

**OFFICE OF THE CITY MANAGER
DES MOINES, IOWA**

**CITY COUNCIL COMMUNICATION 96-493
NOVEMBER 18, 1996 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
APPROVAL OF LEASE AMENDMENT TO EXPAND IANG LEASEHOLD	◆ RESOLUTION ORDINANCE RECEIVE/FILE	WILLIAM F. FLANNERY AVIATION DIRECTOR

SYNOPSIS —

The Iowa Air National Guard (IANG) has requested that their Long-Term Lease Agreement be amended to incorporate an additional parcel of land into their Leasehold at the Des Moines International Airport. The parcel, as reflected on the attached Plat labeled as Exhibit A, is located to the south of the recently relocated SW 42nd Street/Watrous Avenue. The IANG needs to promptly amend the Long-Term Lease to incorporate the land on which a portion of a new munitions facility has been constructed. After incorporation of the addition into the Lease Agreement, the IANG can begin to use the munitions storage facility and begin demolition of their old munitions storage facility. In addition to the inclusion of the additional land, the Lease is to be amended to include the following:

- Create a Restrictive Safety Area immediately to the west and north of the parcel referred to above. The parcel is shown on the attached Plat labeled as Exhibit B. The Amendment establishes a Restrictive Safety Area, but does not incorporate it into the IANG Leasehold. In the Restrictive Safety Area, human habitation and the gathering of large groups of people will be discouraged. Within this area, the IANG is granted the right to post signs notifying the public of the Restrictive Safety Area zone, and the IANG is provided ingress and egress to the area.
- Inclusion of language that allows personnel approved by the Aviation Director to access to the Aircraft Operating Area (AOA) by way of Gate 18. Gate 18 is located just south of the point where SW 42nd Street was relocated to the southeast. Gate 18 is to be incorporated into the IANG's Long-Term Leasehold by the Amendment.
- Inclusion of language that would require the IANG to renegotiate the lease fee paid by the government under the Agreement in the event the current level of in-kind services and/or Airport User Fees paid by the IANG are reduced.

FISCAL IMPACT —

No change to the current rent of one dollar (\$1.00) per year for land rent.

RECOMMENDATION —

Since the IANG lease term has over three years left, City Council must approve the Lease Amendment. On November 12, 1996, by Resolution No. A96-315, the Des Moines International Airport Board recommended approval of Supplemental Agreement No. 4 to City Council. It is recommended that the City Council set the matter for public hearing at 5:30 PM on December 2, 1996.

BACKGROUND —

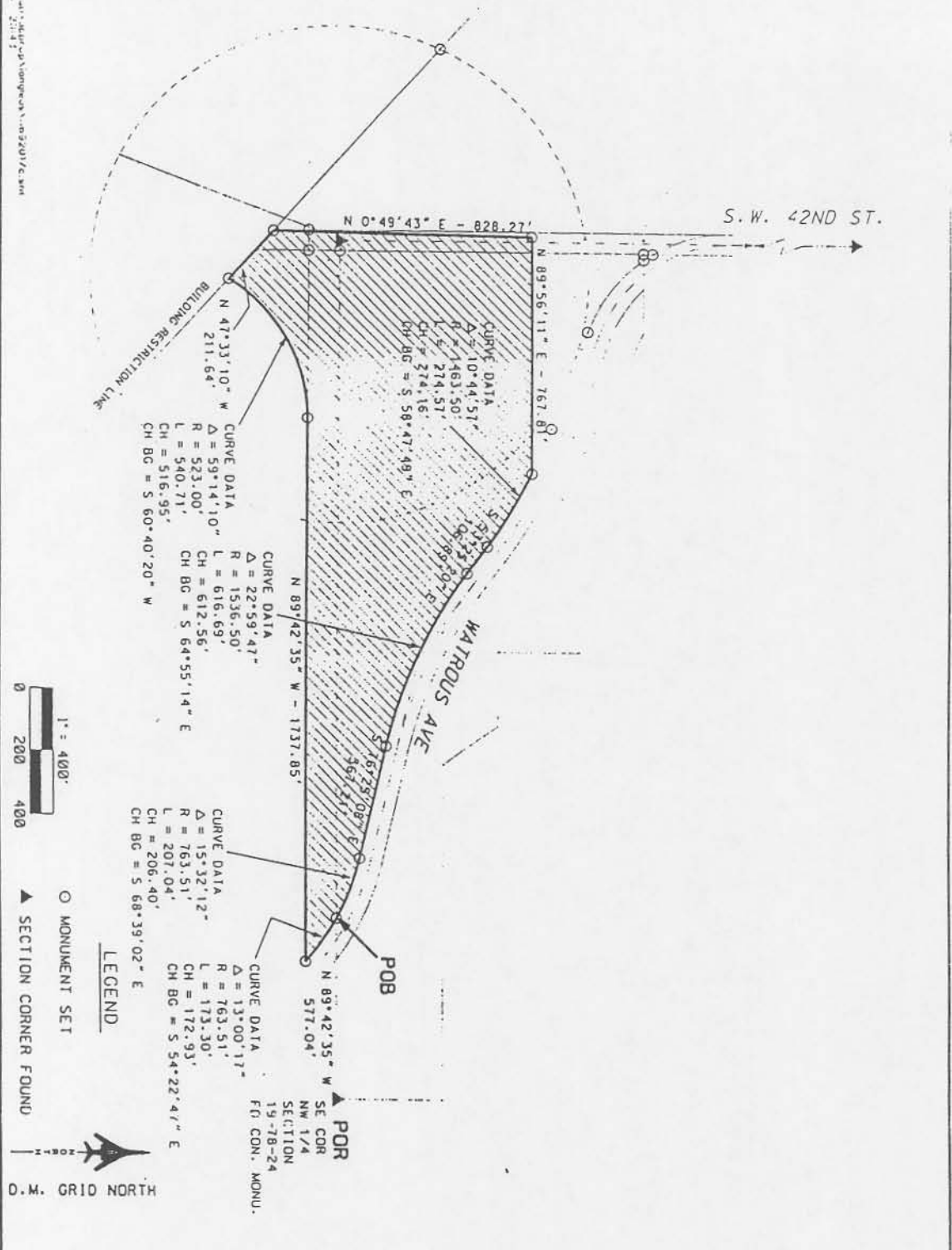
On June 23, 1975, by Roll Call No. 2969, the City Council approved a Long-Term Lease between the City of Des Moines and the United States of America for the IANG. The term of the lease began on June 23, 1975 and extended through June 30, 1976, renewable thereafter from year-to-year without further notice but in no event to extend beyond June 30, 2025.

