

Date May 22, 2006

WHEREAS, on May 23, 2005, by Roll Call No.05-1291, the City Council approved a lease of the below described tract of City owned land to JHF Inc., d/b/a Johnny's on Court for a sidewalk café adjacent to is business at 302 Court Avenue ("the Lease"), more specifically described as:

That part of Court Avenue right-of-way lying North of and adjoining Lot 12 Block 23, TOWN OF FORT DES MOINES described as follows: Beginning at a point on the Northeast corner of said Lot 12; thence westerly along the northerly line of said Lot 12 for a distance of 43.45 feet; thence Northerly 6.50 feet at right angles to said northerly line of Lot 12; thence easterly along a line parallel with the northerly line of Lot 12 for a distance of 43.45 feet; thence southerly 6.50 feet to the point of beginning; (Northeast corner of Lot 12) said parcel containing 282.43 square feet, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; and

WHEREAS, under the Lease, JHF Inc. agreed to lease the property for use as a sidewalk café for a period from May 23, 2005 until March 31, 2008 at an annual rate of \$493.50, payable in advance; and

WHEREAS, HFL, LLC, an Iowa limited liability company, has acquired the real estate used by Johnny's Hall of Fame Lounge from JHF Inc. and the business at 302 Court Avenue from Hall of Fame Inc. and JHF Inc. desires to assign the Lease to HFL, LLC effective May 1, 2006; and

WHEREAS, section 15 of the Lease allows the lessee to sublet the Lease for the remainder of the term with the approval of the City Council; and

WHEREAS, the City Properties Administrator recommends favorably as to such assignment; and

WHEREAS, a copy of proposed Consent to Assignment and Assumption of Sidewalk Café Lease Agreement is on file in the Office of the City Clerk; and

WHEREAS, the City Council deems it advisable to approve this Consent to Assignment and Assumption.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the above described Consent to Assignment and Assumption of Sidewalk Café Lease on file in the Office of the City Clerk is hereby approved and the Mayor is hereby authorized and directed to sign such Consent on behalf of the City and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

(Council Communication No. 06-292)

APPROVED AS TO FORM:

Moved \_\_\_\_\_ to adopt.

*Ann DiDonato*

Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
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.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk