

★ Roll Call Number

10-1645

Agenda Item Number

14

Date October 11, 2010

RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION AND
LEASE OF PUBLIC RIGHT-OF-WAY FOR A SIDEWALK CAFE
(4041 Urbandale Avenue)

WHEREAS, the City has received an application from Riley Drive Entertainment VII, Inc., represented by Marc A. Mundt, President, for a Sidewalk Cafe Lease for a portion of the sidewalk adjoining the Saints Pub & Patio at 4041 Urbandale Avenue; and,

WHEREAS, the right-of-way adjoining the Saints Pub & Patio at 4041 Urbandale Avenue 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 Urbandale Avenue right-of-way adjoining the Saints Pub & Patio at 4041 Urbandale Avenue, more specifically described as follows:

A PART OF URBANDALE AVENUE RIGHT-OF-WAY BEING IN THE SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 29, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 9, BEAVER GLEN, AN OFFICIAL PLAT; THENCE SOUTH 65°38'13" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 9, A DISTANCE OF 225.23 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 65°38'13" EAST ALONG SAID SOUTHERLY LINE, 62.37 FEET; THENCE SOUTH 69°21'47" WEST, 2.17 FEET; THENCE NORTH 65°38'13" WEST, 4.47 FEET; THENCE SOUTH 69°21'47" WEST, 6.39 FEET; THENCE NORTH 65°38'13" WEST, 35.26 FEET; THENCE NORTH 20°38'13" WEST, 6.32 FEET; THENCE NORTH 65°38'13" WEST, 10.50 FEET; THENCE NORTH 20°38'13" WEST, 2.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 274 S.F.

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 Riley Drive Entertainment VII, Inc., for use as a sidewalk cafe.

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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 October 25, 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.

MOVED by Hensley 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	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Y. 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