

Date..... May 21, 2007

WHEREAS, the City has received an application from EK Foods Inc., for a Sidewalk Cafe Lease for a portion of the sidewalk adjoining Bistro Montage at 2716 Ingersoll Avenue; and,

WHEREAS, the right-of-way adjoining Bistro Montage at 2716 Ingersoll Avenue has not been previously vacated; and,

WHEREAS, the affected portion of the public right-of-way must first be vacated before the City may approve the proposed Sidewalk Cafe Lease;

WHEREAS, on May 7, 2007, by Roll Call No. 07- 861, it was duly resolved by the City Council that the proposed vacation and lease of such right-of-way be set down for hearing on May 21, 2007, at 5:00 p.m., in the Council Chambers; and

WHEREAS, due notice of said proposal to vacate and lease public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and lease, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council; NOW, THEREFORE,

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation and lease of public right-of-way as described below are hereby overruled and the hearing is closed.
2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the portion of 28th Street adjoining 2716 Ingersoll Avenue, more specifically described as follows:

That part of 28th Street right-of-way lying West of and adjoining the North 115 feet of Lot 19, of the Official Plat of SW 1/4 of Section 5, Township 78 North, Range 24 West of the 5th p.m., in the City of Des Moines, Polk County, Iowa, more specifically described as follows:

(continued)

47

Date May 21, 2007

Commencing at the southeast corner of the intersection of Ingersoll Avenue and 28th Street, thence S00°33'57"W along the East right-of-way line of 28th Street a distance of 10.19 feet to the Point of Beginning; thence continuing S00°33'57"W along said East right-of-way line a distance of 31.33 feet; thence N89°26'03"W, a distance of 6.26 feet; thence N00°33'57"E, a distance of 31.33 feet; thence S23°26'03"E, a distance of 6.26 feet, to the Point of Beginning (containing 196.1 sq. ft, more or less).

- Subject to final passage and publication of the ordinance vacating such right-of-way, the lease of such vacated right-of-way to EK Foods Inc., for a sidewalk cafe is hereby approved, and the Permit and Development Center Administrator is hereby authorized and directed to sign a Sidewalk Cafe Lease with EK Foods, Inc., for a term of up to 3 years in the approved standard form.

(Council Communication No. 07-286)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, 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

MOTION CARRIED

APPROVED

 Mayor

**Consent Form from Adjoining Property Owners
Consent to Allow Sidewalk Café**

REGARDING: the East/ West North/ South right of way in the block bounded by the following streets:

28th st. on West Side of Bistro Montage

Legal Description of the Property:

See Attc.

Specific dimensions of the proposed sidewalk cafe described below:

6' x 32'

Located in proximity to and associated with the following place of business:

Business Name:

Bistro Montage

(Proposed Street Café Business Name)

Business Address:

2724 Ingersoll Av.

(Proposed Street Café Address)

The undersigned owners hereby consent to the City of Des Moines vacating (closing) the right of way described above and to the city allowing such right of way to be licensed or leased for purposes of allowing a sidewalk café lease or license.

Date:

4/27/07

(Signature)

David Voss Critelli

(Printed Name)

David Voss Critelli

(Signature of 2nd owner)

(Printed Name)

Address of Adjoining Property:

615 28th St

Des Moines, Iowa 50312
(Zip Code)

Mailing Address- if different

**Consent Form from Adjoining Property Owners
Consent to Allow Sidewalk Café**

REGARDING: the East/ West North/ South right of way in the block bounded by the following streets:

28th St. or West Side of Bistro Montage

Legal Description of the Property:

See Attc.

Specific dimensions of the proposed sidewalk cafe described below:

6' x 32'

Located in proximity to and associated with the following place of business:

Business Name:

Bistro Montage

(Proposed Street Café Business Name)

Business Address:

2724 Ingersoll Av. DSM Ia

(Proposed Street Café Address)

The undersigned owners hereby consent to the City of Des Moines vacating (closing) the right of way described above and to the city allowing such right of way to be licensed or leased for purposes of allowing a sidewalk café lease or license.

Date:

4/17/07

(Signature)

B.L. Gradoville OOS

(Printed Name)

B.L. Gradoville OOS

(Signature of 2nd owner)

Kathleen Gradoville

(Printed Name)

Kathleen Gradoville

Address of Adjoining Property:

2800 Ingersoll Ave.

Des Moines, Iowa

50312

(Zip Code)

Mailing Address- if different

**Consent Form from Adjoining Property Owners
Consent to Allow Sidewalk Café**

REGARDING: the East/ West North/ South right of way in the block bounded by the following streets:

28th St. on West Side of Bistro Montage

Legal Description of the Property:

see Attached

Specific dimensions of the proposed sidewalk cafe described below:

6' wide by 32' long

Located in proximity to and associated with the following place of business:

Business Name:

Bistro Montage

(Proposed Street Café Business Name)

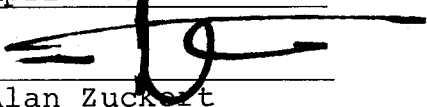
Business Address:

2724 Ingersoll Av. DSM IA

(Proposed Street Café Address)

The undersigned owners hereby consent to the City of Des Moines vacating (closing) the right of way described above and to the city allowing such right of way to be licensed or leased for purposes of allowing a sidewalk café lease or license.

Date: April 10, 2007


(Signature) Alan Zuckert

Alan Zuckert
(Printed Name)

Address of Adjoining Property:

2725 Ingersoll
Des Moines, Iowa 50309
(Zip Code)

(Signature of 2nd owner)

(Printed Name)

Mailing Address- if different

Consent Form from Adjoining Property Owners Consent to Allow Sidewalk Café

REGARDING: the East/ West North/ South right of way in the block bounded by the following streets:

28th st or West side of 2724 Ingersoll Av.

Legal Description of the Property:

See Atch

Specific dimensions of the proposed sidewalk cafe described below:

6' wide by 32' long

Located in proximity to and associated with the following place of business:

Business Name:

Bistro Montage
(Proposed Street Café Business Name)

Business Address:

28th st / West side
(Proposed Street Café Address)

The undersigned owners hereby consent to the City of Des Moines vacating (closing) the right of way described above and to the city allowing such right of way to be licensed or leased for purposes of allowing a sidewalk café lease or license.

Date: _____

J M [Signature]
(Signature)

J R Croft
(Printed Name)

(Signature of 2nd owner)

(Printed Name)

Address of Adjoining Property:

2801 Ingersoll Av
Des Moines, Iowa _____
(Zip Code)

Mailing Address- if different

**Consent Form from Adjoining Property Owners
Consent to Allow Sidewalk Café**

REGARDING: the East/ West North/ South right of way in the block bounded by the following streets:

28th St on West Side of Bistro Montage

Legal Description of the Property:

Specific dimensions of the proposed sidewalk cafe described below:

6' x 32'

Located in proximity to and associated with the following place of business:

Business Name:

Bistro montage

(Proposed Street Café Business Name)

Business Address:

2724 Ingersoll Av. DSM 50312

(Proposed Street Café Address)

The undersigned owners hereby consent to the City of Des Moines vacating (closing) the right of way described above and to the city allowing such right of way to be licensed or leased for purposes of allowing a sidewalk café lease or license.

Date:

4-20-2007

(Signature)

[Signature]

(Signature of 2nd owner)

(Printed Name)

WASHE WOOLG

(Printed Name)

Address of Adjoining Property:

2721 Ingersoll

Des Moines, Iowa

(Zip Code)

Mailing Address- if different