

.....
Date August 13, 2012.....

ALTERNATE RESOLUTION

**RESOLUTION CLOSING HEARING ON THE NON-RENEWAL OF THE LEASE
OF A PORTION OF THE PUBLIC SIDEWALK ADJOINING THE STANDARD AT
208 3rd STREET FOR A SIDEWALK CAFE, AND APPROVING THE LEASE**

WHEREAS, the City has received an application from DBR, LLC, doing business as The Standard at 208 3rd Street, represented by Brandon Kelley, for renewal of a Sidewalk Cafe Lease upon a portion of the adjoining sidewalk; and,

WHEREAS, the affected portion of the sidewalk was previously vacated by Ordinance No. 14,859 passed May 18, 2009; and,

WHEREAS, on June 25, 2012, by Roll Call No. 12-0979, it was duly resolved by the City Council that the proposed lease of such right-of-way be set down for hearing on July 23, 2012, at 5:00 p.m., in the Council Chambers; and

WHEREAS, due notice of said proposal to lease public right-of-way was published in the Des Moines Register on July 5, 2012, setting forth the time and place for hearing on said proposal; and

WHEREAS, on July 23, 2012, by Roll Call No. 12-1179, the City Council continued the hearing until August 13, 2012, at 5:00 p.m.; and,

WHEREAS, in accordance with said notice, those interested in said proposed 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 lease of public right-of-way are hereby overruled and the hearing is closed.
2. The proposed lease of a portion of the public sidewalk adjoining The Standard at 208 3rd Street, more specifically described as follows, is hereby APPROVED.

Except the subsurface area below grade, the West 5.00 feet of the 3rd Street right-of-way lying East of and adjoining the South 27.00 feet of the North one-third of Lot 8, in Block 24, Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Vacated by Ordinance No. 14,859 passed May 18, 2009.)

Date August 13, 2012

- The Permit and Development Center Administrator is hereby authorized and directed to sign a standard Sidewalk Lease Agreement with DBR, LLC, for the use of the vacated sidewalk described above.

(Council Communication No. 12- 434)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

C:\Rog\Vacate\Cafe\Pending\208 3rd\RC Hrg - Approve.doc


COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
<p>_____ Mayor</p>				

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.

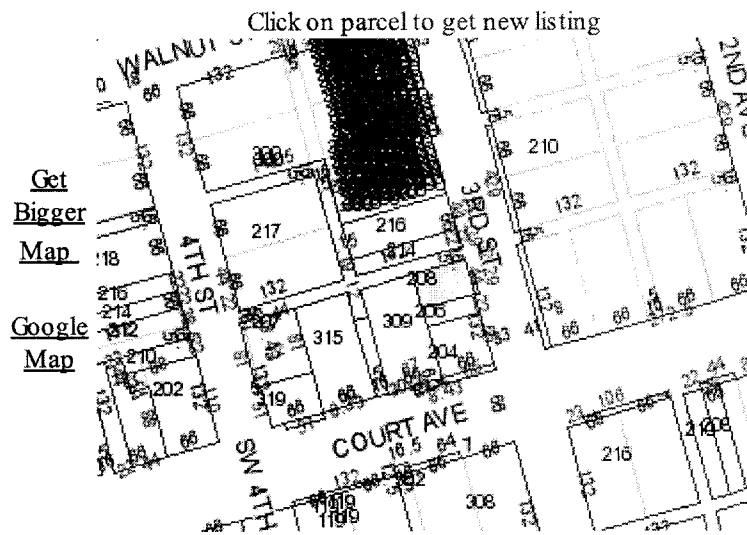
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

Polk County Assessor 

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District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
020/01300-001-000	7824-04-463-011	0880	DM91/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines	203/Urban Revital/SSMID 1	Bond=DSM Downtown SSMID			
Street Address			City State Zipcode		
208 3RD ST			DES MOINES IA 50309		



Approximate date of photo 01/27/2011

Mailing Address
FTM, INC 3611 SW 35TH ST DES MOINES, IA 50321-1835

Legal Description
N 1/3 LOT 8 BLK 24 FORT DES MOINES

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	FTM, INC	2007-11-30	12464/757	469.60

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Commercial	Full	82,000	281,000	0	363,000

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