On May 20, 1991, by Roll Call No. 91-2057, the City Council approved the voluntary acquisition of properties for IANG expansion with said land acquisition tied to the IANG providing and paying for Aircraft Rescue and Fire Fighting (ARFF) services for the Airport.

On three separate occasions over the years the IANG's Long Term Lease Agreement has been modified by Supplemental Agreement. On March 6, 1996, the Board approved a Temporary Right-of-Entry to allow the IANG to construct a munitions storage facility on a portion of the parcel. On October 8, 1996, the Board approved a six-month extension to the Right-of-Entry Agreement. The Temporary Right-of-Entry is for construction only and does not allow the IANG to use or occupy the facility.

PLAT OF SURVEY

FOR THE CITY OF DES MOINES



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA. MY REGISTRATION EXPIRES DECEMBER 31, 1996.

SIGNED
Michael M. Klapp Nov. 46
 MICHAEL M. KLAPP, L.S. DATE 11-19-96
 IOWA REG. NO. 4621



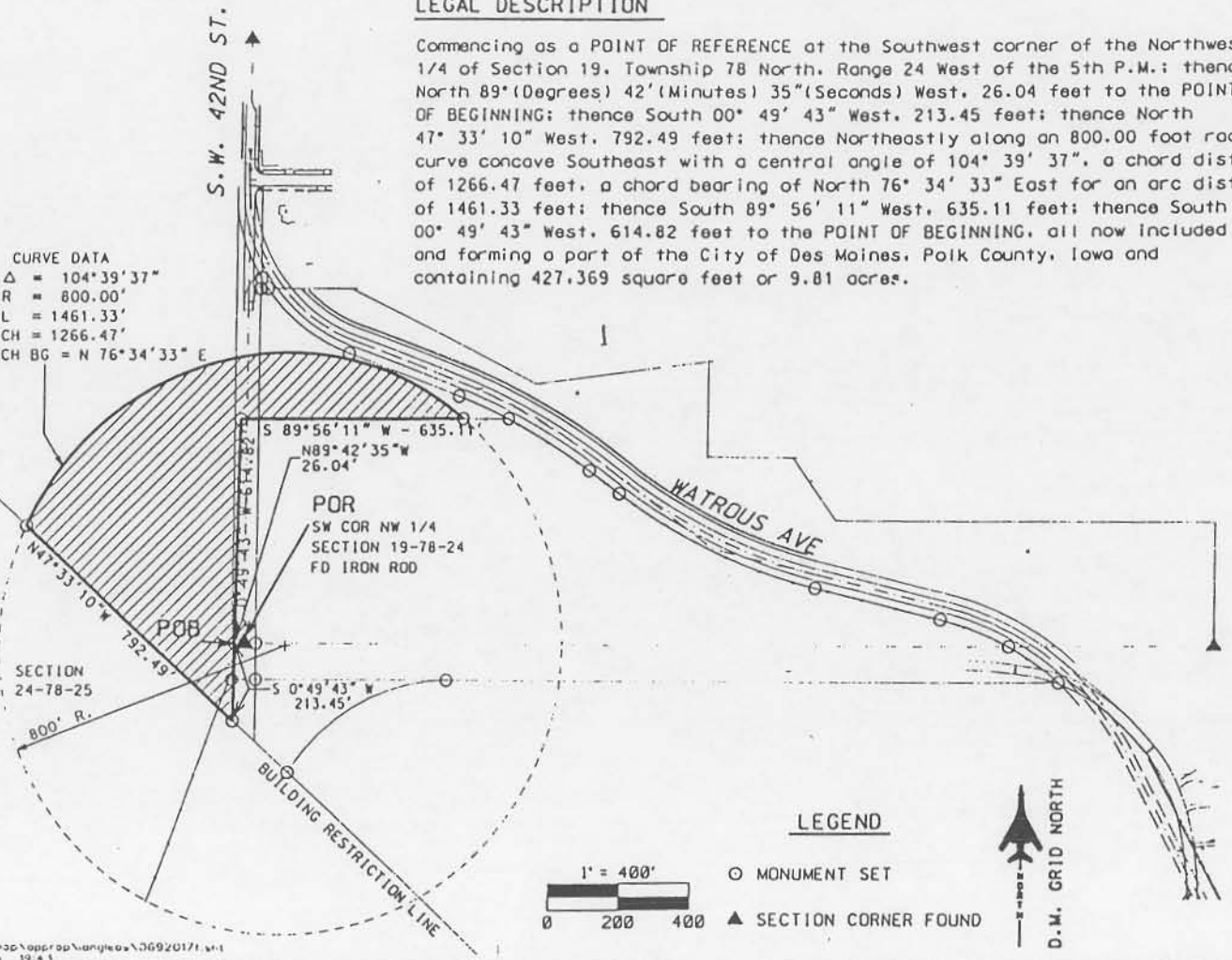
IOWA AIR NATIONAL GUARD (IANG) LEASE
 WATROUS AVE RELOCATION
 W.O.# 0206-92-017

DEPARTMENT OF ENGINEERING CITY OF DES MOINES, IOWA	
EXHIBIT A	

PLAT OF SURVEY

FOR THE CITY OF DES MOINES

CURVE DATA
 $\Delta = 104^{\circ} 39' 37''$
 $R = 800.00'$
 $L = 1461.33'$
 $CH = 1266.47'$
 $CH\ BG = N 76^{\circ} 34' 33'' E$



