

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

DEPARTMENT: Aviation

AGENDA DATE: May 23, 2023

CONTACT PERSON NAME AND PHONE NUMBER: Sam Rodriguez, Aviation Director, (915) 212-7301

DISTRICT(S) AFFECTED: 3

CITY STRATEGIC GOAL: #1 Cultivate an Environment Conducive to Strong, Economic Development

SUBJECT:

That the City Manager, or designee, is authorized to sign a First Amendment to Ground Lease Agreement by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the "Lessor"), and 60 Walter Jones Blvd., LLC, a Wyoming Limited Liability Company, ("Lessee") to add 317,360.18 square feet of land to the property leased under the Ground Lease entered by the parties on March 31, 2023.

BACKGROUND / DISCUSSION:

The Department of Aviation is requesting approval of this ground lease amendment to allow 60 Walter Jones Blvd., LLC to add an additional 317,360.18 square feet of land to the parcel leased under the Butterfield Trail Industrial Park Ground Lease approved by City Council on March 28, 2023. The subject property is located inside the Airport's Butterfield Trail Industrial park and has remained undeveloped for decades. Tenant proposes to construct a warehouse on the premises.

PRIOR COUNCIL ACTION:

March 28, 2023 – Approval of Butterfield Trail Industrial Park Ground Lease

AMOUNT AND SOURCE OF FUNDING:

N/A this is a revenue – generating item

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:

for 

Sam Rodriguez, Aviation Director

RESOLUTION

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

That the City Manager, or designee, is authorized to sign a First Amendment to Ground Lease Agreement by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the "Lessor"), and 60 Walter Jones Blvd., LLC, a Wyoming Limited Liability Company, ("Lessee") to add 317,360.18 square feet of land to the property leased under the Ground Lease entered by the parties on March 31, 2023.

APPROVED this ____ day of _____, 2023

CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:


Laura D. Prine, City Clerk

APPROVED AS TO FORM



Ignacio Troncoso
Assistant City Attorney

APPROVED AS TO CONTENT:


for Samuel Rodriguez, P.E.
Director of Aviation

STATE OF TEXAS)
)
COUNTY OF EL PASO)

FIRST AMENDMENT TO GROUND LEASE
AGREEMENT

This First Amendment to Ground Lease Agreement (the “**Amendment**”) is made and entered into this ____ day _____, 2023, by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the “**Lessor**”), and 60 Walter Jones Blvd., LLC, a Wyoming Limited Liability Company, (“**Lessee**”).

WHEREAS, Lessor and Lessee entered into a Ground Lease Agreement (the “**Lease**”), with an effective date of March 31, 2023 to lease a portion of Lot 1, Block 15, Butterfield Trail Industrial Park, Unit Three, a subdivision of record in volume 0060 page 0060, filed October 3, 1985 in the Official Public Records of El Paso County Texas, City of El Paso, comprised of 219,357.45 sq.ft.; and

WHEREAS, the Lessor and Lessee desire to add additional property to the Lease.

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 to amend the Lease as follows:

1. Section 1.01 Description of Premises Demised, of the Lease is amended to add the following to the Premises leased from Lessor:

A 317,360.18 square feet portion of lot 1, block 15, Butterfield Trail Industrial Park, Unit Three, (Butterfield Trail) A subdivision of record in volume 0060, page 0060, filed October 3, 1985 in the official public records of El Paso County, Texas and being further described in Exhibit A-1 attached to this Amendment.

2. Section 3.01 Rent, of the Lease is amended to read as follows:

3.01 Rent.

For the purpose of computing the rent payments (“**Rent**”), Lessor and Lessee agree that the Premises comprise 536,717.63 square feet of land. The initial Rent for the Premises will be calculated on the basis of 536,717.63 square feet at \$0.2393 per square foot per annum. The initial annual Rent for the first five (5) years of the Initial Term shall be \$128,436.53 or \$10,703.04 monthly. The Lessee will pay the Rent in twelve (12) equal monthly installments of \$10,703.04. Rent payments shall be paid in advance on or before the first day of each and every month during the term of this Lease. The Rent is subject to readjustment of Rent as addressed in Section 3.04 below.

3. **Ratification**. Except as herein amended, all other terms and conditions of the Lease not specifically modified by this Amendment shall remain unchanged and in full force and effect.
4. **Effective Date**. This Amendment shall be effective upon the date it is approved by the El Paso City Council.

(Signatures begin on the following page)

LESSOR'S SIGNATURE AND ACKNOWLEDGMENT

IN WITNESS WHEREOF, the parties have hereunto set their hands as of this ___ day of _____, 20 ____.

LESSOR: CITY OF EL PASO

Tomás González
City Manager

APPROVED AS TO FORM:



Ignacio Troncoso
Assistant City Attorney

APPROVED AS TO CONTENT:



Samuel Rodriguez, P.E.
Director of Aviation

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 20____, by Tomás González as City Manager of the City of El Paso, Texas.

Notary Public, State of Texas

My Commission Expires:

(Signatures continue on the following page)

LESSEE'S SIGNATURE AND ACKNOWLEDGMENT

LESSEE:

By: 60 Walter Jones Blvd, LLC

Ronald E M McGinnis

Print Name: Ronald McGinnis

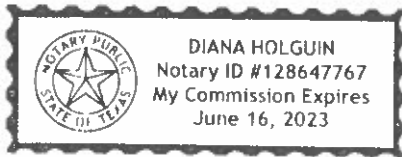
Title: President

ACKNOWLEDGMENT

THE STATE OF Texas)

COUNTY OF El Paso)

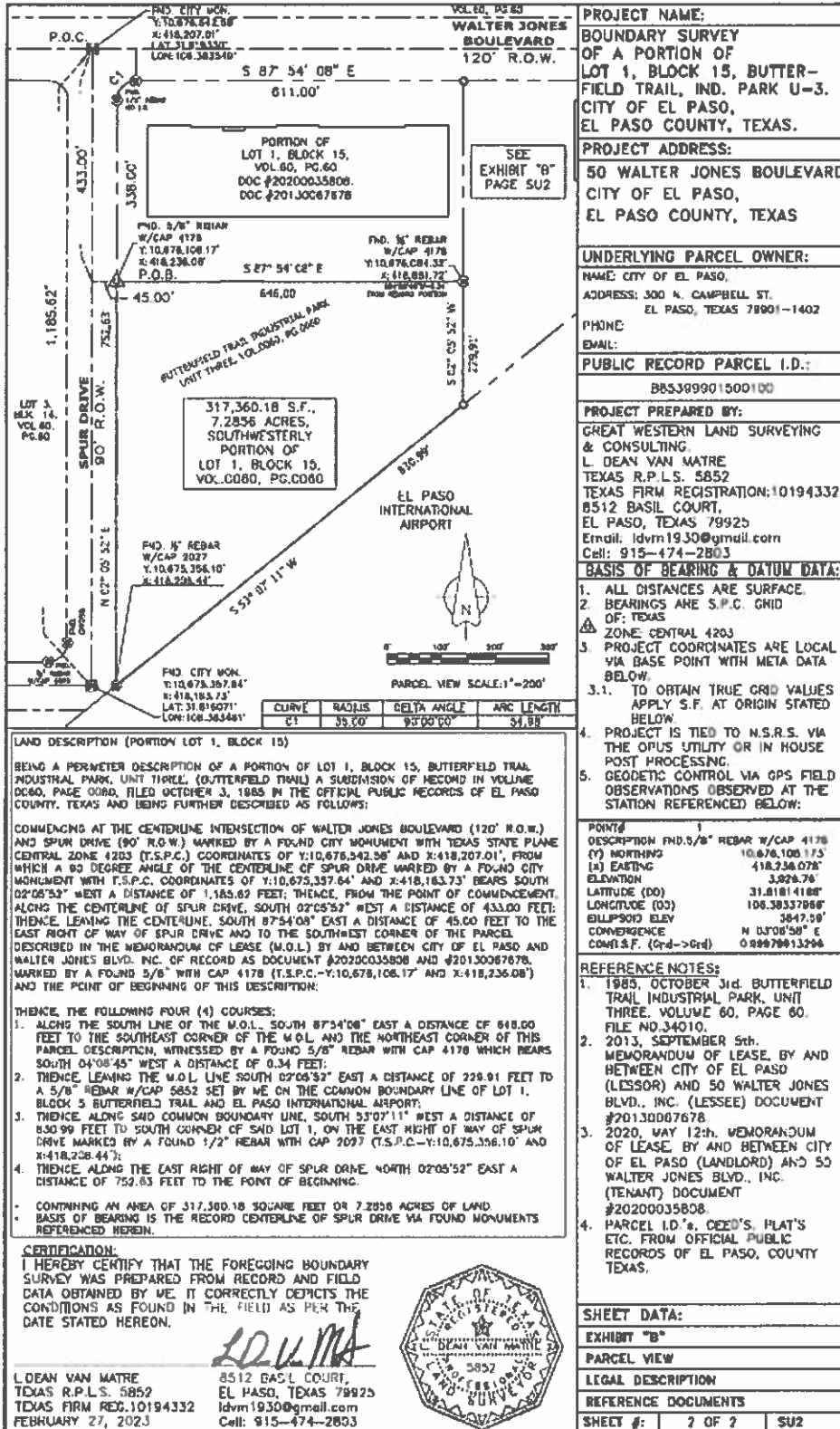
This instrument was acknowledged before me on this 11 day of May, 2023,
by Ronald McGinnis, its President of 60 Walter Jones Blvd, LLC (Lessee).



