

★ Roll Call Number

12-1291

Agenda Item Number

55A.2

Date August 13, 2012

RESOLUTION REDEDICATING THE PREVIOUSLY VACATED PORTION OF THE 3RD STREET RIGHT-OF-WAY ADJOINING 208 3rd STREET

WHEREAS, a portion of the 3rd Street right-of-way adjoining the property at 208 3rd Street, more specifically described below, was vacated by Ordinance No. 14,859 passed May 18, 2009, to permit the vacated right-of-way to be leased for use as a sidewalk cafe; and,

WHEREAS, on August 13, 2012, after notice and public hearing, the City Council denied the application of DBR, LLC, doing business as The Standard, for renewal of the sidewalk cafe lease and found that the remaining public sidewalk at this location is not sufficiently wide to accommodate a sidewalk cafe and the existing pedestrian traffic at times though out the evening and late night hours; and,

WHEREAS, the portion of the 3rd Street right-of-way previously vacated by Ordinance No. 14,859, is needed for, and should be rededicated as, a public right-of-way to restore the public sidewalk to its original width.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the portion of the 3rd Street right-of-way vacated by Ordinance No. 14,859 and more specifically described as follows, is hereby rededicated as public right-of-way:

The West 5.0 feet of the 3rd Street right-of-way lying East of and adjoining the South 27 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.

MOVED by Hensley to adopt.

FORM APPROVED:

( Council Communication No. 12- 434 )

Roger K. Brown

Roger K. Brown, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN		✓		
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	6	1		

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 Council Mayor

Diane Rauh

City Clerk