

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

DEPARTMENT: Aviation

AGENDA DATE: March 26, 2024

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

DISTRICT(S) AFFECTED: District 3

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

SUBJECT:

A Resolution that the City Manager is authorized to sign a First Amendment to the Easement Agreement entered into on June 20, 2023, between the CITY OF EL PASO, TEXAS, and SFPP, L.P. for the purpose of clarifying the Easement Agreement's termination date.

Area 1: A thirty-five (35) foot wide easement situated within the corporate limits of the City of El Paso, El Paso County, Texas, as a portion of Sections 27, 33, 34, and 40, Block 80, Township 2, Texas and Pacific Railway Company Surveys and a portion of Lot 1, Block 1, Butterfield Trail Aviation Park, Unit Two.

Area 2: A thirty-five (35) foot wide easement situated within the corporate limits of the City of El Paso, El Paso County, Texas, as a portion of Sections 22, 23, 26, and 27, Block 80, Township 2, Texas and Pacific Railway Company Surveys and a portion of Lot 1, Block 2, Butterfield Trail Aviation Park, Unit Two

BACKGROUND / DISCUSSION:

The Department of Aviation is requesting approval for a First Amendment to that certain Easement Agreement made by and between the City of El Paso, Texas ("Grantor") and SFPP, L.P. ("Grantee"). The new term of this Easement Agreement will be corrected ending on June 19, 2043.

Term: Initial term of twenty (20) years

PRIOR COUNCIL ACTION:

Easement Agreement – June 20, 2023

AMOUNT AND SOURCE OF FUNDING:

N/A: This is a revenue-generating item.

BOARD / COMMISSION ACTION:

N/A

DEPARTMENT HEAD:



for _____
Sam Rodriguez, P.E., Chief Operations & Transportation Officer/Director of Aviation

R. SHANE BROOKS

RESOLUTION

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

That the City Manager is authorized to sign a First Amendment to the Easement Agreement by and between the **CITY OF EL PASO, TEXAS** and **SFPP, L.P.** for the purpose of clarifying the Easement Agreement's termination date of June 19, 2043.

APPROVED this ____ day of _____, 2024.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

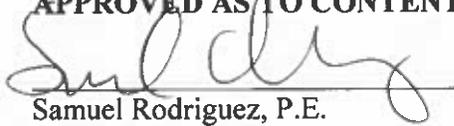
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Samuel Rodriguez, P.E.
Director of Aviation

STATE OF TEXAS)
)
COUNTY OF EL PASO)

**FIRST AMENDMENT TO
EASEMENT AGREEMENT**

This First Amendment to that certain Easement Agreement is made by and between the **CITY OF EL PASO, TEXAS** (“Grantor”) and **SFPP, L.P.** (“Grantee”). Grantor and Grantee are referred to herein collectively as the “Parties” or individually as a “Party.”

WHEREAS, on June 20, 2023, the Parties entered into an Easement Agreement whereby the Grantor granted Grantee a non-exclusive easement in, on, under and through two areas located at the City of El Paso International Airport; and

WHEREAS, an error was discovered in the Easement Agreement regarding the Term end date; and

WHEREAS, the Parties wish to correct the error regarding the Term end date and, for purposes of clarity, provide a specific date for termination of the Easement Agreement.

NOW, THEREFORE, in consideration of the mutual promises set forth in this First Amendment and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Section 3.01 of the Easement Agreement is hereby amended and restated in its entirety to read as follows:

3.01 Term. The term of this Easement Agreement shall be for the period of twenty (20) years commencing on June 20, 2023, which is the date the Easement Agreement was approved by the El Paso City Council (“Effective Date”) and ending on June 19, 2043 at 11:59:59 (the “Term”).

2. All terms and conditions of the Easement Agreement, except hereto revised, shall remain in full force and effect.

(Signatures Begin on Following Page)

IN WITNESS WHEREOF, the Parties have hereunto set their hands on the date noted.

GRANTOR:

CITY OF EL PASO

Cary Westin
City Manager

APPROVED AS TO FORM:

Roberta Brito
Roberta Brito
Assistant City Attorney

APPROVED AS TO CONTENT:

Samuel Rodriguez
Samuel Rodriguez, P.E.
Director of Aviation
R. SHANE BROOKS

ACKNOWLEDGMENT

STATE OF TEXAS)
)

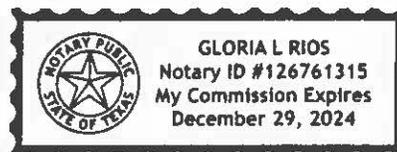
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 12 day of March, 2024
by Cary Westin, as City Manager of the City of El Paso, Texas (Grantor).

Gloria L Rios
Notary Public, State of Texas

My Commission Expires:

12.29.2024



GRANTEE:

SFPP, L.P., a Delaware limited partnership

By: Kinder Morgan Operating L.P. "D"
its general partner

By: Kinder Morgan G.P. Inc
Its general partner

By: Kinder Morgan Management, LLC
The delegate of Kinder Morgan G.P., Inc.

By: 
Dayton Robertson
Vice President

ACKNOWLEDGMENT

STATE OF Texas)
COUNTY OF Harris)

This instrument was acknowledged before me on this 1 day of November, 2023
by Dayton Robertson, as Vice President of SFPP, L.P. (Grantee).


Notary Public, State of Texas

My Commission Expires:

9-21-2024

