

★ **Roll Call Number**

Agenda Item Number

44 A
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Date March 26, 2007

**Approval of the First Amendment to Lease Agreement with
United Parcel Service Inc. For 2601 Army Post Road**

WHEREAS, the City of Des Moines owns and operates an airport known as Des Moines International Airport (hereinafter called 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 (hereinafter called the "Board"), including the right to enter into leases up to three years in duration and certain other agreements; and

WHEREAS, on September 28, 1992, by Roll Call No. 92-3793, the City of Des Moines and United Parcel Service Inc. (UPS) entered into a Lease Agreement for a portion of the premises at 2601 Army Post Road; and

WHEREAS, UPS requested to exercise the existing option and be granted an additional option to extend the termination date of the Lease Agreement; and

WHEREAS, the Aviation Department staff and UPS have negotiated a First Amendment to the Lease Agreement to extend the expiration date of the Agreement and update other contract language, and

WHEREAS, on March 6, 2007 by Resolution A07-39, the Des Moines International Airport Board recommended City Council approval of the First Amendment to the Lease Agreement with UPS for property at 2601 Army Post Road,

WHEREAS, on March 12, 2007, by Roll Call No. 07-456, City Council directed the City Clerk to publish the notice of said proposal to set a date of public hearing for March 26, 2007; and

WHEREAS, the City Clerk published said notice on March 15, 2007; and

WHEREAS, pursuant to Sections 364.7 and 362.3 of the Code of Iowa, notice of the hearing on the proposed authorization of the First Amendment to the Lease Agreement between the City of Des Moines and UPS for property located at 2601 Army Post Road at the Des Moines International Airport has been duly published as provided by law; and

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WHEREAS, the public meeting and hearing has been duly held at the time and place provided and in accordance with said notice, those interested in said lease agreement with UPS, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the City of Des Moines has determined that such Lease Agreement would be advantageous and beneficial to the City; and

WHEREAS, the City Council deems it advisable to act favorably and finally upon said Lease Agreement;


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

1. That upon due consideration of the facts and statements of interested persons, the objections to said proposed First Amendment to the Lease Agreement with UPS for the property located at 2601 Army Post Road are hereby overruled.
2. That the Mayor is hereby authorized and directed to sign the Lease Agreement with UPS and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

(Council Letter 07-177 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				
BROOKS				
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