Agenda Item Form

Agenda Date: 4/20/04

Districts Affected: 3
Dept. Head/Contact Information: Patrick T. Abeln, Director of Aviation, 780-4734

Type of Agenda Item:

- ☒ Resolution
- ☐ Tax Installment Agreements
- ☐ RFP/ BID/ Best Value Procurement
- ☐ Application for Facility Use
- ☐ Interlocal Agreements
- ☒ Other Temporary Easement for Construction
- ☐ Staffing Table Changes
- ☐ Tax Refunds
- ☐ Budget Transfer
- ☐ Bldg. Permits/Inspection
- ☐ Contract/Lease Agreement
- ☐ Board Appointments
- ☐ Donations
- ☐ Item Placed by Citizen
- ☐ Introduction of Ordinance
- ☐ Grant Application

Funding Source:

- ☐ General Fund
- ☐ Grant (duration of funds: _____ Months)
- ☐ Other Source: _____

Legal:

☒ Legal Review Required Attorney Assigned (please scroll down): Sylvia Firth ☒ Approved ☐ Denied

Timeline Priority: ☒ High ☐ Medium ☐ Low # of days:_____

Why is this item necessary:
Temporary easement permitting access onto airport operations areas for the purpose of grading and paving approximately 12,705 square feet of land for the expansion of Dade Aviation's hangar facility. All work is being done at Dade Aviation's expense.

Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:
NONE

Statutory or Citizen Concerns:
NONE

Departmental Concerns:
NONE

Sylvia Firth will sign on Monday or Tuesday.
She is out of town all this week.
Thank you
Kathryn

El Paso International Airport

TO: Mayor Joe Wardy
Jim Martinez, CAO
City Council Representatives

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

DATE: April 15, 2004

SUBJECT: **TEMPORARY EASEMENT FOR CONSTRUCTION BETWEEN CITY OF EL PASO (GRANTOR) AND DADE AVIATION, INC. (GRANTEE)**

BACKGROUND:

On February 1, 2004, the City of El Paso entered into a new 25 year Non-Commercial Aviation Ground Lease with Dade Aviation, Inc. in order to accommodate the expansion of the hangar facility located at 7605 Boeing. In conjunction with the expansion construction, Dade Aviation is paving, at its expense, approximately 12,705 square feet of land located immediately adjacent to the northerly boundary of the newly acquired property to provide access to the proposed aircraft parking ramp.

ANALYSIS:

The Department of Aviation proposes that a temporary easement be granted to Dade Aviation until May 14, 2004, permitting access onto airport operations areas for the purpose of grading and paving the area in question. The property is identified on the attached site plan.

RECOMMENDATION:

The Department of Aviation recommends approval of this Temporary Easement for Construction, which has been reviewed and approved by the City Attorney's office. This item has been placed on the City Council agenda of April 20, 2004 for your consideration.

6701 Convair Rd. El Paso, Texas 79925-1091 Ph. (915) 780-4700 Fax (915) 779-5452

RESOLUTION

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

That the Mayor be authorized to sign an Agreement granting a Temporary Easement for Construction to Dade Aviation, Inc. on a parcel of land located immediately adjacent to the northerly boundary of Lot 25 and ½ of the westerly portion of Lot 26, Block 4 municipally known as 7605 Boeing Dr.

ADOPTED THIS 20th DAY OF APRIL, 2004.

CITY OF EL PASO:

_____
Joe Wardy
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Sylvia Borunda Firth
Assistant City Attorney

APPROVED AS TO CONTENT:

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

ORIGINATING DEPARTMENT: AIRPORT

TEMPORARY EASEMENT FOR CONSTRUCTION

STATE OF TEXAS)
) KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF EL PASO)

That the CITY OF EL PASO, Texas, ("Grantor"), a municipal corporation, for and in consideration of the sum of TEN AND 00/100THS DOLLARS ($10.00), and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant to DADE AVIATION, INC., ("Grantee"), a Temporary Easement in, upon and across the following described property, situated in El Paso County, Texas:

> A 165' x 77' parcel of land located immediately adjacent to the northerly boundary of Lot 25 and ½ of the westerly portion of Lot 26, Block 4, more particularly described in Exhibit A hereto attached and incorporated herein (the "Property")

together with the right of ingress and egress onto the Property for the purpose of rough grading and paving the entirety of the Property (the "Project"), in accordance with the grading and drainage plan approved by Grantor.

