

★ **Roll Call Number**

Agenda Item Number

24

Date August 8, 2011

RESOLUTION SIGNIFYING INTENT TO TRANSFER CITY OF DES MOINES AVIATION FACILITIES TO THE DES MOINES AIRPORT AUTHORITY AND SETTING DATE OF HEARING

WHEREAS, on December 20, 2010, the City Council set a date of hearing on a proposal to create an airport authority pursuant to Iowa Code chapter 330A and a notice of the hearing was published on December 24, 2010, in the Des Moines Register; and

WHEREAS, on January 10, 2011, the City Council held a hearing on the proposal to create an airport authority and by Resolution No. 11-0064 the Council determined it to be in the best interests of the city to proceed with creation of an airport authority; and

WHEREAS, the City Council on February 14, 2011, adopted Ordinance No. 14,989 creating the Des Moines Airport Authority in accordance with Iowa Code chapter 330A; and

WHEREAS, pursuant to the ordinance, the Authority does not assume its duties until approval by both the City and the Authority of a document transferring control of the Des Moines International Airport to the Authority.; and

WHEREAS, there is before the Des Moines City Council a proposal to enter into an Agreement Between the City of Des Moines and the Des Moines Airport Authority For the Provision of City Services (“Services Agreement”) which conveys and transfers all city owned aviation facilities to the Des Moines Airport Authority and transfers the operation of the Des Moines International Airport to the Authority, a draft of the Agreement is on file in the Office of the City Clerk; and

WHEREAS, there is before the Des Moines City Council a proposal to enter into a Lease Agreement with the Des Moines Airport Authority which leases all City owned airport land to the Des Moines Airport Authority, a draft of the Lease Agreement is on file in the Office of the City Clerk; and

WHEREAS, there is before the Des Moines City Council a proposal to enter into an Assignment and Assumption Agreement Re: Grant Agreements which grants, conveys, transfers and assigns to the Authority all of the City’s rights, titles, interests and obligations in, to and under Grant Agreements with the Federal Aviation Administration; and

WHEREAS, the City will hold a public hearing as provided by Iowa Code section 330A.11 on August 29, 2011, at 5:00 p.m. in the City Council Chambers of City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa to receive public input on the proposals; and

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WHEREAS, after the hearing, if the Council finds it to be in the best interests of the City, the Council will enact an ordinance authorizing the lease of airport land to the Authority by approving the Lease Agreement and authorizing the conveyance and transfer of all other city owned aviation facilities to the Authority by approving the Services Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE DES MOINES CITY COUNCIL THAT:

1. The Council intends to enact an ordinance authorizing the transfer of City owned aviation facilities by entering into:
 - a. an Agreement Between the City of Des Moines and the Des Moines Airport Authority for the Provision of City Services which conveys and transfers City owned aviation facilities to the Des Moines Airport Authority and transfers the operation of the Des Moines International Airport to the Authority pursuant to Iowa Code chapter 330A; and
 - b. a Lease Agreement which leases all airport land to the Des Moines Airport Authority pursuant to Iowa Code chapter 330A.
2. The Council intends to enter into an Assignment and Assumption Agreement Re: Grant Agreements which grants, conveys, transfers and assigns to the Authority all of the City's rights, title, interests and obligations in, to and under the Grant Agreements with the Federal Aviation Administration.
3. At 5:00 p.m. on August 29, 2011, in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, this Council will hold a public hearing on its intention to enter into a Services Agreement which conveys and transfers city owned aviation facilities to the Des Moines Airport Authority and transfers the operation of the Des Moines International Airport to the Authority; and its intention to enter into a Lease Agreement which leases all City owned airport land to the Des Moines Airport Authority; and its intention to enter into an Assignment and Assumption Agreement Re: Grant Agreements which grants, conveys, transfers ad assigns to the Authority all of the City's rights, title, interests and obligations in, to and under the Grant Agreements with the Federal Aviation Administration.

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- 4. At the hearing the Council will hear statements from interested citizens regarding the proposals.
- 5. The City Clerk shall cause this resolution to be published at least 14 days prior to the date of the hearing in accordance with Iowa Code section 330A.11.

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

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