

Date June 19, 2006

SETTING DATE OF HEARING FOR AUTHORIZATION OF REAL ESTATE CONTRACT FOR PROPERTY LOCATED IN THE VICINITY OF SW MCKINLEY AVENUE BETWEEN SW 42ND STREET AND SW 56TH STREET FROM THE CLAIRE F. CARLSON MARITAL TRUST AND THE CLAIRE F. CARLSON FAMILY TRUST IN THE AMOUNT OF \$5,900,000 FOR THE AIRPORT 13R/31L RUNWAY PROJECT

WHEREAS, On March 7, 2005, by Roll Call 05-541, the City Council of the City of Des Moines, Iowa, authorized the acquisition of all necessary property interests by gift, negotiation or condemnation for the Airport Runway 13R/31L Project; and,

WHEREAS, it has been proposed that the City acquire approximately 268 acres of real estate from the Claire F. Carlson Marital Trust and the Claire F. Carlson Family Trust for property located in the vicinity of SW McKinley Avenue between SW 42nd Street and SW 56th Street for the Airport 13R/31L Runway Project; and,

WHEREAS, a Purchase Agreement has been negotiated by and between the City and the said Sellers pursuant to which the City would purchase said real estate pursuant to an installment arrangement whereby the City would pay the purchase price of \$5,900,000 as follows:

- a) The sum of \$4,163,400 to be paid by the City to the Seller on or about July 15, 2006.
- b) The balance of \$1,736,600 to be paid by the City to the Seller on or about July 15, 2007; and,

WHEREAS, the City has been advised that such an arrangement constitutes a loan agreement under Section 384.24A of the Iowa Code, and that prior to authorizing such an agreement the City is required, pursuant to Section 384.83 of the Iowa Code, to publish notice of the proposal and of the date and time of the meeting at which the Council proposes to discuss and then take action thereon, and to receive oral and written objections thereto from any resident or property owner of the City; and,

WHEREAS, 95% of the cost of this property acquisition will be paid with a multi-year grant from the Federal Aviation Administration and the remainder of the costs to be paid with net revenues of the Des Moines International Airport.

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

Section 1. That the Council meet in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m., on the 10th day of July, 2006, for the purpose of discussing and taking additional action concerning the authorization of a loan agreement, in the form of a Purchase Agreement in the amount of \$5,900,000 for the purpose of acquiring the property mentioned above.

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Section 2. That the Clerk is hereby directed to cause to be published a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication to be not less than four not more than twenty days before July 10, 2006, the date of the public meeting on the proposed authorization of said Purchase Agreement.

Section 3. The notice of the proposed action shall be in substantially the following form:

NOTICE OF MEETING OF THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA, ON THE MATTER OF THE PROPOSED AUTHORIZATION OF A PURCHASE AGREEMENT IN THE AMOUNT OF \$5,900,000 AND OF PUBLIC HEARING ON THE AUTHORIZATION AND EXECUTION THEREOF

PUBLIC NOTICE is hereby given that the City Council of the City of Des Moines, Iowa, will hold a public hearing on the 10th day of July, 2006, at 5:00 p.m., in the Council Chambers, City Hall, Des Moines, Iowa, at which meeting the Council proposes to discuss and take additional action concerning the authorization of a proposed Purchase Agreement with the Claire F. Carlson Marital Trust and the Claire F. Carlson Family Trust (herein referred to as Sellers), for the purchase of real estate consisting of approximately 268 acres located in the vicinity of SW McKinley Avenue Between SW 42nd Street and SW 56th Street.

This Agreement, if authorized by the City, would require the City to pay the \$5,900,000 purchase price in installments, as follows:

- c) The sum of \$4,163,400 to be paid by the City to the Seller on or about July 15, 2006.
- d) The balance of \$1,736,600 to be paid by the City to the Seller on or about July 15, 2007.

The purchase price for this property shall be payable from the net revenues of the Des Moines International Airport.

At the above meeting, the Council shall receive oral or written objections from any resident or property owner of the city to the above action. After all objections have been received and considered, the Council may at this meeting, or at any adjournment thereof, in accordance with Section 384.24A(5) and section 384.83 of the Iowa Code, take additional action for authorization to execute said Purchase Agreement to purchase the real estate described above.

★ Roll Call Number

Agenda Item Number

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This Notice is given by order of the Council of the City of Des Moines, Iowa, as provided by Sections 384.24A and 384.83 of the Code of Iowa.

Moved by _____ to adopt.

APPROVED AS TO FORM:



 David A. Ferree
 Assistant City Attorney

2006-07 CIP, Aviation
 Department, Airport
 Improvements, Runway
 13R/31L – Land Acquisition,
 AIR117, Page 28

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

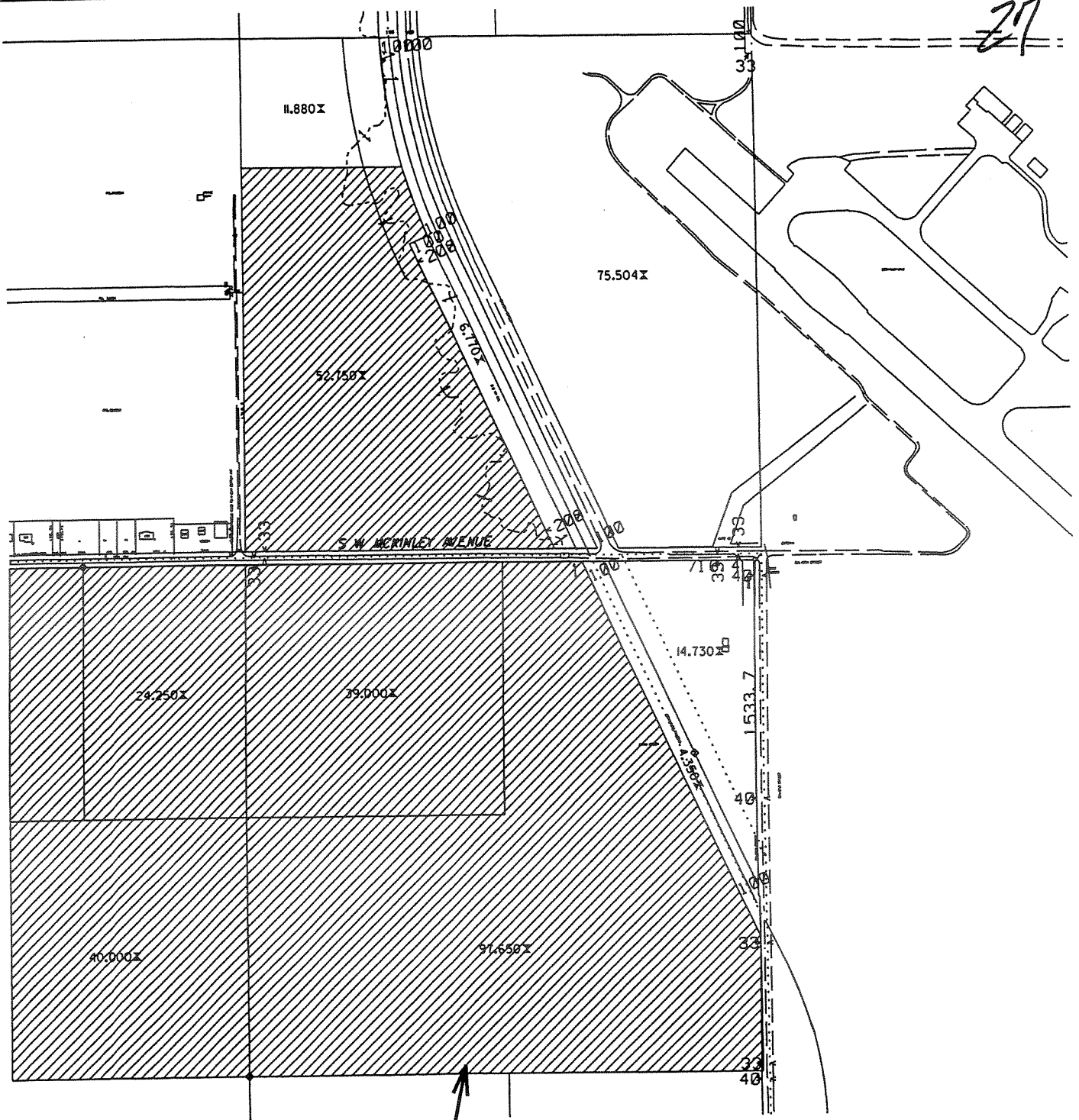
CERTIFICATE

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.

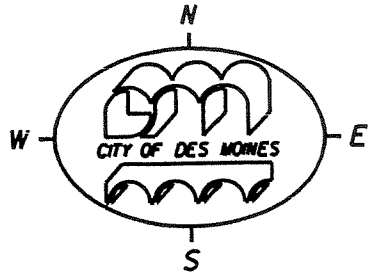
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

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PROPERTY
LOCATION



PROPERTY ACQUISITION
 RUNWAY 13R/31L
 ACTIVITY I.D. 27-2002-030