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Date May 8, 2006

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 October 18, 1999, City Council approved the Land Lease Agreement with United Parcel Service (UPS) for the construction of a package sort center; and

WHEREAS, on January 8, 2001, by Roll Call No. 01-107, City Council approved the First Amendment to the Land Lease Agreement with UPS; and

WHEREAS, on April 22, 2002, by Roll Call No. 02-1063, City Council approved Second Amendment to the Land Lease Agreement with UPS; and

WHEREAS, on December 8, 2003, by Roll Call No. 03-2785, City Council approved the Third Amendment to the Land Lease Agreement with UPS; and

WHEREAS, on February 7, 2005, by Roll Call No. 05-348, City Council approved the Fourth Amendment to the Land Lease Agreement with UPS; and

WHEREAS, the Aviation Department staff and UPS have negotiated a Fifth Amendment to the Land Lease Agreement, and

WHEREAS, on May 2, 2006 by Resolution A06-88, the Des Moines International Airport Board recommended City Council approval of the Fifth Amendment to the Land Lease Agreement with UPS,


Date May 8, 2006

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 22nd day of May 2006 for the purpose of taking action on the matter of the approval of the Fifth Amendment to a Land Lease Agreement at the Des Moines International Airport with UPS; and
2. That the proposed Fifth Amendment to the Land Lease 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) day before the date of the public hearing, all as specified in Section 364.7 and Section 362.3 of the Iowa Code 2005; 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 | | | | |
| 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