



Roll Call Number

10-349

Agenda Item Number

20

Date March 8, 2010

RESOLUTION SETTING HEARING ON PROPOSAL TO VACATE AND LEASE  
RIGHT-OF-WAY FOR A SIDEWALK CAFE ADJOINING THE  
ALBA RESTAURANT AT 519 DES MOINES STREET

WHEREAS, the City has received an application from Jason Simon, d/b/a Alba Restaurant at 519 Des Moines Street, for a Sidewalk Cafe Lease upon a portion of the adjoining Des Moines Street right-of-way more specifically described below; and,

WHEREAS, the Des Moines Street right-of-way adjoining the Alba Restaurant at 519 Des Moines 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 Des Moines Street right-of-way adjoining the Alba Restaurant at 519 Des Moines Street, more specifically described as follows:

Except the subsurface area below grade, the South 6.5 ft of the Des Moines Street right-of-way lying North of and adjoining the West 55.0 feet of the East 65.0 feet of Lot 1, Block 17, East Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (containing 357.5 sq. ft).

2. That if the City decides to vacate the above described right-of-way, the City of Des Moines proposes to lease such vacated right-of-way to Jason Simon 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 March 22, 2010, said meeting to be held at 5:00 P.M., in City 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

( continued )

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MOVED by Hensley to adopt.

FORM APPROVED:

Roger K Brown

Roger Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
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