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Date..... August 29, 2011

APPROVING ASSIGNMENT AND ASSUMPTION AGREEMENT  
RE: GRANT AGREEMENTS

WHEREAS, the City Council 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 the notice of 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 City 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, the Council on August 8, 2011, by Resolution No. 11-1368, set hearing for August 29, 2011, on a proposal to enter into:

- a. an Agreement Between the City of Des Moines and the Des Moines Airport Authority for the Provision of City Services (“Services Agreement”);
- b. a Lease Agreement with the Des Moines Airport Authority which leases all airport land to the Des Moines Airport Authority;
- c. 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, notice of the hearing was published in the Des Moines Register on August 11, 2011; and

WHEREAS, the hearing has been duly held on this date and the public given an opportunity to give input on the proposal; and

WHEREAS, transfer of all assets except the land was contained in the Services Agreement and with FAA’s approval those transfers are now in the Lease for the land so that one document contains the terms for the transfer of all City airport assets to the Authority; and

WHEREAS, the Council finds it to be in the best interests of the city to proceed with approving the Assignment and Assumption Agreement.

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

1. The Assignment and Assumption Agreement Re: Grant Agreements is approved subject to legal review.
2. The Mayor is authorized and directed to sign the agreement on behalf of the City of Des Moines and the City Clerk to attest to the Mayor's signature.

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

APPROVED AS TO FORM:

  
David Ferree  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
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