★ **Roll Call Number**

....

Date June 25, 2012

RESOLUTION SCHEDULING PUBLIC HEARING ON THE
NON-RENEWAL OF THE LEASE FOR THE SIDEWALK CAFE
FOR THE STANDARD AT 208 THIRD AVENUE

WHEREAS, the City has received an application from DBR, LLC, doing business as The Standard and represented by Brandan Kelley, for renewal of the Sidewalk Cafe Lease for a portion of the sidewalk adjoining at 208 Third Avenue; and,

WHEREAS, the leasehold area for this sidewalk cafe was originally leased to Tommy Mauro, doing business as the Pelican Bar, for operation of a sidewalk cafe; and,

WHEREAS, the City Manager recommends that the Sidewalk Cafe Lease at this location not be renewed because the operation of a sidewalk cafe at this location has repeatedly caused a large assembly of people on the adjoining public sidewalk which overflows into the traveled portion of Third Avenue creating a hazardous situation.

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

1. That the City Council of the City of Des Moines shall consider the renewal of the Sidewalk Cafe Lease to DBR, LLC, for a portion of the sidewalk adjoining The Standard at 208 Third Avenue, at a public hearing to be held on July 23, 2012, at 5:00 p.m. in the Council Chambers at City Hall.

2. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown, Assistant City Attorney

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

MOTION CARRIED   APPROVED

_____ Mayor

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