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**Date** October 13, 2008

**SET DATE OF HEARING FOR APPROVING SCHEDULED AIRLINE OPERATING AGREEMENTS (AND TERMINAL BUILDING LEASES) WITH A) ALLEGIANT AIR LLC; B) AMERICAN EAGLE AIRLINES, INC.; C) DELTA AIR LINES, INC.; D) EXPRESSJET AIRLINES, INC.; E) MIDWEST AIRLINES, INC.; F) NORTHWEST AIRLINES, INC.; G) UNITED AIR LINES, INC.; H) US AIRWAYS, INC.; I) UNITED PARCEL SERVICE CO.; AND J) FEDERAL EXPRESS CORPORATION AT THE DES MOINES INTERNATIONAL AIRPORT**

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 and certain other agreements of up to three years in duration; and

WHEREAS, the City of Des Moines and various airlines have in the past entered into Scheduled Airline Operating Agreements and Terminal Leases or Cargo Airline Operating Agreements covering all aspects of aviation transportation of persons, property, and mail at the Airport; and

WHEREAS, Aviation Department Staff and representatives of a) Allegiant Air LLC; b) American Eagle Airlines, Inc.; c) Delta Air Lines, Inc.; d) ExpressJet Airlines, Inc.; e) Midwest Airlines, Inc.; f) Northwest Airlines, Inc.; g) United Air Lines, Inc.; h) US Airways, Inc.; i) United Parcel Service Co.; and j) Federal Express Corporation (the "Airlines") have negotiated the terms and conditions of proposed new operating agreements ("Agreements"); and

WHEREAS, the Airlines desire to provide scheduled air service at the Airport and, in the case of passenger carriers, to lease facilities and premises in the Airport's terminal building; and

WHEREAS, the term of the proposed Agreements begins on July 1, 2008, and is scheduled to terminate on June 30, 2013, which, being greater than three years, requires approval of the Des Moines City Council; and

WHEREAS, the Airport Board has recommended that Council approve the new Agreements with the Airlines;

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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 27th day of October 2008 for the purpose of taking action on the matter of approving the Agreements;
2. That the proposed Agreements be filed with the City Clerk;
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 City Clerk is hereby authorized and directed to publish the notice as provided above.

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

Approved as to form:



David A. Ferree  
Assistant City Attorney

(Council Communication No. 08-616 )

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.

\_\_\_\_\_ Mayor

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