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Date November 7, 2022

**APPROVING BORROW SITE AGREEMENT BETWEEN THE CITY OF DES MOINES
AND THE DES MOINES AIRPORT AUTHORITY FOR REMOVAL OF EXCESS FILL
DIRT FOR LEVEE PROJECTS**

WHEREAS, the Des Moines Airport Authority (Authority) has excess fill dirt located on a piece of property leased by the City to the Authority, located just East of SW 42nd St. and North of Army Post Road; and

WHEREAS, the City of Des Moines requires fill dirt for six upcoming Des Moines Levee Alteration projects over an unknown extended period of time; and

WHEREAS, the City's removal of fill dirt from the Authority's property will mean that the Authority may not need to engage a contractor to remove the fill from the site for an Authority project; and

WHEREAS, the parties believe it to be to their mutual advantage to document the terms and conditions under which the City may utilize and remove fill dirt from property owned by the City and leased to the Authority in the Borrow Site Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City hereby approves the Borrow Site Agreement between the City and the Des Moines Airport Authority authorizing the removal of fill dirt for the City levee projects from leased by the City to the Authority and the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said Agreement for and on behalf of the City of Des Moines, Iowa.
2. The City agrees to comply with mandatory Federal Aviation Administration (FAA) provisions as described in Exhibit B to the Agreement.

 **Roll Call Number**

Agenda Item Number

26

Date November 7, 2022

(Council Letter Number 22.506 attached)

Moved by _____ . Second by _____ .

FORM APPROVED: s/Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

Funding Source: N/A

SLN_{pw}

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| BOESEN | | | | |
| GATTO | | | | |
| MANDELBAUM | | | | |
| SHEUMAKER | | | | |
| VOSS | | | | |
| WESTERGAARD | | | | |
| TOTAL | | | | |

MOTION CARRIED

APPROVED

CERTIFICATE

I, LAURA BAUMGARTNER, 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

Acting City Clerk