



Date: March 6, 2017

APPEAL OF THE STREET USE TEAM'S DECISION TO ISSUE A STREET USE PERMIT TO MICKEY'S IRISH PUB/DH50 WALNUT LLC. FOR COURT AVENUE BETWEEN 3RD AND 4TH STREETS ON ST. PATRICK'S DAY

WHEREAS, Annie Baldwin, owner of AGB, LLC has filed a timely appeal of the decision of the Street Use Team to approve and issue a street use permit initially to LWBJ, LLP and now to Mickey's Irish Pub/DH50 Walnut LLC for Court Avenue between 3rd and 4th Streets on March 17, 2017; and

WHEREAS, LWBJ has withdrawn from the street use permit process and no longer desires the permit; and

WHEREAS, Steve McFadden, owner of DH50 Walnut LLC, has also filed an appeal of the Street Use Team decision which was filed prior to LWBJ's withdrawal; and

WHEREAS, these appeals come before City Council pursuant to Municipal Code section 102-1133; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa: (choose one of the three alternatives)

_____ Alternative One: That the street use permit for closing Court Avenue from 3rd to 4th Streets on March 17, 2017 be issued to Mickey's Irish Pub/DH50 Walnut LLC.

MOVED BY _____ TO ISSUE THE PERMIT TO MICKEY'S IRISH PUB/DH50 WALNUT LLC.

_____ Alternative Two: That the street use permit for closing Court Avenue from 3rd to 4th Streets on March 17, 2017 be issued to AGB LLC.

MOVED BY _____ TO ISSUE THE PERMIT TO AGB LLC.

_____ Alternative Three: That the decision of the Street Use Team to issue the street use permit is reversed and no street use permit be issued for the proposed street use.

MOVED BY _____ TO REVERSE THE STREET USE TEAM'S DECISION AND NOT ISSUE A PERMIT

★ Roll Call Number

Agenda Item Number

58

Date: March 6, 2017

FORM APPROVED:

Douglas P. Philip
Assistant City Attorney

(Council Communication No. 17-281)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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



DICKINSONLAW
Dickinson Mackaman Tyler & Hagen P.C.

Bryan P. O'Neill
(515) 246-4549
boneill@dickinsonlaw.com

February 23, 2017

Via Personal Delivery

Linda Main
Senior License Clerk
City of Des Moines
400 E. Court Ave.
Des Moines, IA 50309

Re: Street Use Permit for Annie Baldwin/AGB, LLC


Dear Ms. Main:

Our firm represents Annie Baldwin related to a legal dispute with Steven McFadden over their former partnership in Boom Goes the Dynamite, LLC d/b/a Mickey's Irish Pub. On February 22, 2017, the City of Des Moines Street Use Team held a hearing to consider the various applications for proposals to hold a street use party on Court Avenue on March 17, 2017 (St. Patrick's Day). The applicants included Annie Baldwin/AGB, LLC, Tom Baldwin/TBJ, LLC, Steven McFadden/DH50 Walnut, LLC, and LWBJ, LLC. At the conclusion of the hearing, the Street Use Team awarded the rights to hold the party to LWBJ, LLC.

By this letter, Annie Baldwin is appealing the decision of the Street Use Team to award the rights to hold the March 17, 2017 street use party to LWBJ, LLC. We wish to be placed on the next agenda for the City Council.

Please let me know if you have any questions.

Very truly yours,


Bryan P. O'Neill

BPO/cw

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CITY CLERK
DES MOINES, IA

2017 FEB 23 AM 11: 58

FILED