

Date: April 21, 2008

**Approval of South Air Cargo Building Lease with UPS Cartage Services, Inc.
for Property at the Des Moines International Airport**

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

WHEREAS, on September 20, 1993, by Roll Call No. 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 "Airport Board"), including the right to enter into leases of up to three years in duration; and

WHEREAS, Airport staff and representatives of UPS Cartage Services, Inc. have agreed to the terms of a South Air Cargo Building Lease ("Agreement") for property at the Airport; and

WHEREAS, Airport staff and UPS Cartage Services, Inc. have determined that an agreement with an initial one year eleven months term with 2 two-year options to renew would be most appropriate to address both parties' needs; and

WHEREAS, if both options to renew are exercised the Agreement's duration is greater than three years and therefore requires approval by the Des Moines City Council; and

WHEREAS, on April 1, 2008, by Resolution A08-066, the Airport Board recommended that the Des Moines City Council approve the Agreement;

WHEREAS, on April 7, 2008, by Roll Call No. 08-569, City Council set a date of public hearing on the proposal for April 21, 2008, and directed the City Clerk to publish notice of the proposal and the hearing; and

WHEREAS, notice of the hearing has been published as directed in accordance with Iowa Code sections 364.7 and 362.3, the public meeting and hearing has been duly held at the time and place provided for in the notice, and those interested in the Agreement both for and against have been given an opportunity to be heard with respect to the Agreement and have presented their views to the City Council; and

WHEREAS, the City has determined that the Agreement would be advantageous and beneficial to the City; and

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

★ **Roll Call Number**

Agenda Item Number

6A

Date: April 21, 2008

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

That the South Air Cargo Building Lease between the City of Des Moines and UPS Cartage Services, Inc. is approved and the Mayor is authorized to execute the Agreement with attestation by the City Clerk

(Council Communication 08-211 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	

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