

.....
Date May 5, 2014.....

RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION
AND LEASE OF PUBLIC RIGHT-OF-WAY FOR A SIDEWALK CAFE
IN THE ALLEY WEST OF AND ADJOINING 210 COURT AVENUE
(Tonic on Court)

WHEREAS, the City has received an application from Riley Drive Entertainment XIII, Inc., d/b/a Tonic on Court, represented by its President, Scott Anderson, to vacate and lease a portion of the north/south alley lying west of and adjoining its business at 210 Court Avenue, for the operation of a sidewalk cafe; and,

WHEREAS, the public right-of-way proposed to be used for the sidewalk cafe has not been previously vacated and must first be vacated before the City may approve the proposed Sidewalk Cafe Lease; NOW THEREFORE,

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

1. The City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating a portion of the north/south alley right-of-way lying west of and adjoining 210 Court Avenue, more specifically described as follows:

The North/South alley right-of-way lying West of and adjoining Lot 11, Block 30, Original Town of Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. If the City Council first decides to vacate the above described right-of-way, the City of Des Moines proposes to lease such vacated right-of-way to Riley Drive Entertainment XIII, Inc., d/b/a Tonic on Court, for the operation of a for sidewalk cafe.

3. The City Council shall consider the adoption of said ordinance and the lease of such real estate at a public hearing to be held on May 19, 2014, at 5:00 p.m., in the Council Chambers.

4. 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.

Date June 10, 2014

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

G:\USERS\RKBrown\Rog Docs\Vacate\Cafe\Pending\Tonic on Court\RC Set Hrg.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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