[Signature]
Notary Public, State of Texas

My Commission Expires:
6/16/2023

Exhibit A-1



PROJECT NAME:
BOUNDARY SURVEY OF A PORTION OF LOT 1, BLOCK 15, BUTTERFIELD TRAIL, IND. PARK U-3, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

PROJECT ADDRESS:
**50 WALTER JONES BOULEVARD
 CITY OF EL PASO,
 EL PASO COUNTY, TEXAS**

UNDERLYING PARCEL OWNER:
 NAME: CITY OF EL PASO,
 ADDRESS: 300 N. CAMPBELL ST.
 EL PASO, TEXAS 79901-1402

PHONE:
EMAIL:

PUBLIC RECORD PARCEL I.D.:
 B85389901500100

PROJECT PREPARED BY:
 GREAT WESTERN LAND SURVEYING & CONSULTING
 L. DEAN VAN MATRE
 TEXAS R.P.L.S. 5852
 TEXAS FIRM REGISTRATION: 10194332
 8512 BASIL COURT,
 EL PASO, TEXAS 79925
 Email: ldvm1930@gmail.com
 Cell: 915-474-2803

BASIS OF BEARING & DATUM DATA:

- ALL DISTANCES ARE SURFACE.
- BEARINGS ARE S.P.C. GRID OF TEXAS.
- ZONE: CENTRAL 4203
- PROJECT COORDINATES ARE LOCAL VIA BASE POINT WITH META DATA BELOW.
- TO OBTAIN TRUE GRID VALUES APPLY S.F. AT ORIGIN STATED BELOW.
- PROJECT IS TIED TO N.S.R.S. VIA THE OPUS UTILITY OR IN HOUSE POST PROCESSING.
- GEODETIC CONTROL VIA GPS FIELD OBSERVATIONS OBSERVED AT THE STATION REFERENCED BELOW:

POINTS

POINT #	DESCRIPTION	FND. 5/8" REBAR W/CAP 4178
(7)	NORTHING	10,678,106.17
(13)	EASTING	418,207.01
	ELEVATION	3,826.78
	LATITUDE (DD)	31.81814100
	LONGITUDE (DD)	106.38337966
	ELLIPSOID ELEV	3847.58
	CONVERGENCE	N 03°08'58" E
	CONV. S.F. (Grid -> Grid)	0.99978813296

REFERENCE NOTES:

- 1985, OCTOBER 3rd. BUTTERFIELD TRAIL INDUSTRIAL PARK, UNIT THREE, VOLUME 60, PAGE 60. FILE NO. 34010.
- 2013, SEPTEMBER 5th. MEMORANDUM OF LEASE, BY AND BETWEEN CITY OF EL PASO (LESSOR) AND 50 WALTER JONES BLVD., INC. (LESSEE) DOCUMENT #20130067678
- 2020, MAY 12th. MEMORANDUM OF LEASE, BY AND BETWEEN CITY OF EL PASO (LANDLORD) AND 50 WALTER JONES BLVD., INC. (TENANT) DOCUMENT #20200035808.
- PARCEL I.D.'s, CEDD'S, PLAT'S ETC. FROM OFFICIAL PUBLIC RECORDS OF EL PASO, COUNTY TEXAS.

SHEET DATA:
EXHIBIT "B"
PARCEL VIEW
LEGAL DESCRIPTION
REFERENCE DOCUMENTS
 SHEET #: ? OF ? SU2

LAND DESCRIPTION (PORTION LOT 1, BLOCK 15)
 BEING A PERIMETER DESCRIPTION OF A PORTION OF LOT 1, BLOCK 15, BUTTERFIELD TRAIL INDUSTRIAL PARK, UNIT THREE, (BUTTERFIELD TRAIL) A SUBDIVISION OF RECORD IN VOLUME 0060, PAGE 0060, FILED OCTOBER 3, 1985 IN THE OFFICIAL PUBLIC RECORDS OF EL PASO COUNTY, TEXAS AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF WALTER JONES BOULEVARD (120' R.O.W.) AND SPUR DRIVE (90' R.O.W.) MARKED BY A FOUND CITY MONUMENT WITH TEXAS STATE PLANE CENTRAL ZONE 4203 (T.S.P.C.) COORDINATES OF Y:10,678,342.98' AND X:418,207.01', FROM WHICH A 90 DEGREE ANGLE OF THE CENTERLINE OF SPUR DRIVE MARKED BY A FOUND CITY MONUMENT WITH T.S.P.C. COORDINATES OF Y:10,675,337.64' AND X:418,183.73' BEARS SOUTH 02°05'57" WEST A DISTANCE OF 1,185.82 FEET; THENCE, FROM THE POINT OF COMMENCEMENT, ALONG THE CENTERLINE OF SPUR DRIVE, SOUTH 02°05'52" WEST A DISTANCE OF 433.00 FEET; THENCE, LEAVING THE CENTERLINE, SOUTH 87°54'08" EAST A DISTANCE OF 45.00 FEET TO THE EAST RIGHT OF WAY OF SPUR DRIVE AND TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN THE MEMORANDUM OF LEASE (M.O.L.) BY AND BETWEEN CITY OF EL PASO AND WALTER JONES BLVD., INC. OF RECORD AS DOCUMENT #20200035808 AND #20130067678, MARKED BY A FOUND 5/8" WITH CAP 4178 (T.S.P.C.-Y:10,678,106.17' AND X:418,236.08') AND THE POINT OF BEGINNING OF THIS DESCRIPTION:

- THENCE, THE FOLLOWING FOUR (4) COURSES:
1. ALONG THE SOUTH LINE OF THE M.O.L. SOUTH 87°54'08" EAST A DISTANCE OF 618.00 FEET TO THE SOUTHEAST CORNER OF THE M.O.L. AND THE NORTHEAST CORNER OF THIS PARCEL DESCRIPTION, WITNESSED BY A FOUND 5/8" REBAR WITH CAP 4178 WHICH BEARS SOUTH 04°08'45" WEST A DISTANCE OF 0.34 FEET;
 2. THENCE, LEAVING THE M.O.L. LINE SOUTH 02°06'32" EAST A DISTANCE OF 228.91 FEET TO A 5/8" REBAR W/CAP 5852 SET BY ME ON THE COMMON BOUNDARY LINE OF LOT 1, BLOCK 5 BUTTERFIELD TRAIL AND EL PASO INTERNATIONAL AIRPORT;
 3. THENCE, ALONG SAID COMMON BOUNDARY LINE, SOUTH 53°07'11" WEST A DISTANCE OF 830.99 FEET TO SOUTH CORNER OF SAID LOT 1, ON THE EAST RIGHT OF WAY OF SPUR DRIVE MARKED BY A FOUND 1/2" REBAR WITH CAP 2027 (T.S.P.C.-Y:10,675,356.10' AND X:418,208.44');
 4. THENCE, ALONG THE EAST RIGHT OF WAY OF SPUR DRIVE, NORTH 02°05'52" EAST A DISTANCE OF 752.63 FEET TO THE POINT OF BEGINNING.
- CONTAINING AN AREA OF 317,360.18 SQUARE FEET OR 7.2856 ACRES OF LAND
 BASIS OF BEARING IS THE RECORD CENTERLINE OF SPUR DRIVE VIA FOUND MONUMENTS REFERENCED HEREIN.

CERTIFICATION:
 I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PREPARED FROM RECORD AND FIELD DATA OBTAINED BY ME. IT CORRECTLY DEPICTS THE CONDITIONS AS FOUND IN THE FIELD AS PER THE DATE STATED HEREON.

L. Dean Van Matre
L. DEAN VAN MATRE
 TEXAS R.P.L.S. 5852
 TEXAS FIRM REG. 10194332
 FEBRUARY 27, 2023

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