

AN ORDINANCE 2010-01-21-0055

**AUTHORIZING AN AMENDMENT TO THE LEASE WITH OCOTILLO AVIATION, LLC AT STINSON MUNICIPAL AIRPORT TO ADD 8,841 SQUARE FEET OF GROUND SPACE.**

\* \* \* \* \*

**WHEREAS**, Ocotillo Aviation, LLC (“Ocotillo”) currently leases premises at Stinson Municipal Airport where it operates two T-hangar complexes pursuant to an Assignment and Assumption Agreement with Check-Six Aviation, Inc., authorized by Ordinance No. 2007-06-28-0781; and

**WHEREAS**, on June 2008, Ocotillo’s lease was amended to add 60,181 square feet to construct T-hangars as authorized by Ordinance No 2008-06-19-0574; and

**WHEREAS**, the City and Ocotillo desire to add 8,841 square feet of space adjacent to the 60,181 area to facilitate the construction of the T-hangars; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager, or her designee, is authorized to execute a lease amendment, adding 8,841 square feet to the lease with Ocotillo Aviation, LLC. A copy of the amendment in substantially final form is set out in **Attachment I** to this Ordinance.

**SECTION 2.** Funds generated by this Ordinance will be deposited into Fund 51001000, Internal Order 233000000014, General Ledger 4405410.

**SECTION 3.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager’s designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon passage by eight (8) affirmative votes; otherwise it shall be effective ten (10) days after its passage.

**PASSED AND APPROVED** this 21<sup>st</sup> day of January, 2010.

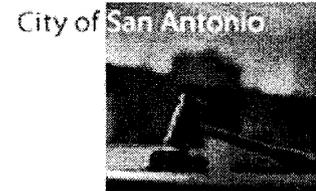
  
M A Y O R  
JULIAN CASTRO

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
for City Attorney



Request for  
**COUNCIL**  
 ACTION



## Agenda Voting Results - 20

| <b>Name:</b>           | 18, 19, 20, 21, 34  |                    |            |            |                |               |               |
|------------------------|---|--------------------|------------|------------|----------------|---------------|---------------|
| <b>Date:</b>           | 01/21/2010  |                    |            |            |                |               |               |
| <b>Time:</b>           | 04:53:22 PM   |                    |            |            |                |               |               |
| <b>Vote Type:</b>      | Motion to Approve   |                    |            |            |                |               |               |
| <b>Description:</b>    | An Ordinance authorizing an amendment to the current lease agreement with Ocotillo Aviation for additional space which will generate an additional \$1,326.15 annually at Stinson Municipal Airport. [Erik Walsh, Assistant City Manager; Frank Miller, Director, Aviation] |                    |            |            |                |               |               |
| <b>Result:</b>         | Passed  |                    |            |            |                |               |               |
| <b>Voter</b>           | <b>Group</b>  | <b>Not Present</b> | <b>Yea</b> | <b>Nay</b> | <b>Abstain</b> | <b>Motion</b> | <b>Second</b> |
| Julián Castro          | Mayor   |                    | x          |            |                |               |               |
| Mary Alice P. Cisneros | District 1  |                    | x          |            |                |               |               |
| Ivy R. Taylor          | District 2  |                    | x          |            |                |               |               |
| Jennifer V. Ramos      | District 3  |                    | x          |            |                | x             |               |
| Philip A. Cortez       | District 4  |                    | x          |            |                |               |               |
| David Medina Jr.       | District 5  |                    | x          |            |                |               |               |
| Ray Lopez              | District 6  |                    | x          |            |                |               |               |
| Justin Rodriguez       | District 7  |                    | x          |            |                |               |               |
| W. Reed Williams       | District 8  |                    | x          |            |                |               |               |
| Elisa Chan             | District 9  |                    | x          |            |                |               |               |
| John G. Clamp          | District 10   |                    | x          |            |                |               | x             |

**Item No. 20 - Ordinance Attachment I  
01/21/2010 Agenda**

## STINSON MUNICIPAL AIRPORT AMENDMENT OF LEASE

**THIS AMENDMENT** is made in multiple originals and entered into by and between the City of San Antonio ("City"), a Texas Municipal Corporation, acting by and through its City Manager pursuant to Ordinance No. \_\_\_\_\_ passed and approved on \_\_\_\_\_, and **Ocotillo Aviation, LLC**, a Texas limited liability company.

