

Date January 23, 2023

**APPROVE AGREEMENT BETWEEN THE CITY OF DES MOINES (CITY) AND THE
DES MOINES AIRPORT AUTHORITY (AUTHORITY) FOR CONVEYANCE OF AN
IRRIGATION SYSTEM TO CITY ON PROPERTY BEING LEASED TO THE AUTHORITY**

WHEREAS, the CITY has planned the Fleur Drive Reconstruction, Phase 3 from Watrous Avenue to McKinley Avenue Project (hereinafter “Project”) which will install irrigation in the existing planters in the medians of Fleur Drive from Watrous Avenue to Army Post Road; and

WHEREAS, the CITY requires an irrigation system for the planters; and

WHEREAS, the AUTHORITY has an existing irrigation system for landscaping the Authority no longer wants to keep or maintain; and

WHEREAS, the irrigation system is located on property owned by the CITY and leased to the AUTHORITY north of McKinley Avenue, approximately 75’ east of the intersection with Fleur Drive; and

WHEREAS, in return for conveying the irrigation system to the CITY, the AUTHORITY is requesting that the CITY remove the landscaping from the NE and NW corners of Fleur Drive and McKinley Avenue, including necessary grading and seeding the disturbed areas as a part of the CITY’s Project; and

WHEREAS, the parties believe it to be to their mutual advantage to document the terms and conditions under which the CITY may utilize the irrigation system, install a pump and electrical service and remove the landscaping from property owned by the CITY and leased to the AUTHORITY.

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

1. The City hereby approves the Agreement with the Authority authorizing the City to enter upon property located at the NE and NW corners of Fleur Drive and McKinley Avenue, including all access, ingress and egress to and from the property in order to utilize the irrigation system, install a pump and electrical service and remove the landscaping from property owned by the CITY and leased to the AUTHORITY.
2. That the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said Agreement for and on behalf of the City of Des Moines, Iowa.
3. The City agrees to comply with mandatory Federal Aviation Administration (FAA) provisions as described in Exhibit B to the Agreement.

 **Roll Call Number**

Agenda Item Number

20

Date January 23, 2023

(Council Communication No. 23-032 attached)

Moved by _____ to adopt. Second by _____

FORM APPROVED: s/Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

Funding Source: N/A

SLN_{pv}

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
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.

_____ City Clerk