This grant of authority shall carry with it the right of ingress and egress, to and from the property at all reasonable times, with the right to use existing roads for the purpose of the Project.

This grant of authority shall extend to all contracts let by the Grantee in furtherance of the Project herein stated; provided, however, that Grantee shall remain fully liable for its obligations assumed hereunder.

To the extent allowed by law, Grantee agrees to hold harmless, defend, and indemnify Grantor against any suits, liabilities, claims, demands, or damages, including but not limited to acts arising in whole or in part from the negligence of Grantor arising from any exercise by Grantee, its contractor, agents, assignee or assignees of the easement rights granted by this instrument.

The easement and rights herein granted shall begin upon execution of this document by Grantor and Grantee and shall terminate on May 14, 2004. Upon termination of this easement and the rights herein granted, Grantee, upon request, shall furnish Grantor with an appropriate recordable instrument releasing the interest of Grantee and its assigns, if any, in the Temporary Easement herein granted.

Grantor reserves the right to full use and enjoyment of the Property encumbered by this easement, except as otherwise provided herein. This easement rights granted herein are being made as an accommodation to Grantee, the tenant pursuant to a General Aviation Lease dated February 1, 2004 by and between Grantor and Grantee covering the ground lease immediately adjacent to the Property. The parties acknowledge that the leased premises under the ground lease are not being expanded to include the Property and that the improvements shall belong to Grantor.

IN WITNESS WHEREOF this instrument is executed on the 20th day of April 2004.

ATTEST:

Richarda Duffy Momsen
City Clerk

OWNER: CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

LESSEE: DADE AVIATION, INC.

Name: Luis Arce
Title: President
Date: 4/13/04

APPROVED AS TO FORM:

Sylvia Borunda Firth
Assistant City Attorney

APPROVED AS TO CONTENT:

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

(ACKNOWLEDGEMENTS ON FOLLOWING PAGE)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____, 2004,

by _____, as Mayor of the City of El Paso, Texas.

_____
Notary Public, State of Texas

My Commission Expires:

_____

ACKNOWLEDGMENT

THE STATE OF Texas)
)
COUNTY OF El Paso)

