"), for the following described property:

Lot 8, Block 7, El Paso International Airport Tracts, Unit 2, City of El Paso, El Paso County, Texas, commonly known as 7501 Lockheed, El Paso, Texas, being more particularly described in Exhibit "A" attached hereto and made a part hereof ("Property");

WHEREAS, Assignor has requested the Lessor's approval and consent to an assignment of the Lease to Americas Compliance Training & Drug Testing, LLC.

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. **CONSENT TO ASSIGNMENT.** Lessor hereby approves and consents to the assignment of the Lease from Assignor to Americas Compliance Training & Drug Testing, LLC. ("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.

Assignee does hereby assume and agrees to be 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 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. **RELEASE.** Assignor is hereby released and discharged by Lessor from all rights, privileges, responsibilities and obligations under the Lease first arising and accruing from and after the effective date of the assignment of the Lease and Lessor and Assignee each hereby acknowledges that, as of the effective date of the assignment, Assignee enjoys all such rights and privileges and is responsible for satisfying all such obligations the same as if the Lease had originally been executed between Lessor and Assignee.

4. **SECURITY DEPOSIT.** No Security Deposit is required as a condition to this Approval.

17-1003-662.001/PL#1047731/Americas Compliance Training & Drug Testing, LLC/JF

5. **RATIFICATION OF LEASE.** Except as expressly set forth herein, no provision of this Approval alters or modifies any of the terms and conditions of the Lease, and all other terms and conditions of the Lease shall remain in full force and effect.
6. **ADDRESS FOR NOTICE.** Notices to Assignee and Assignor shall be sufficient if sent by certified mail, postage prepaid, addressed to:

 ASSIGNOR: Lomeli Investments
 c/o Juan Carlos Lomeli MBR
 4540 Trowbridge Drive
 El Paso, TX 79903

 ASSIGNEE: Americas Compliance Training & Drug Testing, LLC
 7501 Lockheed
 El Paso, TX 79925
 Attn: Deborah Tavoanche
7. **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 and Assignor, respectively, to the provisions of this Lessor's Approval of Assignment.
8. **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.
9. **EFFECTIVE DATE.** The Effective Date of this Lessor's Approval of Assignment will be the date this document is approved by the El Paso City Council.
10. **COUNTERPARTS.** This Lessor's Approval of Assignment may be executed in any number of counterparts, each of which shall be deemed an original for all purposes, and all of which shall constitute one and the same instrument as if all parties had signed the same signature page.

(SIGNATURES BEGIN ON THE FOLLOWING PAGE)

APPROVED THIS ____ day of _____, 2021.

LESSOR: CITY OF EL PASO

Tomás González
City Manager

APPROVED AS TO FORM:

J. Flores

Josette Flores
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Samuel Rodriguez

Samuel Rodriguez, P.E.
Director of Aviation

LESSOR'S ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2021, by Tomás González as **City Manager** of the **City of El Paso, Texas** (Lessor).

Notary Public, State of Texas

My Commission Expires:

(SIGNATURES CONTINUE ON THE FOLLOWING PAGE)

ASSIGNOR: LOMELI INVESTMENTS, LLC

By: 12-22-2020
Print Name: Sergio Lomeli
Title: owner

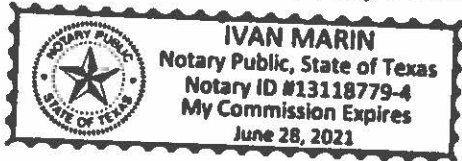
ASSIGNOR'S ACKNOWLEDGEMENT

THE STATE OF Texas)
COUNTY OF El Paso, TX)

This instrument was acknowledged before me on this 22 day of December, 2020 by _____, its _____ of Lomeli Investments, LLC, on behalf of said corporation (Assignor).

My Commission Expires: 6-28-21

Ivan Marin
Notary Public, State of Texas



(SIGNATURES CONTINUE ON THE FOLLOWING PAGE)

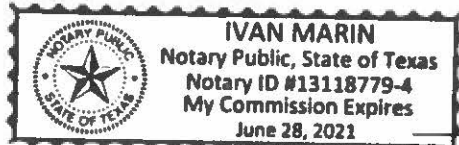
ASSIGNEE: AMERICAS COMPLIANCE TRAINING & DRUG TESTING, LLC

By: Deborah Swartz
Its: Member

ASSIGNEE'S ACKNOWLEDGEMENT

THE STATE OF Texas)
COUNTY OF El Paso, Tx)

This instrument was acknowledged before me on this 22 day of December, 2021, by _____, its _____, Americas Compliance Training & Drug Testing, LLC, (Assignee), on behalf of said limited liability company.



