



Roll Call Number

17-0075

Agenda Item Number

57A

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Date January 9, 2017

**APPROVING SECOND AMENDMENT TO REAL ESTATE LEASE AND ASSET
TRANSFER AGREEMENT TO EXCLUDE EXCESS CITY-OWNED PROPERTY
LOCATED ALONG MCKINLEY AVENUE AT SOUTHWEST 33RD STREET**

WHEREAS, on August 22, 2016, by Roll Call No. 16-1401, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed sale of excess City-owned real property located along McKinley Avenue at Southwest 33rd Street, Des Moines, Iowa ("Property") to Glen Brown and April Barkley Brown in consideration of \$120,000 be set down for hearing on September 12, 2016, at 5:00 p.m., in the City Council Chambers, and, in the event the proposed sale is approved, the City Council of the City of Des Moines, Iowa, further proposed to amend the Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa, and the Des Moines Airport Authority ("Airport Authority"), dated November 1, 2011 ("Lease"), to exclude the Property from said Lease; and

WHEREAS, on September 12, 2016, by Roll Call No. 16-1568, the City Council of the City of Des Moines, Iowa, voted to continue the sale of the Property in order to allow the Federal Aviation Administration to complete its review of an updated appraisal for the proposed sale and convey a written grant release of the Property; and

WHEREAS, on September 26, 2016, by Roll Call No. 16-1666, the City Council of the City of Des Moines, Iowa, voted to continue the sale of the Property in order to allow the Federal Aviation Administration to issue the Airport Authority a written deed of release of the Property; and

WHEREAS, on October 10, 2016, by Roll Call No. 16-1767, the City Council of the City of Des Moines, Iowa, voted to continue the sale of the Property in order to allow the Federal Aviation Administration more time to complete its review of the updated appraisal for the proposed sale and convey a written grant release of the Property; and

WHEREAS, on November 21, 2016, by Roll Call No. 16-1767, the City Council of the City of Des Moines, Iowa, voted to continue the sale of the Property in order to allow the Federal Aviation Administration more time to complete its review of the updated appraisal for the proposed sale and convey a written grant release of the Property; and

WHEREAS, on January 9, 2017, by Roll Call No. 17-0074, the City Council of the City of Des Moines, Iowa, approved the sale of the Property, and, as a condition of the Offer to Purchase Real Estate from the City of Des Moines and Acceptance and the terms of the Deed of Release from the United States on behalf of the FAA, said Lease must be amended to exclude the Property in order to pass clear title to Glen Brown and April Barkley Brown.

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

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1. That the Second Amendment to Real Estate Lease and Asset Transfer Agreement on file in the office of the City Clerk leasing property owned by the City of Des Moines, Iowa, located along McKinley Avenue at Southwest 33rd Street to the Des Moines Airport Authority is hereby approved.
2. That the Mayor be and is hereby authorized and directed to sign the Second Amendment to Real Estate Lease and Asset Transfer Agreement and the City Clerk is hereby authorized and directed to attest the Mayor's signature.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

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

BSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

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.

T. M. Franklin Mayor

Diane Rauh City Clerk