

Date July 11, 2011

RESOLUTION CLOSING HEARING ON THE VACATION AND LEASE OF A PORTION OF THE PUBLIC SIDEWALK ADJOINING MICKEY'S IRISH PUB AT 206 3rd STREET FOR A SIDEWALK CAFE, AND APPROVING SAME

WHEREAS, the City has received an application from Boom Goes The Dynamite, L.L.C., represented by Annie Baldwin, Managing Member, for a Sidewalk Cafe Lease for a portion of the sidewalk along Court Avenue adjoining Mickey's Irish Pub at 206 3rd Street; and,

WHEREAS, the affected portion of the sidewalk along Court Avenue adjoining Mickey's Irish Pub at 206 3<sup>rd</sup> Street must first be vacated before the City may approve the proposed Sidewalk Cafe Lease; and,

WHEREAS, on June 27, 2011, by Roll Call No. 11- 1106, 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 July 11, 2011, 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 Court Avenue adjoining 206 3rd Street, more specifically described as follows:

The North 6.55 feet of the Court Avenue right-of-way lying South of and adjoining that part of the South 1/2 of Lot 8 in Block 24, Original Town of Fort Des Moines, an Official Plat, being described as Parcel G of the Plat of Survey filed January 14, 1999, in Book 8116, Page 619, in the Office of the Polk County Recorder, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Containing approximately 427.85 feet.)

( continued )

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- Subject to final passage and publication of the ordinance vacating such right-of-way, the lease of such vacated right-of-way to Boom Goes The Dynamite, L.L.C., 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 Boom Goes The Dynamite, L.L.C., in the approved standard form.

( Council Communication No. 11- 469 )

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

FORM APPROVED:

*Roger K Brown*

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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