

Date June 14, 2010

WHEREAS, the City has received an application from The Sideshow Lounge, L.L.C., d/b/a The Des Moines Social Club, represented by Zachary Mannheimer, Manager, for a Sidewalk Cafe Lease for a portion of the sidewalk adjoining The Des Moines Social Club at 1408 Locust Street; and,

WHEREAS, the right-of-way adjoining The Des Moines Social Club at 1408 Locust Street 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 24, 2010, by Roll Call No. 10-810, 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 June 14, 2010, 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 Locust Street adjoining The Des Moines Social Club at 1408 Locust Street, more specifically described as follows:

The South 4.49 feet of Locust Street right-of-way as presently established, lying North of and adjoining the West 25.50 feet of Lot 2 and lying North of and adjoining all of Lot 3, in Block 2, of J.C. Savery's Park Addition, an Official Plat, all now include in and forming a part of the City of Des Moines, Iowa.

( continued )

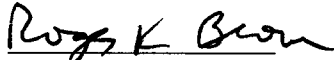
Date..... June 14, 2010.....

3. Subject to final passage and publication of the ordinance vacating such right-of-way, the lease of such vacated right-of-way to The Sideshow Lounge, LLC, 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 The Sideshow Lounge, LLC, in the approved standard form.

( Council Communication No. 10- 315 )

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS     | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE         |      |      |          |        |
| COLEMAN        |      |      |          |        |
| GRIESS         |      |      |          |        |
| HENSLEY        |      |      |          |        |
| MAHAFFEY       |      |      |          |        |
| MEYER          |      |      |          |        |
| MOORE          |      |      |          |        |
| TOTAL          |      |      |          |        |
| MOTION CARRIED |      |      | APPROVED |        |

**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.

\_\_\_\_\_ Mayor

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