

Date June 19, 2006

**APPROVING AND AUTHORIZING THE EXECUTION OF
FEDERAL AVIATION ADMINISTRATION AIP GRANT AGREEMENT,
PROJECT NUMBER 3-19-0027-44
AIRPORT RUNWAY 13R-31L LAND ACQUISITION, PHASE 3**

WHEREAS, on July 29, 2003, the Federal Aviation Administration approved a Finding of No Significant Impact/Record of Decision and Section 4(f) Determination based upon the Final Environmental Assessment for the construction of Runway 13R-31L; and

WHEREAS, on December 2, 2003, by Resolution No. A03-285, the Airport Board approved and authorized the design of a public improvement project to construct Runway 13R/31L and authorized the City Manager to proceed with the acquisition of properties needed for the project by purchase or gift, or to proceed to the City Council for approval to acquire by eminent domain when appropriate and needed; and

WHEREAS, on January 6, 2004, by Resolution No. A04-16, the Airport Board approved the Voluntary Acquisition Program on a hardship basis for properties needed for the future construction of Runway 13R/31L; and

WHEREAS, on June 1, 2004, by Resolution No. A04-103, the Airport Board approved the property acquisition program on a voluntary basis needed for the future construction of Runway 13R/31L; and

WHEREAS, on October 18, 2004, FAA staff notified the Airport that they were programming discretionary funds for an FAA Airport Improvement Program (AIP) Grant Project in a 95 percent Federal share amount of at least \$1,499,685.00 which was in addition to the \$1,295,351.00 first grant funding of land acquisition for replacement Runway 13R-31L; and

WHEREAS, on March 1, 2005, by Resolution A05-42 and on March 7, 2005, by Roll Call 05-541 the Airport Board and City Council respectively recommended and approved the acquisition of property for replacement Runway 13R-31L by condemnation where necessary; and

WHEREAS, on August 2, 2005, by Resolution A05-222, and on August 3, 2005, by Roll Call 05-1844 the Airport Board and City Council respectively recommended and approved the Great Western Trail Agreement between the City of Des Moines and Polk County thereby allowing the Runway 13R-31L Land Acquisition Project to proceed; and

WHEREAS, on March 1, 2005, by Resolution A05-42, and on August 3, 2005, by Roll Call 05-1845 the Airport Board and City Council respectively recommended and approved AIP Grant 3-19-0027-40 which was executed in a 95 percent Federal share amount of \$1,295,351.00 for the Runway 13R-31L Land Acquisition, Project Phase 2; and

WHEREAS, on March 1, 2005, by Resolution A05-42, and on August 31, 2005 by Roll Call 05-2129 the Airport Board and City Council respectively recommended and approved AIP Grant 3-19-0027-41 which was executed in a 95 percent Federal share amount of \$4,458,632.00 for the Runway 13R-31L Land Acquisition, Project Phase 2; and

WHEREAS, on May 2, 2006, by Resolution A06-75, the Airport Board recommended that the City Council accept AIP Grant 3-19-0027-44 in a 95 percent Federal share amount of \$3,955,212.00 or any

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additional funding that the FAA may make available for the Runway 13R-31L Land Acquisition Project Phase 3; and

WHEREAS, on June 1, 2006, the Airport received notice of the Congressional release of funds for an FAA Airport Improvement Program (AIP) Grant project in a 95 percent Federal share amount of up to \$5,755,212.00 to continue the grant funding of land acquisition Phase 3 for replacement Runway 13R-31L; and


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

1. That the City of Des Moines, Iowa, does hereby approve execution and acceptance of a Federal FAA Grant for Phase 3 funding of the Runway 13R – 31L Land Acquisition project.
2. That the City of Des Moines, Iowa, does hereby ratify and adopt all statements, representations, assurances, warranties, covenants, and agreements contained in the Project Application, a copy of which is on file in the office of the City Clerk.
3. That the Mayor is hereby authorized and directed to execute said AIP Grant, Project No. 3-19-0027-44, in a 95% Federal Share amount anticipated to be \$5,755,212.00 or any such amount offered to the City of Des Moines, Iowa, whether it may be more or less than the anticipated amount, the City Clerk shall attest to the signature, and the Legal Department is authorized to evaluate and certify on behalf of the City of Des Moines, Iowa, that the grant agreement execution is legal and binding according to state and local law.

(Council Letter Number 06-357 attached)

Moved by _____ to adopt.

FORM APPROVED:


 David A. Ferree
 Assistant City Attorney

Funds Available - CIP Account 543090, Fund EN004, Organization AIR990000, Projects AIR117 Airport Runway 13R – 31L Land Acquisition

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