

Date August 11, 2008

**APPROVING AND AUTHORIZING THE EXECUTION OF
FEDERAL AVIATION ADMINISTRATION AIP GRANT AGREEMENT,
PROJECT NUMBER 3-19-0027-48
AIRPORT RUNWAY 13R-31L LAND ACQUISITION, PHASE 6**

WHEREAS, on July 29, 2003, the Federal Aviation Administration approved a Finding of No Significant Impact/Record of Decision and Section 4(f) Determination based upon the Final Environmental Assessment for the construction of Runway 13R-31L; and

WHEREAS, on December 2, 2003, by Resolution No. A03-285, the Airport Board approved and authorized the design of a public improvement project to construct Runway 13R/31L and authorized the City Manager to proceed with the acquisition of properties needed for the project by purchase or gift, or to proceed to the City Council for approval to acquire by eminent domain when appropriate and needed; and

WHEREAS, on January 6, 2004, by Resolution No. A04-16, the Airport Board approved a Voluntary Acquisition Program on a hardship basis for properties needed for future construction of Runway 13R/31L; and

WHEREAS, on June 1, 2004, by Resolution No. A04-103, the Airport Board approved the property acquisition program on a voluntary basis needed for the future construction of Runway 13R/31L; and

WHEREAS, on October 18, 2004, FAA staff notified the Airport that they were programming discretionary funds for an FAA Airport Improvement Program (AIP) Grant Project in a 95 percent Federal share amount of at least \$1,499,685.00 which was in addition to the \$1,295,351.00 first grant funding of land acquisition for replacement Runway 13R-31L; and

WHEREAS, on March 1, 2005, by Resolution A05-42 and on March 7, 2005, by Roll Call 05-541 the Airport Board and City Council respectively recommended and approved the acquisition of property for replacement Runway 13R-31L by condemnation where necessary; and

WHEREAS, on August 2, 2005, by Resolution A05-222, and on August 3, 2005, by Roll Call 05-1844 the Airport Board and City Council respectively recommended and approved the Great Western Trail Agreement between the City of Des Moines and Polk County thereby allowing the Runway 13R-31L Land Acquisition Project to proceed; and

WHEREAS, on August 3, 2005, by Roll Call 05-1845, on August 31, 2005 by Roll Call 05-2129, on June 19, 2006 by Roll Call 06-1258, on August 20, 2007 by Roll Call 07-1682, and on June 9, 2008 by Roll Call 08-1008 the City Council respectively approved AIP Grants 3-19-0027-40, 41, 44, 45 and 47 which were executed in a total 95 percent Federal share amount of \$14,091,667 for the first five phases of Runway 13R-31L Land Acquisition; and

WHEREAS, on April 3, 2007 by Resolution A07-62 and on October 1, 2007, by Resolution A07-172, the Airport Board established Fair Market Value and Authorized Acquisition of the residential properties scheduled for funding in this Grant in the respective amounts of \$242,000 and \$228,000; and

WHEREAS, on August 5, 2008, by Resolution A08-157, the Airport Board recommended that the City Council accept AIP Grant 3-19-0027-48 in a 95 percent Federal share amount of \$1,279,188.00 or any

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additional funding that the FAA may make available for the Runway 13R-31L Land Acquisition Project Phase 5;

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

1. That the City of Des Moines, Iowa, does hereby approve execution and acceptance of a Federal FAA Grant for Phase 4 funding of the Runway 13R – 31L Land Acquisition project.
2. That the City of Des Moines, Iowa, does hereby ratify and adopt all statements, representations, assurances, warranties, covenants, and agreements contained in the Project Application, a copy of which is on file in the office of the City Clerk.
3. That the Mayor is hereby authorized and directed to execute said AIP Grant, Project No. 3-19-0027-48, in a 95% Federal Share amount anticipated to be \$1,279,188.00 or any such amount offered to the City of Des Moines, Iowa, whether it may be more or less than the anticipated amount, the City Clerk shall attest to the signature, and the Legal Department is authorized to evaluate and certify on behalf of the City of Des Moines, Iowa, that the grant agreement execution is legal and binding according to state and local law.

(Council Letter Number 08.499 attached)

Moved by Hensley to adopt.

FORM APPROVED: Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

M Funds Available - CIP Account 543090, Fund EN004, Organization AIR990000, Projects AIR117 Airport Runway 13R – 31L Land Acquisition

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED APPROVED
T. M. Franklin 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.
Diane Rauh City Clerk