

Date May 7, 2007

**Set Date of Public Hearing for Approval of a  
Fixed Base Operator Lease and Agreement with  
Elliott Aviation of Des Moines, Inc for Services  
at the Des Moines International Airport**

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

WHEREAS, on February 1, 1982, by Roll Call No. 82-444, a Lease Agreement between Elliott Aviation, Inc. and the City of Des Moines (City) were approved by the City Council; 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 up to three years in duration and other certain agreements; and

WHEREAS, on May 6, 1996, by Roll Call No. No. 96-1666, City Council approved an Assignment of Lease to Elliott Aviation of Des Moines, Inc.; and

WHEREAS, the current Agreement contains option periods that allow for the extension of the Agreement until January 31, 2012; and

~~WHEREAS, for the past two years, Airport Staff and Elliott Aviation representatives have been discussing a new FBO facility and an extension of the current Agreement term; and~~

WHEREAS, Elliott Aviation and the Airport have reached an agreement in principle regarding the terms of a new agreement that includes provisions whereby Elliott would construct a new FBO facility at a cost of approximately \$5.6 million; and

WHEREAS, to allow Elliott to spread the cost of the new improvements and other considerations over a greater period of time, a long term agreement is proposed that would provide a FBO presence at the Airport through December 31, 2047, if all options are exercised,

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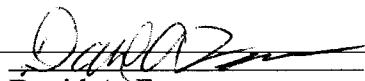
WHEREAS, on May 1, 2007 by Resolution A07-85, the Des Moines International Airport Board recommended City Council approval of a Fixed Base Operator Lease and Agreement with Elliott Aviation of Des Moines; and

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

1. That this City Council meet in the Council Chambers, City Hall, City of Des Moines, Iowa, at 5:00 p.m. on the 21<sup>st</sup> day of May, 2007, for the purpose of taking action on the matter of the approval of the Fixed Base Operator Lease and Agreement at the Des Moines International Airport with Elliott Aviation of Des Moines for property and certain other rights; and
2. That the proposed Agreement is on file with the City Clerk; and,
3. That Notice of said proposal be given by publication not less than four (4) nor more than twenty (20) days before the date of the public hearing, all as specified in Iowa Code sections 364.7 and 362.3 ; and
4. That the Notice above referred to shall be in the form hereto attached, and
5. That the City Clerk is hereby authorized and directed to publish the Notice above referred to in Paragraph 3.

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				
VLISSIS				
<b>TOTAL</b>				

**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.

MOTION CARRIED APPROVED

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk