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Date: December 20, 2010

Approval of Assignment of Scheduled Airline Operating Agreement from Midwest Airlines, Inc. to Frontier Airlines, Inc.

WHEREAS, on July 28, 2008, by Roll Call 08-1894, the Des Moines City Council approved a Scheduled Airline Operating Agreement (“Agreement”) with Midwest Airlines, Inc. (“Midwest”); and

WHEREAS, in recent months Midwest initiated a merger with Frontier Airlines, Inc. with the surviving company being Frontier Airlines; and

WHEREAS, in furtherance of the merger, Midwest wishes to assign the Agreement to Frontier, which assignment is subject to City approval according to the terms of the Agreement; and

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 agreements of greater than three years duration affecting real estate; and

WHEREAS, the current Agreement is set to expire on June 30, 2013; and

WHEREAS, on December 7, 2010 by resolution A10-199, the Airport Board recommended approval of the assignment; and

WHEREAS, notice of the hearing on the proposed assignment has been duly published; and

WHEREAS, the City Council believes it is the best interest of the City to approve the assignment;

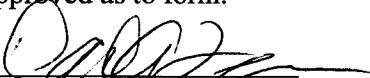
Date: December 20, 2010

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 proposed Assignment of the Scheduled Airline Operating Agreement from Midwest Airlines, Inc. to Frontier Airlines, Inc. are overruled
2. That the Mayor is hereby authorized and directed to sign the consent to the assignment and the City Clerk is hereby authorized and directed to attest to the Mayor's signature

Moved by _____ to adopt.

Approved as to form:


 David A. Ferree
 Assistant City Attorney

(Council Communication No. 10-740)

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