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Date May 22, 2006  
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**Approval of the Fifth Amendment to Land Lease for Parcel  
Distribution Facility with United Parcel Service Inc.**

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 Inc. (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,

WHEREAS, on May 8, 2006, by Roll Call No. 06-890, City Council directed the City Clerk to publish the notice of said proposal to set a date of public hearing for May 22, 2006; and

WHEREAS, the City Clerk published said notice on May 11, 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 the Fifth Amendment to the Land Lease Agreement between the

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City of Des Moines and UPS for a parcel distribution facility on property 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 lease agreement with UPS, 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 Fifth Amendment to the Land Lease with UPS are hereby overruled.

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

(Council Letter 06-293 is attached.)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM

  
Kathleen Vanderpool  
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
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