



Date May 23, 2016

RESOLUTION CLOSING HEARING ON THE VACATION AND LEASE OF A PORTION OF THE COURT AVENUE RIGHT-OF-WAY FOR THE EXPANSION OF THE SIDEWALK CAFE ADJACENT TO THE ROCA RESTAURANT AT 208 COURT AVENUE, AND APPROVING SAME

WHEREAS, the City has received an application from 208 Restaurant & Bar, LLC, represented by Todd Millang, Managing Member, for the expansion of the sidewalk cafe upon a portion of the Court Avenue sidewalk adjacent to the RoCA Restaurant it operates at 208 Court Avenue; and,

WHEREAS, the Court Avenue right-of-way immediately adjacent to the RoCA Restaurant was previously vacated by Ordinance No. 13,617 passed on June 22, 1998, and was previously leased for use as a sidewalk cafe, and 208 Restaurant & Bar, LLC, now seeks to extend the sidewalk cafe further east upon the Court Avenue right of way more specifically described below, which adjoins the parking lot at 200 Court Avenue owned by Polk County; and,

WHEREAS, Polk County has consented to the requested vacation and lease of the Court Avenue right-of-way adjoining its property for an expansion of the RoCA Restaurant sidewalk cafe; 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.

WHEREAS, on May 9, 2016, by Roll Call No. 16-_____, it was duly resolved by the City Council that the proposed vacation and lease of such right-of-way be set down for hearing on May 23, 2016, at 5:00 p.m., in the Council Chambers; and

WHEREAS, due notice of said proposal to vacate and lease public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and 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 vacation and lease of public right-of-way as described below are hereby overruled and the hearing is closed.
2. There is no public need for the right-of-way proposed to be vacated and the public would



Date May 23, 2016

not be inconvenienced by reason of the vacation of the portion of Court right-of-way adjoining the property at 200 Court Avenue, more specifically described as follows:

The South 7.00 feet of Court Avenue right-of-way lying North of and adjoining the West 18.00 feet of Lot 12 in Block 30 of Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, containing 126 square feet.

- 3. Subject to final passage and publication of the ordinance vacating such right-of-way, the lease of such vacated right-of-way to 208 Restaurant & Bar, 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 208 Restaurant & Bar, LLC, in the approved standard form.

(Council Communication No. 16- 268)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

U:\Rog Docs\Vacate\Cafe\208 Court\RC Hearing.docx

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

MOTION CARRIED APPROVED

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.

Mayor

City Clerk