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|  <p style="text-align: center;"><b>Council<br/>Communication</b><br/>Office of the City Manager</p> | <b>Date:</b> April 25, 2016  |
|  | <b>Agenda Item No.</b> 59<br><b>Roll Call No.</b> <u>16-721</u><br><b>Communication No.</b> <u>16-207</u><br><b>Submitted by:</b> Phillip Delafield,<br>Community Development Director |

**AGENDA HEADING:**

Approving vacation and lease of 304 square feet of public right-of-way for a sidewalk café on public sidewalk adjacent to 1301 Locust Street.

**SYNOPSIS:**

Recommend approval of vacation of a segment of public sidewalk and a sidewalk café lease agreement for Proof Restaurant, located at 1301 Locust Street, Suite C, for the purpose of an outdoor patio space. The project is represented by Sean Wilson, Owner, Daisy Buchanan Concepts, LLC, 1301 Locust Street, Suite C, Des Moines, IA 50309.

**FISCAL IMPACT:**

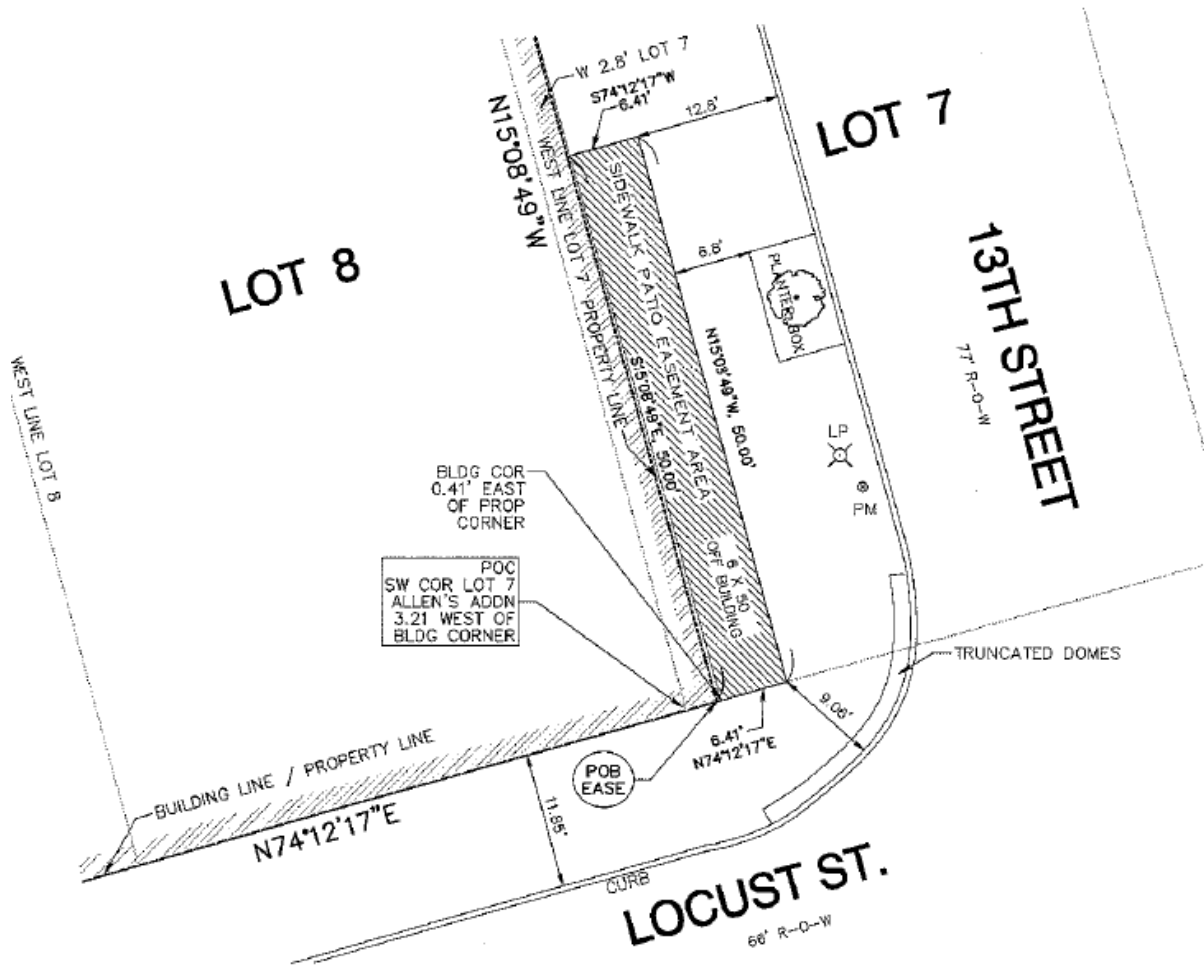
Amount: \$1,468 collection of 3-year lease fee for sidewalk café area.

Funding Source: CD042044, 468440 Revenue from lease of public ROW for a sidewalk cafe is deposited in the revenue account.

**ADDITIONAL INFORMATION:**

Daisy Buchanan Concepts, LLC (DBA Proof Restaurant), located at 1301 Locust Street, wishes to install a 304-square-foot outdoor patio in the adjacent public sidewalk south of the building. This segment of sidewalk adjacent to Arlington Hallet Apartments, and is six (6) feet wide from the structure to the street, and 50.8 feet long. The area can accommodate an unobstructed pedestrian walking area with a total of six (6) feet. The open and unobstructed sidewalk is compliant with the American with Disabilities Act and will allow for the free flow of pedestrian traffic.

The leased area will contain movable tables and chairs and a minimum 36-inches tall fence barrier as required by City Code for full service of food and beverage. Staff has determined the area to be vacated is not necessary for any other public purpose, and the application for a sidewalk café meets all requirements of the design standards as approved by City Council on January 28, 2013.



**PREVIOUS COUNCIL ACTION(S):**

Date: April 11, 2016

Roll Call Number: [16-0564](#)

Action: On vacation and lease of a portion of 13<sup>th</sup> Street right-of-way for a sidewalk café lease adjoining Proof Restaurant at 1301 Locust Street, (4-25-16). Moved by Coleman to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Renewal of future sidewalk café lease agreement.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).