

★ Roll Call Number  
 ..... 09-735 .....

Agenda Item Number  
 ..... 25-I .....

Date ..... May 4, 2009 .....

WHEREAS, the City has received an application from Tommy Mauro, owner of the Pelican Bar at 208 3rd Street, for a Sidewalk Cafe Lease upon a portion of the adjoining sidewalk; and,

WHEREAS, the 3rd Street right-of-way adjoining the Pelican Bar at 208 3rd 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 3rd Street right-of-way adjoining the Pelican Bar at 208 3rd Street.
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 Tommy Mauro 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 vacated right-of-way is to be considered shall be on May 18, 2009, 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.

MOVED by Hendley 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	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED APPROVED  
T. M. Franklin 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.

Diane Rauh City Clerk