



Roll Call Number

22-0461

Agenda Item Number

64A

Date March 21, 2022

HOLD HEARING FOR APPROVAL OF THE FIFTH AMENDMENT TO REAL ESTATE LEASE AND ASSET TRANSFER AGREEMENT WITH THE DES MOINES AIRPORT AUTHORITY TO EXCLUDE EXCESS PROPERTY ADJOINING FLEUR DRIVE BETWEEN HIGHVIEW DRIVE AND MCKINLEY AVENUE AND TO INCLUDE PROPERTY LOCATED WEST OF AND ADJOINING SOUTHWEST 46TH STREET NORTH OF MCKINLEY AVENUE

WHEREAS, on October 10, 2011, by Roll Call No. 11-1733, the City Council of the City of Des Moines approved the Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa and the Des Moines Airport Authority (“Airport Authority”) leasing all airport land and transferring outright all other City-owned aviation assets to the Airport Authority; and

WHEREAS, on January 27, 2020, by Roll Call No. 20-0131, the City Council authorized submission of a RISE grant application for the Airport Authority’s Cowles Drive Reconstruction Program Project; and

WHEREAS, the Airport Authority’s Cowles Drive Reconstruction - Phase 1 Project included the relocation of the main terminal entrance onto Cowles Drive from Fleur Drive to the south, and construction of a dedicated right turn lane from southbound Fleur Drive onto Cowles Drive including site grading, pavement, and utilities; and

WHEREAS, on December 6, 2021, by Roll Call No. 21-1848, the City Council of the City of Des Moines approved the Fourth Amendment to the Real Estate Lease and Asset Transfer Agreement authorizing the re-dedication of a portion of Airport leased property as street right-of-way and the addition of a portion of vacated Fleur Drive right-of-way to the Airport’s leased property; and

WHEREAS, on February 8, 2022 the Airport Authority Board approved the acquisition of a parcel of property from Monarch Cement Company located west of and adjoining Southwest 46th Street north of McKinley Avenue for the Runway 13 Runway Protection Zone; and

WHEREAS, the Real Estate Lease and Asset Transfer Agreement must be amended to exclude the Fleur Drive right-of-way to be dedicated for additional street right-of-way, and to include the parcel acquired from Monarch Cement Company by the Airport Authority Board on February 8, 2022, which parcel is located west of and adjoining Southwest 46th Street north of McKinley Avenue; and

WHEREAS, on March 7, 2022, by Roll Call No. 22-0324, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed Fifth Amendment to the Real Estate Lease and Asset Transfer Agreement be set for hearing on March 21, 2022, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and



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WHEREAS, due notice of said proposal to amend said Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa and the Des Moines Airport Authority was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed lease amendment, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed Fifth Amendment to Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa and the Des Moines Airport Authority, as described herein, are hereby overruled and the hearing is closed.
2. That the Fifth Amendment to Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa and the Des Moines Airport Authority on file in the office of the City Clerk leasing property owned by the City of Des Moines, Iowa, to the Des Moines Airport Authority is hereby approved.
3. That the Mayor be and is hereby authorized and directed to sign the Fifth Amendment to Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa and the Des Moines Airport Authority, and the City Clerk is hereby authorized and directed to attest the Mayor's signature.
4. There are no proceeds associated with this action.



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Moved by Mandelbaum to adopt. Second by Boesen.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED

J. M. Franklin Cownie Mayor

CERTIFICATE

I, P. Kay Cmelik, 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.

P. Kay Cmelik

City Clerk