

★ Roll Call Number
12-0978

Agenda Item Number
21

Date June 25, 2012

RESOLUTION SCHEDULING HEARING ON VACATION AND LEASE OF
 A PORTION OF THE SIDEWALK ADJOINING THE KAMODO CLUB AT
 214 3rd STREET FOR OPERATION OF A SIDEWALK CAFE

WHEREAS, the City has received an application from RSJS, LLC, doing business as the Komodo Club at 214 3rd Street and represented by Jason Smithson, for a Sidewalk Cafe Lease upon a portion of the adjoining sidewalk; and,

WHEREAS, the proposed leasehold for a sidewalk cafe within the 3rd Street right-of-way adjoining the Komodo Club at 214 3rd Street 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 3rd Street right-of-way adjoining the Komodo Club for operation of a sidewalk cafe.

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 RSJS, LLC, for use as a sidewalk cafe.

3. The adoption of said ordinance and the lease of such vacated right-of-way shall be considered by the City Council at a public hearing to be held on July 23, 2012, at 5:00 p.m., in the Council Chambers at City Hall.

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			
MOTION CARRIED			APPROVED	

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.

T. M. Franklin Mayor

Diane Rauh City Clerk