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Date April 10, 2006

RESOLUTION WITH RESPECT TO PUBLIC HEARING ON THE AUTHORIZATION OF A LEASE AGREEMENT BETWEEN THE CITY OF DES MOINES AND FEDERAL EXPRESS CORPORATION FOR CARGO BUILDING NO. 32 LOCATED AT 3023 ARMY POST ROAD FOR A TEN (10) YEAR TERM ALLOWING FOR TWO FIVE YEAR EXTENSIONS AT AN ANNUAL LEASE RATE OF \$204,336

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, Federal Express Corporation and Des Moines International Airport staff have negotiated an agreement for the lease of 17,500 square feet of space in a newly constructed building located at 3023 Army Post at the Airport and legally described as

Part of the Southeast Quarter of Section 30, Township 78 North, Range 24 West of the 5th P.M. more particularly described as follows:

Commencing as a point of reference at a found "X" in concrete at the Southeast corner of said Section 30; thence North 89° (Degrees) 48' (Minutes) 10" (Seconds) West. 925.90 feet: Thence North 0° 11' 50" East. 63.74 feet to the point of beginning: Thence North 47° 30' 55" West. 114.32 feet: Thence North 42°29'05" East 66.77 feet: Thence North 47°38'44" West 85.44 feet: Thence North 42°21'16" East 156.08 feet: Thence South 47°38'44" East 199.61 feet: Thence South 42°21'15" West 223.10 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 38,797 square feet; and

WHEREAS, under the terms of the lease, Federal Express Corporation will pay the city base rent revenue of \$204,336 annually (\$17,028 monthly) plus certain maintenance and parking fees, such payments will commence upon the City completing certain improvements to the facility and turning over possession to Federal Express, and

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WHEREAS, on March 7, 2006, by Resolution A06-37, the Des Moines International Airport Board recommended City Council approval of the lease agreement with Federal Express Corporation; and

WHEREAS, the lease term is ten (10) years with two (2) five (5) year options, which therefore requires a public hearing and City Council approval,

WHEREAS, on March 20, 2006, by Roll Call No. 06-533, City Council directed the City Clerk to publish the notice of said proposal to set a date of public hearing for April 20, 2006; and

WHEREAS, the City Clerk published said notice on March 30, 2006; and

WHEREAS, pursuant to Sections 364.7 and 362.3 of the Code of Iowa, notice of the hearing on the proposed authorization of a Lease Agreement between the City of Des Moines and Federal Express Corporation for Cargo Building No 32 located at 3023 Army Post Road for a ten (10) year term allowing for two five year extensions at an annual lease rate of \$204,336 has been duly published as provided by law; and

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 Federal Express Corporation, 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 lease with Federal Express Corporation are hereby overruled.

★ **Roll Call Number**

Agenda Item Number

59

Date April 10, 2006

2. That the Mayor is hereby authorized and directed to sign the lease agreement with Federal Express Corporation and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

(Council Letter *06-208* is attached.)

Moved by _____ to adopt.

Approved as to form:

Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
BROOKS				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

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.

Mayor

City Clerk