Ivan Marin

Notary Public, State of Texas

My Commission Expires:

6-28-21

EXHIBIT "A"

Map of the Premises

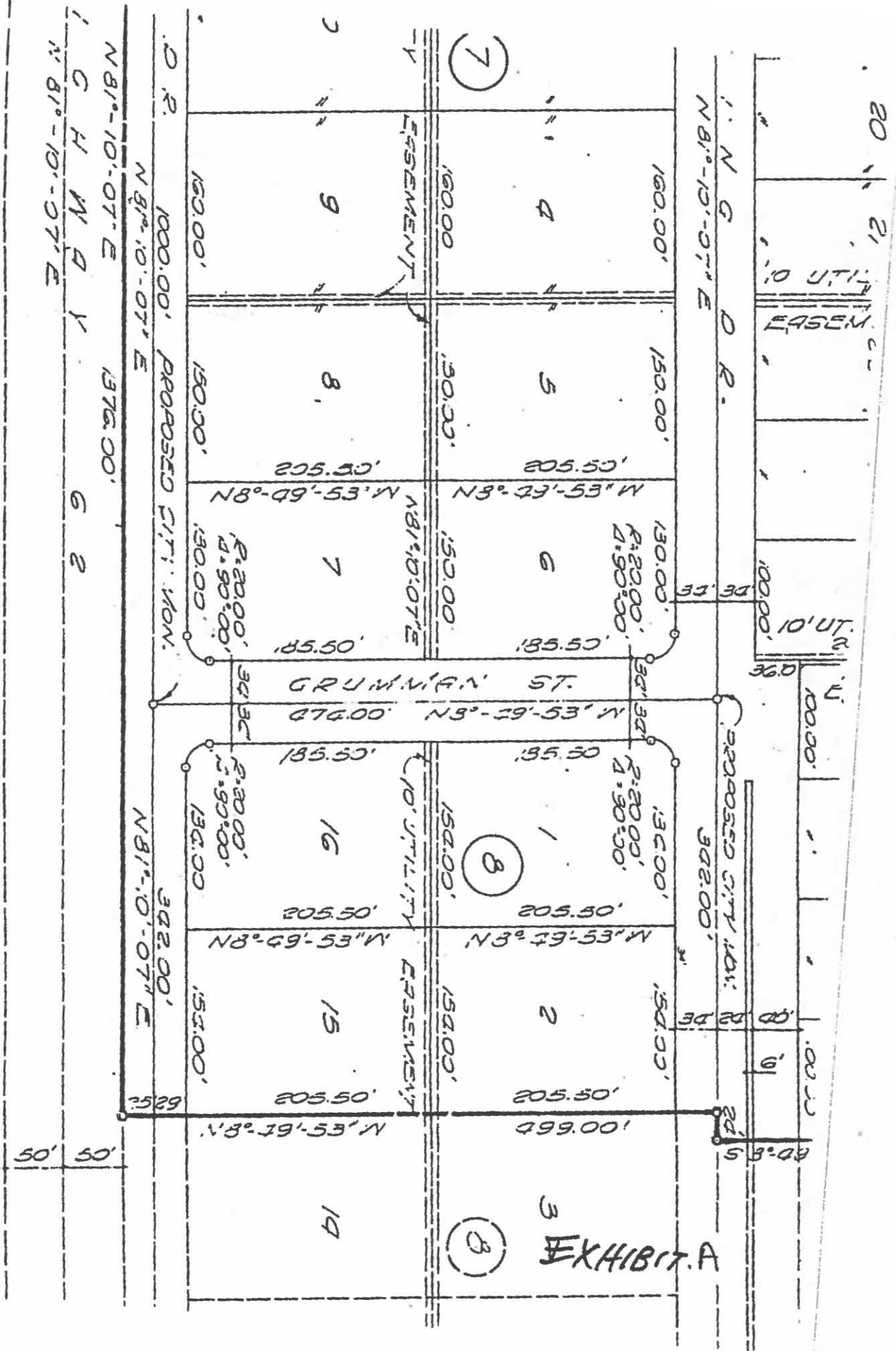


EXHIBIT A

7501 Lockheed

