

Date: January 26, 2009

**APPROVING AMENDMENT TO THE UNITED STATES POSTAL SERVICE
BUILDING LEASE AGREEMENT AT THE DES MOINES INTERNATIONAL
AIRPORT**

WHEREAS, the City of Des Moines owns and operates an airport known as Des Moines International Airport (the "Airport"), located in Des Moines, Polk County, Iowa; and

WHEREAS, on September 20, 1993, by Roll Call No. 93-3490, the Des Moines City Council approved Ordinance 12,040 assigning certain rights and responsibilities pertaining to the Airport to the Des Moines International Airport Board (the "Board"), including the right to enter into leases and certain other agreements of up to three years in duration; and

WHEREAS, On September 5, 1995, by Roll Call No. 95-3440, the City Council approved a lease agreement between the City and the United States Postal Service (USPS) with a term greater than three years in duration that provided for the expansion of a City owned building at the Des Moines International Airport occupied by the USPS; and

WHEREAS, Lease Amendment Number 1, approved by Roll Call No. 99-1686, reduced the leased square footage stated in the agreement from 15,966 square feet to 15,387 square feet to conform to the actual space after construction; and

WHEREAS, USPS failed to initiate processes called for in the lease allowing rent to be adjusted in 2001 and again in 2006; and

WHEREAS, the Airport and USPS now agree that \$442,487.88 is due the Airport for underpaid rent from September 1, 2001, through September 30, 2008, and further agree that the rent should be adjusted to \$88,321.32 annually beginning October 1, 2008; and

WHEREAS, the lease permits USPS to terminate the lease at any time by giving 30 days written notice; and

WHEREAS, the Airport received notice in December that USPS will be terminating the lease effective January 31, 2009; and

WHEREAS, it is in the best interests of the City to approve Amendment No. 2 adjusting rents in the lease and setting a termination date of January 31, 2009;

★ Roll Call Number

Agenda Item Number

41

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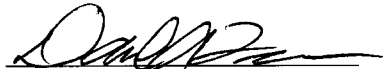
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

That the City Council approves Amendment No. 2 to the United States Postal Service Building Lease at Des Moines International Airport and the Mayor is hereby authorized and directed to sign Amendment No. 2 to the Lease and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

(Council Communication 09-019 is attached.)

Moved by _____ to adopt.

Approved as to form:



David A. Ferree
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk