

Date May 4, 2015

RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION AND LEASE OF A PORTION OF THE PUBLIC SIDEWALK ON EAST 4TH STREET ADJOINING 350 EAST LOCUST STREET, TO SCENIC ROUTE BAKERY, LLC, FOR A SIDEWALK CAFE

WHEREAS, Scenic Route Bakery, LLC, represented by Mark Nelson, officer, is leasing property at 350 E. Locust Street, Suite 104, for the operation of the Scenic Route Bakery, and has made application pursuant to Section 102-576 of the City Code to lease a portion of the adjoining public sidewalk along East 4th Street for the operation of a sidewalk café; and,

WHEREAS, the area to be occupied by the proposed sidewalk café has not been previously vacated and the affected portion of public right-of-way must first be vacated before the City may approve the proposed Sidewalk Café Lease; 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 adoption of an ordinance permanently vacating a portion of public sidewalk on E. 4th Street, lying east of and adjoining 350 E. Locust Street, more specifically described as follows:

A 2.60 FEET X 44.00 FEET PARCEL OF LAND IN LOT 8, BLOCK 9, OF EAST FORT DES MOINES, AN OFFICIAL PLAT RECORDED IN BOOK 'A' PAGE 136 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF PARCEL 'B' OF BLOCK 8 OF EAST FORT DES MOINES, AN OFFICIAL PARCEL RECORDED IN BOOK 10868 PAGE 275 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE N15 DEGREES 14'02" W, 44.00 FEET ALONG THE EAST LINE OF SAID PARCEL 'B' TO A POINT; THENCE N74 DEGREES 34' 12" E, 2.60 FEET TO A POINT; THENCE S 15 DEGRESS 14' 02" E, 44.00 FEET ALONG A LINE THAT IS 2.60 FEET EAST OF AND PARALLEL TO SAID EAST LINE OF PARCEL 'B' TO A POINT; THENCE S 74 DEGRESS 34' 12" W, 2.60 FEET TO THE POINT OF BEGNINNING AND CONTAINING 114 SQUARE FEET.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to lease such vacated right-of-way to Scenic Route Bakery, LLC, for use as a sidewalk café.
3. That the meeting of the City Council at which the adoption of said ordinance and the lease of such vacated right-of-way is to be considered shall be on May 18, 2015, said meeting to be held at 5:00 p.m., in the Council Chambers.



Roll Call Number

Agenda Item Number

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- 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 section 362.3 of the Iowa Code.

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				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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