

★ **Roll Call Number**

**Agenda Item Number**

45

.....  
**Date** ..... August 9, 2010 .....

**APPROVING THE TERMINAL BUILDING LEASE AGREEMENT WITH TMS  
MANAGEMENT GROUP, INC. AT THE DES MOINES INTERNATIONAL AIRPORT**

WHEREAS, Chapter 22 of Des Moines City Code assigns certain rights and responsibilities pertaining to the Airport to the Des Moines International Airport Board, but reserves for the City Council the authority to enter into leases of greater than three years duration; and

WHEREAS, TMS Management Group, Inc. desires to lease facilities and premises in the Airport's Terminal Building; and

WHEREAS, the proposed lease provides for an initial term expiring on July 31, 2013, and three consecutive one-year options beyond the initial term, which, being greater than three years, requires approval of the Council; and

WHEREAS, on August 3, 2010, by resolution A10-143, the Airport Board recommended approval of the Terminal Lease with TMS Management Group, Inc; and

WHEREAS, on July 26, 2010, by Roll Call No. 10-1216, City Council directed the City Clerk to publish notice of a hearing to be held on August 9, 2010, for the proposal; and

WHEREAS, pursuant to Iowa Code sections 364.7 and 362.3, notice of the hearing on the proposed authorization of the Agreement has been duly published as provided by law; and

WHEREAS, the public hearing has been duly held at the time and place provided and in accordance with the notice, those interested in the proposal both for and against, have been given an opportunity to be heard and have presented their views to the City Council; and

WHEREAS, it is in the best interests of the City to approve the agreement;

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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 the statements of interested persons, the objections, if any, to the Terminal Lease with TMS Management Group, Inc. are overruled.
2. That the Mayor is authorized and directed to sign the Terminal Building Lease with the TMS Management Group, Inc. and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

(Council Communication 10.499 is attached.)

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

Approved as to form:

David A. Ferree  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GREISS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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