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**Date** January 9, 2023

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**SET HEARING FOR APPROVAL OF THE SIXTH 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**

**WHEREAS**, on October 10, 2011, by Roll Call No. 11-1733, the City Council of the City of Des Moines approved the Cowles Drive Reconstruction - Phase 1 Project 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 March 21, 2022, by Roll Call No. 22-0461, the City Council of the City of Des Moines approved the Fifth 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**, upon completion of the Cowles Drive Reconstruction - Phase 1 Project it was determined that an excess amount of Fleur Drive right-of-way was vacated and added to the Airport’s leased property resulting in the need to further amend the Real Estate Lease and Asset Transfer Agreement (hereinafter “Agreement”) to remove two small portions of Airport property from the Agreement and rededicate each as Fleur Drive right-of-way; and

**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 two small portions of Airport property, legally described as follows, and to rededicate such property as additional Fleur Drive street right-of-way:

**PARCEL 2022-1218 DESCRIPTION:**

A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 29, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMENCING AT THE CENTER OF SAID SECTION 29; THENCE NORTH 00° 05' 06" WEST, 1139.39 FEET ALONG THE EAST LINE OF THE WEST HALF OF SAID SECTION 29; THENCE SOUTH 89° 54' 54" WEST, 65.42 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF FLEUR DRIVE, ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 06° 53' 31" WEST, 49.20 FEET; THENCE NORTH 01° 52' 34" EAST, 153.50 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE SOUTH 00° 05' 06" EAST, 173.45 FEET ALONG SAID WEST RIGHT-OF-WAY LINE; THENCE SOUTH 01° 14' 03" EAST, 28.81 FEET CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 525 SQUARE FEET OR 0.01 ACRES MORE OR LESS.

FOR THE PURPOSE OF THIS DESCRIPTION, ALL BEARING AND DISTANCES ARE REFERENCED TO NAD83(2011) IA SPCS SOUTH ZONE, US SURVEY FOOT.

*AND*

**PARCEL 2022-1219 DESCRIPTION:**

A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 29, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 29; THENCE NORTH 00° 05' 06" WEST, 212.20 FEET ALONG THE EAST LINE OF THE WEST HALF OF SAID SECTION 29; THENCE SOUTH 89° 54' 54" WEST, 60.50 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF FLEUR DRIVE, ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 12° 22' 53" WEST, 45.08 FEET; THENCE NORTH 12° 13' 13" EAST, 41.09 FEET; THENCE NORTH 04° 56' 06" EAST, 72.50 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE SOUTH 03° 03' 01" WEST, 100.58 FEET ALONG SAID WEST RIGHT-OF-WAY LINE; THENCE SOUTH 00° 05' 06" EAST, 55.98 FEET CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 529 SQUARE FEET OR 0.01 ACRES MORE OR LESS.

FOR THE PURPOSE OF THIS DESCRIPTION, ALL BEARING AND DISTANCES ARE REFERENCED TO NAD83(2011) IA SPCS SOUTH ZONE, US SURVEY FOOT.

2. A public hearing shall be held on January 23, 2023, 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.



**Roll Call Number**

**Agenda Item Number**

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**Date** January 9, 2023

Please check the posted agenda in advance of the January 23, 2023 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. Second by \_\_\_\_\_.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno  
Mackenzie L. Moreno, Assistant City Attorney

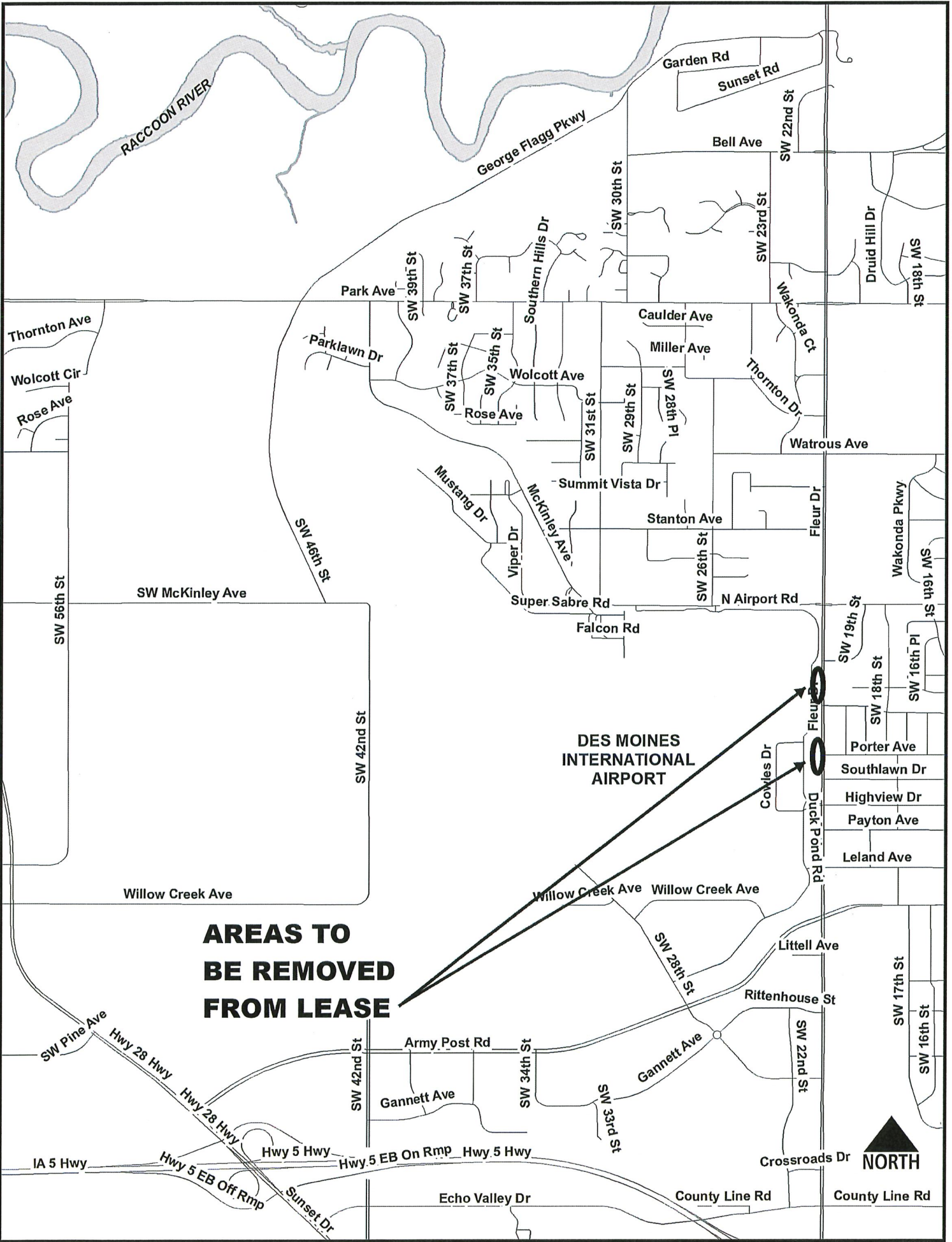
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		
_____ Mayor				

**CERTIFICATE**

I, Laura Baumgartner, 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.

\_\_\_\_\_  
Laura Baumgartner, City Clerk



**AREAS TO  
BE REMOVED  
FROM LEASE**

**DES MOINES  
INTERNATIONAL  
AIRPORT**

