

Date November 15, 2021

SET HEARING FOR APPROVAL OF THE FOURTH AMENDMENT TO REAL ESTATE LEASE AND ASSET TRANSFER AGREEMENT WITH THE DES MOINES AIRPORT AUTHORITY TO EXCLUDE EXCESS PROPERTY ADJOINING FLEUR DRIVE NORTH OF PORTER AVENUE AND TO INCLUDE PROPERTY ADJOINING FLEUR DRIVE BETWEEN HIGHVIEW DRIVE AND SOUTHLAWN DRIVE, AND PROPERTY LOCATED AT 4459 PARKLAWN DRIVE

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, the Cowles Drive Reconstruction - Phase 1 Project terminal entrance improvements have been completed and will result in a portion of Airport leased property being re-dedicated as street right-of-way and a portion of vacated Fleur Drive right-of-way being added to the Airport’s leased property; and

WHEREAS, on October 12, 2021, by Roll Call No. A21-107, the Des Moines Airport Authority Board approved the acquisition of a portion of property owned by David A. Denison located at 4459 Parklawn Drive for runway clear zone purposes; and

WHEREAS, the Real Estate Lease and Asset Transfer Agreement must be amended to exclude the property to be dedicated for Fleur Drive street right-of-way and further amended to include a segment of vacated Fleur Drive right-of-way and the portion of clear zone property from 4459 Parklawn Drive.

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

1. The City Council of the City of Des Moines, Iowa, proposes to amend the Real Estate Lease and Asset Transfer Agreement to exclude the property to be dedicated for Fleur Drive street right-

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of-way and to include a segment of vacated Fleur Drive right-of-way and a portion of clear zone property from 4459 Parklawn Drive.

2. A public hearing shall be held on December 6, 2021, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. December 2, 2021 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the December 6, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

4. There are no proceeds associated with this action.

Moved by _____ to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
 Lisa Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ 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.

 City Clerk

