



Date May 23, 2016

RESOLUTION APPROVING LEASE OF A PORTION OF VACATED EAST-WEST ALLEY RIGHT-OF-WAY FOR A SIDEWALK CAFE ADJACENT TO BIG LAR'S AT 215 EAST 2ND STREET

WHEREAS, the City has received an application from East River, LLC, d/b/a Big Lar's, represented by Larry Smithson, officer, for a Sidewalk Cafe Lease for the vacated alley adjacent to and south of Big Lar's at 215 E. 2nd Street; and,

WHEREAS, the alley right-of-way adjacent to and south of Big Lar's at 215 E. 2nd Street has been previously vacated by Ordinance No. 11,496; and,

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 lease of public right-of-way as described below are hereby overruled.
2. There is no public need for the vacated alley segment and the public would not be inconvenienced by reason of the lease of vacated alley adjacent to and south of Big Lar's, more specifically described as follows: A 14 F by 40 F segment of the vacated east-west alley lying south of Lots 3 & 4, and the west 11.4 F of Lot 11 and the south 5.36 F and west 11.4 FT of Lot 12, Block H, Scott and Dean's Addition.
3. The lease of such vacated right-of-way to East River, LLC, for a sidewalk cafe is hereby approved, and the Permit and Development Center Administrator is hereby authorized and directed to sign a Sidewalk Cafe Lease with in the approved standard form.

(Council Communication No. 16-269)

MOVED by _____ to adopt.

FORM APPROVED:

Thomas G. Fisher Jr. Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and 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