

★ Roll Call Number

12-1180

Agenda Item Number

35A-2

Date July 23, 2012

ALTERNATE RESOLUTION

RESOLUTION CLOSING HEARING ON THE NON-RENEWAL OF THE LEASE OF A PORTION OF THE PUBLIC SIDEWALK ADJOINING THE STANDARD AT 208 3rd STREET FOR A SIDEWALK CAFE, AND APPROVING THE LEASE

WHEREAS, the City has received an application from DBR, LLC, doing business as The Standard at 208 3rd Street, represented by Brandon Kelley, for renewal of a Sidewalk Cafe Lease upon a portion of the adjoining sidewalk; and,

WHEREAS, the affected portion of the sidewalk was previously vacated by Ordinance No. 14,859 passed May 18, 2009; and,

WHEREAS, on June 25, 2012, by Roll Call No. 12-0979, it was duly resolved by the City Council that the proposed lease of such right-of-way be set down for hearing on July 23, 2012, at 5:00 p.m., in the Council Chambers; and

WHEREAS, due notice of said proposal to lease public right-of-way was published in the Des Moines Register on July 5, 2012, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed lease, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed lease of public right-of-way are hereby overruled and the hearing is closed.
2. The proposed lease of a portion of the public sidewalk adjoining The Standard at 208 3rd Street, more specifically described as follows, is hereby APPROVED.

Except the subsurface area below grade, the West 5.00 feet of the 3rd Street right-of-way lying East of and adjoining the South 27.00 feet of the North one-third of Lot 8, in Block 24, Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Vacated by Ordinance No. 14,859 passed May 18, 2009.)

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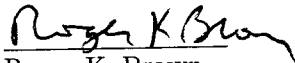
Date July 23, 2012

3. The Permit and Development Center Administrator is hereby authorized and directed to sign a standard Sidewalk Lease Agreement with DBR, LLC, for the use of the vacated sidewalk described above.

(Council Communication No. 12- 402)

MOVED by _____ to adopt.

FORM APPROVED:



Roger K. Brown
 Assistant City Attorney
 C:\Rog\Vacate\Cafe\Pending\208 3rd\RC Hrg - Approve.doc

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| GRIESS | | | | |
| HENSLEY | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| MOORE | | | | |
| TOTAL | | | | |
| MOTION CARRIED | | | APPROVED | |
| _____ 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.

_____ City Clerk