**WHEREAS**, an Agreement (the "Agreement") for Lease No. 200616 at Stinson Municipal Airport ("Stinson") between the T&M Aviation, Inc. and the City of San Antonio was entered into on February 27, 1997, pursuant to Ordinance No. 85662; and

**WHEREAS**, T&M Aviation, Inc. assigned its rights and obligations under the Agreement to Stinson Air Center, LLC pursuant to Ordinance No. 89353, passed and approved on March 4, 1999 and the Lease was collaterally assigned to Jefferson State Bank; and

**WHEREAS**, the Agreement was amended to add an additional twelve (12) years to the remaining eight (8) years under the Lease Agreement and add an additional 154,194 square feet of ground space to the Leased Premises, as authorized by Ordinance No. 89354 of March 4, 1999;; and

**WHEREAS**, as part of the consideration for adding 154,194 square feet of ground space and the extension of the Lease Agreement for twelve (12) years, Stinson Air Center, L.L.C. made substantial improvements upon the Leased Premises in an amount of not less than \$250,000.00; and

**WHEREAS**, a default occurred under the Loan, Deed of Trust and the Note given to Jefferson State Bank by Stinson Air Center, L.L.C.; and Jefferson State Bank foreclosed upon the interest of Stinson Air Center, L.L.C. in the Lease; and

**WHEREAS**, Check-Six Aviation, Inc. ("Check-Six) succeeded to the interest of Stinson Air Center, L.L.C. in the lease via a Substitute Trustee's Deed; and

**WHEREAS**, Lease No. 200616 was amended to delete 42,025 square feet of ground space, Building 660A and 131,090 square feet of ground space adjacent thereto; and Building 660A and the 131,090 square feet of associated ground space were leased to U.S. Helicopters, Inc. via a separate agreement; said actions were authorized by Ordinance No. 99267 of June 3, 2004; and

**WHEREAS**, Check-Six assigned Lease 200616 to Ocotillo Aviation, LLC ("Lessee"), as authorized by Ordinance No. 2007-06-28-0781; and the Lease was amended to delete all but a 117,882 square feet tract on which a T-Hangar development is situated; and Sky Safety, Inc, by separate agreement, agreed to lease the premises that were deleted; and

**WHEREAS**, the Lease was amended to add a tract of land consisting of 60,181 square feet in area, as authorized by Ordinance No 2008-06-19-0574; and

**WHEREAS**, the City and Lessor desire to add 8,841 square feet of space adjacent to the Leased Premises;

**NOW THEREFORE:** In consideration of the terms, covenants and promises, agreements and demises herein contained, and for other good and valuable consideration, each to the other given, the receipt and sufficiency of which is hereby acknowledged, the City and Lessee agree as follows with respect to Lease No. 200616:

1. Section 1 of Lease No. 200616 is hereby amended by adding the following at the end the Description of Lease Premises:

Additional Ground Space B: 8,841 square feet of land located on the Stinson Municipal Airport Property (“Ground Space”) and more specifically shown on “Exhibit A”, which is attached hereto and made a part hereof; and

2. The rental rates in Section 2 of Lease No. 200616 are amended by adding the following at the end:

| <u>Premises</u>              | <u>Sq. Ft. Area</u> | <u>Annual Rate<br/>Per Sq. Ft.</u> | <u>Annual<br/>Rental</u> | <u>Monthly<br/>Rental</u> |
|------------------------------|---------------------|------------------------------------|--------------------------|---------------------------|
| Additional<br>Ground Space B | 8,841               | \$0.15                             | \$1,326.15               | \$110.51                  |

3 This Amendment sets forth the entire agreement between the parties with respect to the matters set forth herein. There have been no additional oral or written representations or agreements. Except as amended herein, all of the terms and provisions of the Agreement between the parties shall remain in full force and effect. In case of any inconsistency between the provisions of the Agreement and this Amendment, the later provision shall govern and control.

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4 This Amendment shall be effective the first day of the month following passage of an Ordinance by the City Council of San Antonio approving this Amendment.

**IN WITNESS WHEREOF**, the undersigned have duly executed this Amendment of Lease as of the dates set forth below.

**CITY: CITY OF SAN ANTONIO**

**LESSEE: OCOTILLO AVIATION, LLC**

By: \_\_\_\_\_  
Sheryl Sculley, City Manager

By: \_\_\_\_\_  
Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Printed Name & Title

ATTEST:

Date: \_\_\_\_\_

By: \_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney