

★ Roll Call Number  
09-1167

Agenda Item Number  
7

Date June 30, 2009

RESOLUTION APPROVING SIDEWALK CAFE LEASE TO  
SURF SHACK AT 319 COURT AVENUE

WHEREAS, the City has received an application from Gen Corner, LLC., represented by Larry Smithson, for the continuation of a Sidewalk Cafe Lease for a portion of the sidewalk adjoining the Surf Shack at 319 Court Avenue; and,

WHEREAS, a portion of the right-of-way adjoining the Surf Shack was previously vacated by Ordinance No. 11,346 passed July 5, 1989, and has since been regularly used as a sidewalk cafe; and,

WHEREAS, Gen Corner, LLC, has signed a Lease Agreement for Sidewalk Cafe for the vacated portion of the sidewalk adjoining the Surf Shack in the approved standard form; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. The Lease Agreement for Sidewalk Cafe leasing the vacated portion of the sidewalk adjoining the Surf Shack at 319 Court Avenue to Gen Corner, LLC, for a sidewalk cafe is hereby approved subject to approval by the Risk Manager of the evidence of the required insurance.
2. The Permit and Development Center Administrator is hereby authorized and directed to sign the said Lease Agreement for Sidewalk Cafe Lease, once the insurance is approved by the Risk Manager.

( Council Communication No. 09- 439 )

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown  
Roger K. Brown, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
HENSLEY	✓			
KIERNAN				✓
MAHAFFEY	✓			
MEYER	✓			
VLISSIS	✓			
TOTAL	5			2

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

MOTION CARRIED

APPROVED

T. M. Franklin  
Mayor