



**Roll Call Number**

13-0175

**Agenda Item Number**

12

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**Date** May 20, 2013

**RESOLUTION REDEDICATING THE NORTH/SOUTH ALLEY IN THE VICINITY OF 309 COURT AVENUE FOR RIGHT-OF-WAY PURPOSES**

**WHEREAS**, on April 28, 1997, by Roll Call No. 97-1540, the City Council approved a Lease Agreement for Sidewalk Café (“Lease Agreement”) between the City of Des Moines and Madison Avenue Business Suites, Inc. (“Lessee”) for lease of a portion of the north/south alley in the vicinity of 309 Court Avenue (“City Right-of-Way”), hereinafter more fully described, for use as an outdoor restaurant patio; and

**WHEREAS**, on April 28, 1997, by Roll Call No. 97-1542, the City Council passed Ordinance No. 13,468 vacating the City Right-of-Way; and

**WHEREAS**, on June 16, 1997, by Roll Call No. 97-2124, the City Council passed Ordinance No. 13,497, vacating the City Right-of-Way, and repealing Ordinance No. 13,468 due to an error in the legal description of Ordinance No. 13,468; and

**WHEREAS**, on January 28, 2008, by Roll Call No. 08-119, the City Council approved termination of the Lease Agreement and release of a temporary easement for ingress and egress granted by Lessee to the City for continued public access following vacation of the City Right-of-Way; and

**WHEREAS**, due to the City’s release of the temporary easement for ingress and egress, the City Right-of-Way requires rededication as public right-of-way for continued use as a public alley.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa:

1. The north/south alley in the vicinity of 309 Court Avenue, legally described as follows, is hereby rededicated as public right-of-way:

ALL THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING THE SOUTH 97.0 FEET OF LOT 7, BLOCK 24, 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.

2. The City Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Real Estate Division.

3. The Real Estate Division is authorized and directed to forward the certified copy of this resolution to the Polk County Recorder for the purpose of causing said document to be recorded.

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(Council Communication 13- 243)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney

*psu*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIES		APPROVED		

T. 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