



Roll Call Number

10-810

Agenda Item Number

26

Date May 24, 2010

RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION AND LEASE OF PUBLIC RIGHT-OF-WAY FOR A SIDEWALK CAFE AT 1408 LOCUST STREET

WHEREAS, the City has received an application from The Sideshow Lounge, L.L.C., d/b/a The Des Moines Social Club, represented by Zachary Mannheimer, Manager, for a Sidewalk Cafe Lease for a portion of the sidewalk adjoining The Des Moines Social Club at 1408 Locust Street; and,

WHEREAS, the right-of-way adjoining The Des Moines Social Club at 1408 Locust 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 Locust Street right-of-way adjoining The Des Moines Social Club at 1408 Locust Street, more specifically described as follows:

The South 6.40 feet of Locust Street right-of-way as presently established, lying North of and adjoining the West 20.50 feet of Lot 2 and lying North of and adjoining the East 43.50 feet of Lot 3, all in Block 2 of J.C. Savery's Park Addition, an Official Plat, all now include in and forming a part of the City of Des Moines, Iowa.

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 The Sideshow Lounge, LLC, 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 real estate is to be considered shall be on June 14, 2010, 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.

( continued )

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MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown  
Roger K. Brown  
Assistant City Attorney

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