



Date February 14, 2011

RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION AND LEASE OF PUBLIC RIGHT-OF-WAY TO HFL, LLC, d/b/a JOHNNY'S HALL OF FAME FOR AN EXPANDED SIDEWALK CAFE AT 302 COURT AVENUE

WHEREAS, the City has received an application from Todd Millang, Managing Member of HFL, LLC, d/b/a Johnny's Hall of Fame, for an expanded Sidewalk Cafe Lease for a portion of the sidewalk adjoining its business at 302 Court Avenue; and,

WHEREAS, a portion of the right-of-way adjoining Johnny's Hall of Fame at 302 Court Avenue was previously vacated by Ordinance No. 11,989 passed May 25, 1993, and the business now seeks to expand the sidewalk cafe; and,

WHEREAS, the affected portion of the public right-of-way not previously vacated by Ordinance No. 11,989 must now be vacated before the City may approve the proposed Sidewalk Cafe Lease for the expanded area; 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 an additional portion of the Court Avenue right-of-way adjoining Johnny's Hall of Fame at 302 Court Avenue, more specifically described as follows:

That part of Court Avenue and Third Street rights-of-way lying North of and adjoining Lot 12, in Block 25 of the Town of Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Beginning at the Northeast corner of said Lot 12; thence westerly along the North line of said Lot 12 a distance of 44.53 feet; thence northerly at right angles to the said North line of Lot 12 a distance of 9.25 feet; thence easterly along a line parallel with the North line of said Lot 12 a distance of 48.37 feet; thence southerly at right angles a distance of 9.25 feet; thence westerly at right angles a distance of 3.84 feet to the Point of Beginning (containing 447.42 square feet), less that portion thereof previously vacated by Ordinance No. 11,989 passed on May 25, 1993.

2. That if the City Council decides to vacate the additional right-of-way described above, the City of Des Moines proposes to lease all such vacated right-of-way, including the portion thereof previously vacated by Ordinance No. 11,989, to HFL, 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 February 28, 2011, said meeting to be held at 5:00 p.m., in the Council Chambers.

★ Roll Call Number

11-0205

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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

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         | ✓    |      |      |        |
| COLEMAN        | ✓    |      |      |        |
| GRIESS         | ✓    |      |      |        |
| HENSLEY        | ✓    |      |      |        |
| MAHAFFEY       | ✓    |      |      |        |
| MEYER          | ✓    |      |      |        |
| MOORE          | ✓    |      |      |        |
| TOTAL          | 7    |      |      |        |

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.

MOTION CARRIED APPROVED  
T. M. Franklin Cownie Mayor

Diane Rauh City Clerk