

Date August 8, 2016

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**APPROVING AMENDMENT TO REAL ESTATE LEASE AND ASSET  
TRANSFER AGREEMENT TO EXCLUDE EXCESS CITY-OWNED PROPERTY  
LOCATED AT THE SOUTHEAST CORNER OF HIGHWAY 28 AND ARMY POST  
ROAD ADJOINING 4240 ARMY POST ROAD**

**WHEREAS**, on July 25, 2016, by Roll Call No. 16-1196, 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 southeast corner of Highway 28 and Army Post Road adjoining 4240 Army Post Road ("Property") to Electro Management Corp. in consideration of \$512,000 be set down for hearing on August 8, 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 ("Lease") between the City of Des Moines, Iowa, and the Des Moines Airport Authority, dated November 1, 2011, to exclude the Property from said Lease; and

**WHEREAS**, on August 8, 2016, by Roll Call No. 16-\_\_\_\_\_, 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, said Lease must be amended to exclude the Property in order to pass clear title to Electro Management Corp.

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

1. That the 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 located at the southeast corner of Highway 28 and Army Post Road adjoining 4240 Army Post Road to the Des Moines Airport Authority is hereby approved.
2. That the Mayor be and is hereby authorized and directed to sign the Amendment to Real Estate Lease and Asset Transfer Agreement and the City Clerk is hereby authorized and directed to attest the Mayor's signature.

★ Roll Call Number

Agenda Item Number

SOA

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Date August 8, 2016

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Lisa A. Wieland*

Lisa A. Wieland  
Assistant City Attorney

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

**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.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk