



Date April 11, 2016

RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION AND LEASE OF A PORTION OF THE 13TH STREET RIGHT-OF-WAY FOR A SIDEWALK CAFE ADJOINING THE PROOF RESTAURANT AT 1301 LOCUST STREET

WHEREAS, the City has received an application from Daisy Buchanan Concepts, LLC, represented by Sean Wilson, officer, for a Sidewalk Cafe Lease for a portion of the sidewalk on 13th Street adjoining the Proof Restaurant at 1301 Locust Street; and,

WHEREAS, the 13th Street right-of-way adjoining the Proof Restaurant at 1301 Locust Street has not been previously vacated; and,

WHEREAS, the affected portion of the public right-of-way 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. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating a portion of the 13th Street right-of-way adjoining the Proof Restaurant at 1301 Locust Street, more specifically described as follows:

The South 50.0 feet of the East 6.41 feet of the West 9.21 feet of Lot 7, in Block 1, Allen's Addition to the City of Des Moines, Polk County, Iowa, all now being a part of the Thirteenth (13th) Street right-of-way, and containing 321 square feet, more or less.

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 Daisy Buchanan Concepts, LLC, for use as a sidewalk cafe.

3. That the meeting of the City Council at which the adoption of said ordinance and the lease of such real estate is to be considered shall be held on April 25, 2016, said meeting to be held 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.

★ Roll Call Number

Agenda Item Number

22

-2-

Date April 11, 2016

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				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

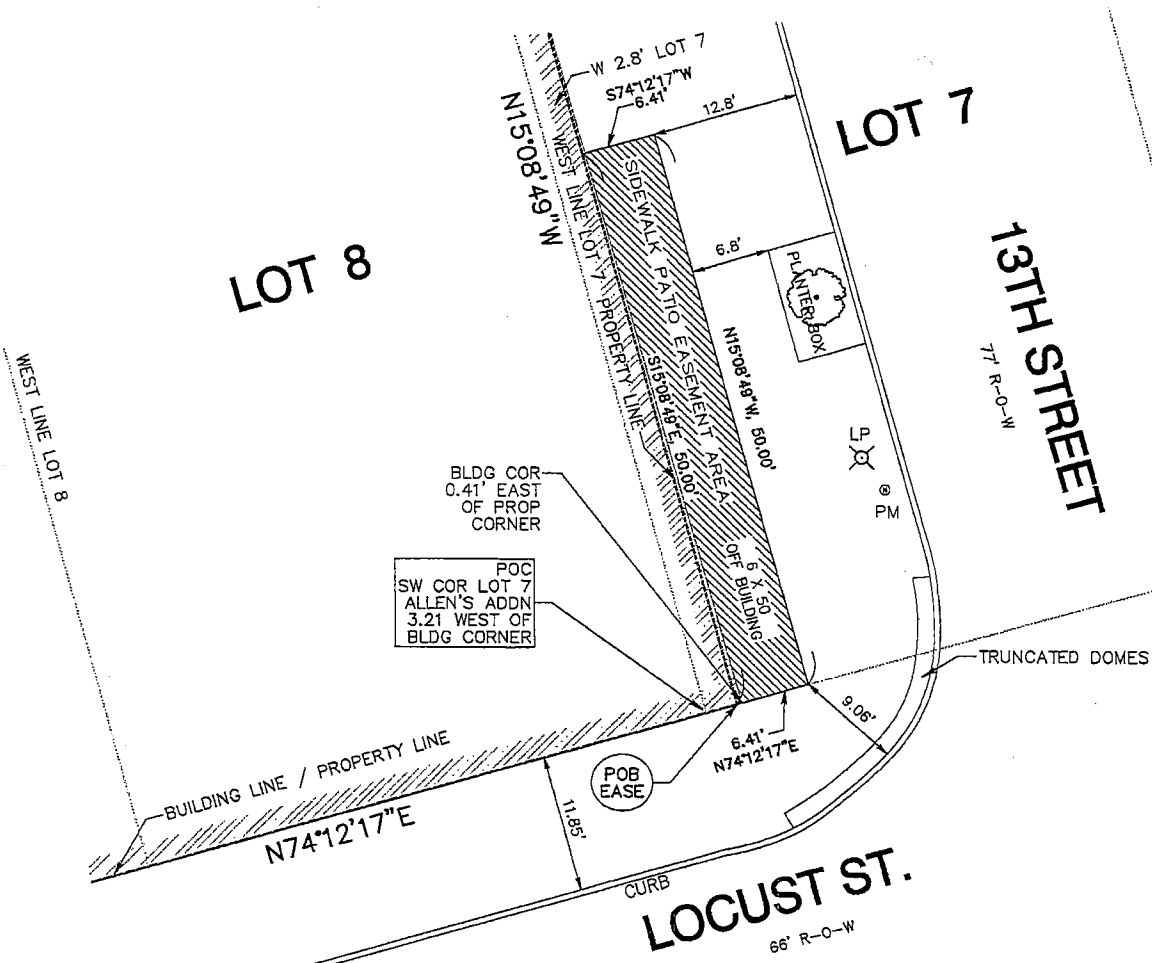
Mayor

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



EASEMENT PLAT

FOR:
 PROOF RESTURANT/SEAN WILSON
 1301 LOCUST STREET
 DES MOINES, IOWA 50309
 PH: 515.537.6894

BUILDING OWNER:
 1301 LOCUST PROPERTIES LLC
 LEGAL DEPARTMENT
 6400 WESTOWN PKWY
 WEST DES MOINES, IA 50266

DESCRIPTION OF EASEMENT:
 AN EASEMENT FOR RIGHT-OF-WAY ENCROACHMENT LYING WITHIN THE SOUTH 50 FEET OF THE EAST 6.41 FEET OF THE WEST 9.21 FEET OF LOT 7 IN BLOCK 1 OF ALLEN'S ADDITION TO THE CITY OF DES MOINES, POLK COUNTY IOWA; ALL NOW BEING A PART OF THIRTEENTH (13TH) STREET RIGHT-OF-WAY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 7; THENCE NORTH 74°12'17" EAST, A DISTANCE OF 2.80 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID 13TH STREET AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°12'17" EAST, A DISTANCE OF 6.41 FEET; THENCE NORTH 15°08'49" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 74°12'17" WEST TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID 13TH STREET, A DISTANCE OF 6.41 FEET; THENCE SOUTH 15°08'49" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 321 SQUARE FEET, MORE OR LESS, AND SUBJECT TO ALL RESTRICTIONS.

NOTES:
 1) BOUNDARY LINES AND RIGHT-OF-WAY LINES WERE DETERMINED BY A SURVEY USING CITY OF DES MOINES CONTROL MONUMENTS AND THE BEARINGS SHOWN HEREON ARE BASED ON THE IOWA STATE PLANE COORDINATE SYSTEM (SOUTH ZONE).
 2) THE EAST LINE OF THE BUILDING SHOWN IN THIS SKETCH, ENCROACHES 0.41 INTO THE R-O-W OF 13TH STREET. THE MAXIMUM ENCROACHMENT IS 0.41 FEET AT THE SOUTHEAST CORNER OF BUILDING.

DATES OF SURVEY FIELD WORK: 5/1/15

GRAPHIC SCALE 1"=10'

ROSS land SURVEYING, Inc.
 PO Box 336
 Johnston, Iowa 50131
 PHONE: 515.254.2567
 www.rossandsurveying.com

REVISIONS AND SUBMITTALS
TO CUENT 5/2/15
EASEMENT PLAT PT OF LOT 7, BLOCK 1 ALLEN'S ADDITION TO DES MOINES



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Signed *[Signature]* 5/2/15 Date
 GREGORY L. ROSS Iowa Reg. No. 13286
 My license renewal date is December 31, 2016

●	FOUND CORNER
○	SET 1/2" IR
W/opc	[W/orange elastic cap #13286]
▲	CUT X
▲	SECTION CORNER
W/ (color)	WITH (color) SURVEYOR'S ID CAP
P	IRON PIPE
R	IRON ROD
M	MEASURED DISTANCE
R	RECORD DISTANCE

JOB # 4867

22