



Roll Call Number

10-146

Agenda Item Number

47 A

Date January 25, 2010

Approval of Assignment of Commercial Operator Lease and Agreement from Mid-America Transportation Inc. dba Mid-America Jet Center to Elliott Aviation of Des Moines, Inc.

WHEREAS, on June 18, 2007, by Roll Call 07-1231, the Des Moines City Council approved a Commercial Operator Lease and Agreement ("Agreement") with Mid-America Transportation Inc. dba Mid-America Jet Center ("Mid-America"); and

WHEREAS, in recent months Mid-America initiated a sale of its commercial operations at the Airport, including assumption of this Agreement; and

WHEREAS, on December 31, 2009, Mid-America was able to negotiate terms of a sale to Elliott Aviation of Des Moines, Inc. ("Elliott"), a fixed based operator tenant located immediately west of MidAmerica; and

WHEREAS, part of the condition of the sale is an assignment of the Agreement, which is subject to City approval; and

WHEREAS, Chapter 22 of Des Moines City Code assigns certain rights and responsibilities pertaining to the Airport to the Des Moines International Airport Board, but reserves for the City Council the authority to enter into agreements of greater than three years duration affecting real estate; and

WHEREAS, the current Agreement is set to expire on June 30, 2017, and, therefore, being for a term of greater than three years, requires approval by the Des Moines City Council; and

WHEREAS, on January 5, 2010, by resolution A10-015, the Airport Board recommended approval of the assignment; and

WHEREAS, notice of the hearing on the proposed assignment has been duly published; and

WHEREAS, the City Council believes it is in the best interest of the City to approve the assignment;



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

1. That upon due consideration of the facts and the statements of interested persons, the objections, if any, to the proposed Assignment of Commercial Operator Lease and Agreement from Mid-America Transportation Inc. dba Mid-America Jet Center to Elliott Aviation of Des Moines, Inc., are overruled.
2. That the Mayor is hereby authorized and directed to sign the consent to the assignment and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

(Council Communication 10-028 is attached.)

Moved by Hensley 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	7			

MOTION CARRIED

APPROVED

T. M. Franklin Cownie 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