

Date December 6, 2021

**HOLD HEARING FOR APPROVAL OF THE FOURTH AMENDMENT TO REAL ESTATE LEASE AND ASSET TRANSFER AGREEMENT WITH THE DES MOINES AIRPORT AUTHORITY TO EXCLUDE EXCESS PROPERTY ADJOINING FLEUR DRIVE NORTH OF PORTER AVENUE AND TO INCLUDE PROPERTY ADJOINING FLEUR DRIVE BETWEEN HIGHVIEW DRIVE AND SOUTHLAWN DRIVE, AND PROPERTY LOCATED AT 4459 PARKLAWN DRIVE**

**WHEREAS**, on October 10, 2011, by Roll Call No. 11-1733, the City Council of the City of Des Moines approved the Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa and the Des Moines Airport Authority (“Airport Authority”) leasing all airport land and transferring outright all other City-owned aviation assets to the Airport Authority; and

**WHEREAS**, on January 27, 2020, by Roll Call No. 20-0131, the City Council authorized submission of a RISE grant application for the Airport Authority’s Cowles Drive Reconstruction Program Project; and

**WHEREAS**, the Airport Authority’s Cowles Drive Reconstruction - Phase 1 Project included the relocation of the main terminal entrance onto Cowles Drive from Fleur Drive to the south, and construction of a dedicated right turn lane from southbound Fleur Drive onto Cowles Drive including site grading, pavement, and utilities; and

**WHEREAS**, the Cowles Drive Reconstruction - Phase 1 Project terminal entrance improvements have been completed and will result in a portion of Airport leased property being re-dedicated as street right-of-way and a portion of vacated Fleur Drive right-of-way being added to the Airport’s leased property; and

**WHEREAS**, on October 12, 2021, by Roll Call No. A21-107, the Des Moines Airport Authority Board approved the acquisition of a portion of property owned by David A. Denison located at 4459 Parklawn Drive for runway clear zone purposes; and

**WHEREAS**, the Real Estate Lease and Asset Transfer Agreement must be amended to exclude the property to be dedicated for Fleur Drive street right-of-way and further amended to include a segment of vacated Fleur Drive right-of-way and the portion of clear zone property from 4459 Parklawn Drive; and

**WHEREAS**, on November 15, 2021, by Roll Call No. 21-1724, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed fourth amendment to the Real Estate Lease and Asset Transfer Agreement be set for hearing on December 6, 2021, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

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**Date**..... December 6, 2021 .....

**WHEREAS**, due notice of said proposal to amend said Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa and the Des Moines Airport Authority was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed Fourth Amendment to Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa and the Des Moines Airport Authority, as described herein, are hereby overruled and the hearing is closed.
2. That the Fourth Amendment to Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa and the Des Moines Airport Authority on file in the office of the City Clerk leasing property owned by the City of Des Moines, Iowa, to the Des Moines Airport Authority is hereby approved.
3. That the Mayor be and is hereby authorized and directed to sign the Fourth Amendment to Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa and the Des Moines Airport Authority, and the City Clerk is hereby authorized and directed to attest the Mayor's signature.
4. There are no proceeds associated with this action.

 **Roll Call Number**

Agenda Item Number

56 A

Date December 6, 2021

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

APPROVED AS TO FORM:

/s/ Lisa A. Wieland  
Lisa A. Wieland, Assistant City Attorney

DW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED  
\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, P. Kay Cmelik, 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

