

★ Roll Call Number

13-0895

Agenda Item Number

19

Date June 10, 2013

RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION
AND LEASE OF PUBLIC RIGHT-OF-WAY FOR SIDEWALK CAFES
AT 400 WALNUT STREET

WHEREAS, the City has received an application from Zen Restaurants LLC, represented by Mike Hutchison to vacate right-of-way to accommodate applications from The Gramercy Tap LLC (Mike Hutchison) and Wasabi Tao (Chang Jie Wang) for Sidewalk Cafe Leases upon a portion of the sidewalk within the Walnut Street right-of-way adjoining the Kirkwood Commons Condominiums at 400 Walnut Street; and,

WHEREAS, the public right-of-way proposed to be used for the sidewalk cafes has not been previously vacated and must first be vacated before the City may approve the proposed Sidewalk Cafe Leases; NOW THEREFORE,

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

1. The City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating a portion of the Walnut Street right-of-way adjoining the Kirkwood Commons Condominiums at 400 Walnut Street, more specifically described as follows:

The South 6.33 feet of the Walnut Street right-of-way lying North of and adjoining Lot 12, Block 21, Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. If the City Council first decides to vacate the above described right-of-way, the City of Des Moines proposes to lease such vacated right-of-way to The Gramercy Tap LLC (Mike Hutchison) and Wasabi Tao (Chang Jie Wang) for sidewalk cafes.

3. The City Council shall consider the adoption of said ordinance and the leases of such real estate at a public hearing to be held on June 24, 2013, at 5:00 p.m., in the Council Chambers.

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 Wensley to adopt.

(continued)

★ Roll Call Number

13-0895

Agenda Item Number

19

Date June 10, 2013

-2-

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

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