



Roll Call Number

18-0080

Agenda Item Number

54 A

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Date January 8, 2018

APPROVING THIRD AMENDMENT TO REAL ESTATE LEASE AND ASSET TRANSFER AGREEMENT TO EXCLUDE EXCESS CITY-OWNED PROPERTY LOCATED AT THE NORTHWEST CORNER OF MCKINLEY AVENUE AND SOUTHWEST 31ST STREET

WHEREAS, on December 18, 2017, by Roll Call No. 17-2135, 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 at the northwest corner of McKinley Avenue and Southwest 31st Street, Des Moines, Iowa ("Property") to John P. Braswell in consideration of \$40,000 be set down for hearing on January 8, 2018, 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 January 8, 2018, by Roll Call No. 18-0079, 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 Federal Aviation Administration, said Lease must be amended to exclude the Property in order to pass clear title to John P. Braswell.

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

1. That the Third 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 at the northwest corner of McKinley Avenue and Southwest 31st Street to the Des Moines Airport Authority is hereby approved.
2. That the Mayor be and is hereby authorized and directed to sign the Third Amendment to Real Estate Lease and Asset Transfer Agreement and the City Clerk is hereby authorized and directed to attest the Mayor's signature.

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Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:


Lisa Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
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