IOWA AIR NATIONAL GUARD RESTRICTED SAFETY AREA

LEGAL DESCRIPTION

Commencing as a POINT OF REFERENCE at the Southwest corner of the Northwest 1/4 of Section 19, Township 78 North, Range 24 West of the 5th P.M.; thence North 89° (Degrees) $42'$ (Minutes) $35''$ (Seconds) West, 26.04 feet to the POINT OF BEGINNING; thence South $00^{\circ} 49' 43''$ West, 213.45 feet; thence North $47^{\circ} 33' 10''$ West, 792.49 feet; thence Northeastly along an 800.00 foot radius curve concave Southeast with a central angle of $104^{\circ} 39' 37''$, a chord distance of 1266.47 feet, a chord bearing of North $76^{\circ} 34' 33''$ East for an arc distance of 1461.33 feet; thence South $89^{\circ} 56' 11''$ West, 635.11 feet; thence South $00^{\circ} 49' 43''$ West, 614.82 feet to the POINT OF BEGINNING, all now included in and forming a part of the City of Des Moines, Polk County, Iowa and containing 427,369 square feet or 9.81 acres.

IOWA AIR NATIONAL GUARD
 RESTRICTED SAFETY AREA
 WATROUS AVE RELOCATION
 W.O.# 0206-92-017

DEPARTMENT OF ENGINEERING CITY OF DES MOINES, IOWA	
EXHIBIT B	
	Rev/By



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA. MY REGISTRATION EXPIRES DECEMBER 31, 1996.

SIGNED: *Michael M. Klapp* DATE: 11/19/96
 MICHAEL M. KLAPP, I.S. IOWA REC. NO. 4821

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 Date: 07/22/96 19:43