



Roll Call Number

22-0324

Agenda Item Number

34

Date March 7, 2022

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SET HEARING FOR APPROVAL OF THE FIFTH 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 AND TO INCLUDE PROPERTY LOCATED WEST OF AND ADJOINING SOUTHWEST 46TH STREET NORTH OF MCKINLEY AVENUE

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, on December 6, 2021, by Roll Call No. 21-1848, the City Council of the City of Des Moines approved the Fourth 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, on February 8, 2022 the Airport Authority Board approved the acquisition of a parcel of property from Monarch Cement Company located west of and adjoining Southwest 46th Street north of McKinley Avenue for the Runway 13 Runway Protection Zone; and

WHEREAS, the Real Estate Lease and Asset Transfer Agreement must be amended to exclude the Fleur Drive right-of-way to be dedicated for additional street right-of-way and to include the parcel acquired from Monarch Cement Company by the Airport Authority Board on February 8, 2022, which parcel is located west of and adjoining Southwest 46th Street north of McKinley Avenue.

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 additional Fleur Drive street right-of-way and to include the parcel acquired from Monarch Cement Company by the Airport Authority



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Board on February 8, 2022, which parcel is located west of and adjoining Southwest 46th Street north of McKinley Avenue.

2. A public hearing shall be held on March 21, 2022, 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. March 17, 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 March 21, 2022 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 Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

P. M. Frankin Cownie
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.

P. Kay Cmelik City Clerk