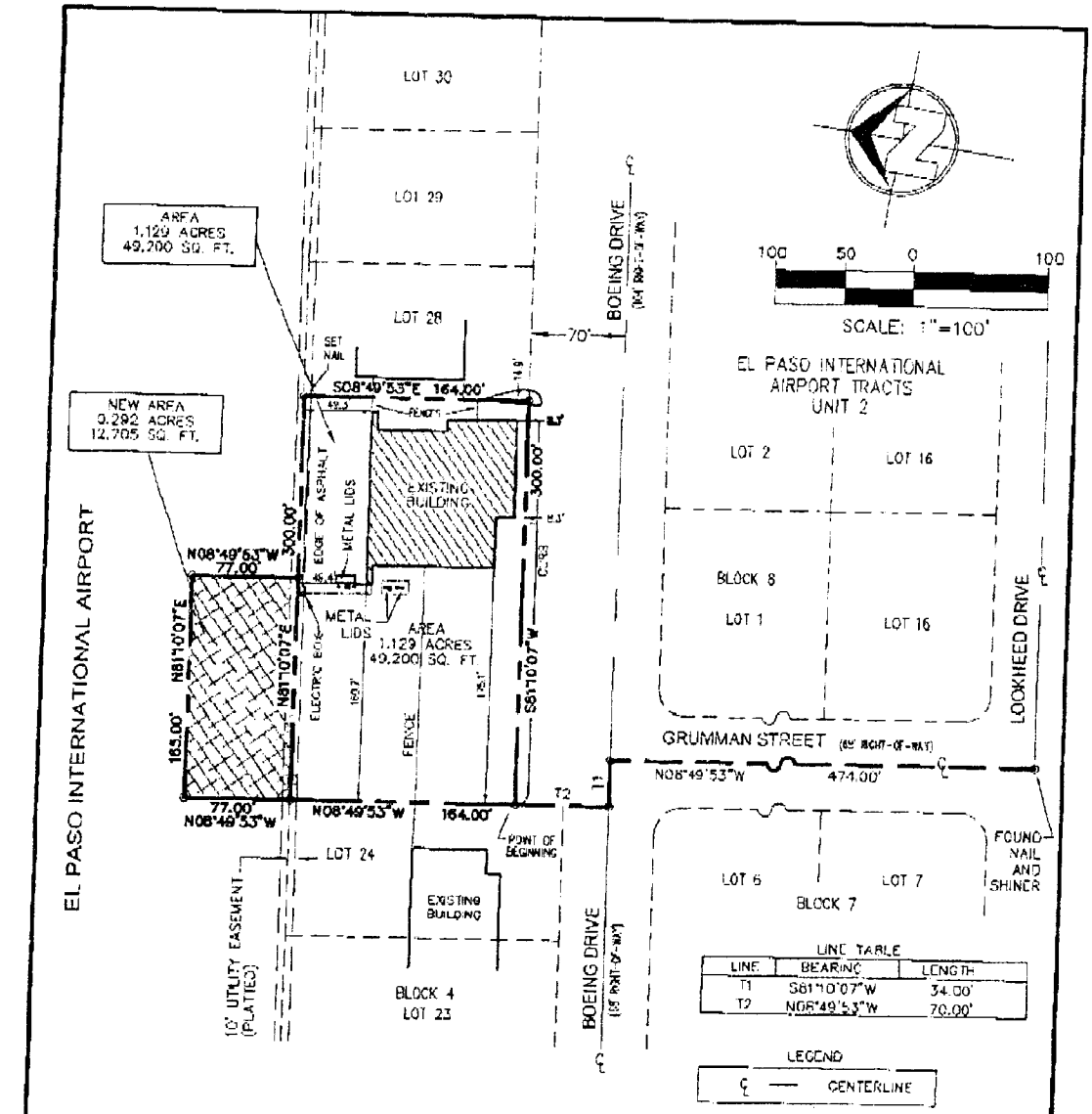
This instrument was acknowledged before me on this 13 day of April, 2004,

by Luis Eduardo Arce, as President of Dade Aviation, Inc.

_____
Notary Public, State of

My Commission Expires:
February 4, 2008

GEORGETTE AYOUB HAMILTON
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES:
FEBRUARY 4, 2008



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This map and survey are being provided solely for the use of EL PASO INTERNATIONAL AIRPORT and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon FEBRUARY 03, 2004.

NOTE:
ALL INFORMATION SHOWN HEREON WITH RESPECT TO UNDERGROUND CONDITIONS, WAS DETERMINED BY DATA COLLECTED THROUGH SURVEY CREW OBSERVATION AND OTHER INFORMATION TAKEN FROM EXISTING PLANS AND MAPS OF RECORD. NO UNDERGROUND UTILITIES EXISTING OR ABANDONED WERE EXPOSED OR LOCATED.

UNLESS SPECIFICALLY ACCEPTED BY SLI ENGINEERING, INC. IN WRITING, SLI ENGINEERING, INC. MAKES NO CLAIM, EXPRESSED OR IMPLIED, AS TO THE UNDERGROUND SITE CONDITIONS.

EXHIBIT

SLI ENGINEERING, INC.
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
6600 WESTWIND DRIVE
EL PASO, TEXAS 79912
915-584-4457

JOB #: 09-00-1775 DR. BY: MAN
SCALE: SCALE: 1"=100' F.B. #: 3000
DATE: 04/14/2004 DWG: F:\PROJECTS\IMPSURV\epit-2(a)-ex.dwg

ALL OF LOTS 25, 26 AND 27,
BLOCK 4,
EL PASO INTERNATIONAL
AIRPORT TRACTS, UNIT 2,
EL PASO,
EL PASO COUNTY, TEXAS