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Date February 23, 2009

**APPROVING AND AUTHORIZING THE EXECUTION OF  
FEDERAL AVIATION ADMINISTRATION AIP GRANT AGREEMENT,  
PROJECT NUMBER 3-19-0027-50  
AIRPORT RUNWAY 13R-31L LAND ACQUISITION, PHASE 7**

**WHEREAS**, on July 29, 2003, the Federal Aviation Administration approved a Finding of No Significant Impact/Record of Decision and Section 4(f) Determination based upon the Final Environmental Assessment for the construction of Runway 13R-31L; and

**WHEREAS**, on December 2, 2003, by Resolution No. A03-285, the Airport Board approved and authorized the design of a public improvement project to construct Runway 13R/31L and authorized the City Manager to proceed with the acquisition of properties needed for the project by purchase or gift, or to proceed to the City Council for approval to acquire by eminent domain when appropriate and needed; and

**WHEREAS**, on January 6, 2004, by Resolution No. A04-16, the Airport Board approved a Voluntary Acquisition Program on a hardship basis for properties needed for future construction of Runway 13R/31L; and

**WHEREAS**, on June 1, 2004, by Resolution No. A04-103, the Airport Board approved the property acquisition program on a voluntary basis needed for the future construction of Runway 13R/31L; and

**WHEREAS**, on March 1, 2005, by Resolution A05-42 and on March 7, 2005, by Roll Call 05-541 the Airport Board and City Council respectively recommended and approved the acquisition of property for replacement Runway 13R-31L by condemnation where necessary; and

**WHEREAS**, on August 2, 2005, by Resolution A05-222, and on August 3, 2005, by Roll Call 05-1844 the Airport Board and City Council respectively recommended and approved the Great Western Trail Agreement between the City of Des Moines and Polk County thereby allowing the Runway 13R-31L Land Acquisition Project to proceed; and

**WHEREAS**, on August 3, 2005, by Roll Call 05-1845, on August 31, 2005 by Roll Call 05-2129, on June 19, 2006 by Roll Call 06-1258, on August 20, 2007 by Roll Call 07-1682, on June 9, 2008 by Roll Call 08-1008, and on August 11, 2008 by Roll Call 08-1436 the City Council respectively approved AIP Grants 3-19-0027-40, 41, 44, 45, 47 and 48 which were executed in a total 95 percent Federal share amount of \$14,756,097 for the first six phases of Runway 13R-31L Land Acquisition; and

**WHEREAS**, on December 4, 2007, by Resolution A07-202, the Airport Board established Fair Market Value and Authorized Acquisition of the residential properties scheduled for funding in this Grant in the amount of \$213,000; and

**WHEREAS**, on July 28, 2008 by Roll Call 08-1307, the City Council approved acquisition of 5714 McKinley Avenue at \$213,000 plus relocation and closing costs. Federal reimbursement for this property is in this Grant.

Date February 23, 2009

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

1. That the City of Des Moines, Iowa, does hereby approve execution and acceptance of a Federal FAA Grant for Phase 7 funding of the Runway 13R – 31L Land Acquisition project.
2. That the City of Des Moines, Iowa, does hereby ratify and adopt all statements, representations, assurances, warranties, covenants, and agreements contained in the Project Application, a copy of which is on file in the office of the City Clerk.
3. That the Mayor is hereby authorized and directed to execute said AIP Grant, Project No. 3-19-0027-50, in a 95% Federal Share amount anticipated to be \$332,500.00 or any such amount offered to the City of Des Moines, Iowa, whether it may be more or less than the anticipated amount, the City Clerk shall attest to the signature, and the Legal Department is authorized to evaluate and certify on behalf of the City of Des Moines, Iowa, that the grant agreement execution is legal and binding according to state and local law.

(Council Letter Number 09-113 attached)

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:   
 David A. Ferree  
 Assistant City Attorney

Funds Available - CIP Account 543090, Fund EN004, Organization AIR990000, Projects AIR117 Airport Runway 13R – 31L Land Acquisition

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