

★ **Roll Call Number**

Agenda Item Number

52

Date May 21, 2007

1

**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 the 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

WHEREAS, on March 7, 2007, by Roll Call No. 07-866, City Council directed the City Clerk to publish the notice of said proposal to set a date of public hearing for May 21, 2007; and

WHEREAS, the City Clerk published said notice on May 10, 2007; and

WHEREAS, pursuant to Sections 364.7 and 362.3 of the Code of Iowa, notice of the hearing on the proposed approval of the Fixed Base Operator Lease and Agreement between the City of Des Moines and Elliott Aviation of Des Moines for property and other rights at the Des Moines International Airport 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 Agreement with Elliott Aviation of Des Moines, 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 Fixed Base Operator Lease and 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;

WHEREAS, the Agreement is greater than three years and therefore requires approval by Des Moines City Council; NOW THEREFORE

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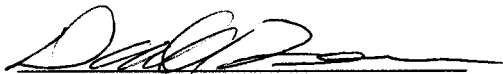
BE IT RESOLVED, BY THE CITY COUNCIL OF DES MOINES, IOWA:

That the Agreement between the City of Des Moines and Elliott Aviation of Des Moines, Inc. is approved and the Mayor is authorized to execute the Agreement with attestation by the City Clerk

(Council Communication 07-287 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.

City Clerk