

★ Roll Call Number
14-0952

Agenda Item Number
24

Date June 23, 2014

RESOLUTION SCHEDULING PUBLIC HEARING ON THE PROPOSED
VACATION AND LEASE TO SAKARI SUSHI LOUNGE, LLC, OF A
PORTION OF THE PUBLIC SIDEWALK ADJOINING
2605 INGERSOLL AVENUE FOR A SIDEWALK CAFE

WHEREAS, Sakari Sushi Lounge, LLC, represented by Sang Cam, officer, is leasing property at 2605 Ingersoll Avenue for the operation of the Sakari Sushi Lounge, and has made application pursuant to Section 102-576 of the City Code to lease a portion of the adjoining public sidewalk along Ingersoll Avenue for the operation of a sidewalk cafe; and,

WHEREAS, the area to be occupied by the proposed sidewalk cafe has not been previously vacated, and the affected portion of the public right-of-way 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 Ingersoll Avenue right-of-way adjoining the Sakari Sushi Lounge at 2605 Ingersoll Avenue, more specifically described as follows:

A tract lying in Lot 16 of the Official Plat of the southwest quarter of Section 5, Township 78 North, Range 24 West of the 5th PM, and also lying in the northerly right-of-way of Ingersoll Avenue, as presently established, all being a part of the City of Des Moines, Polk County, Iowa, more specifically described as follows:

Commencing at the southwest corner of Lot 1 Bampf Place, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa, said point is also on the North right-of-way line of said Ingersoll Avenue and the East line of said Lot 16; thence South 89°52'18" West along said right-of-way line, a distance of 19.66 feet to the Point of Beginning; thence South 00°07'42" East, a distance of 8 feet; thence South 89°52'18" West, a distance of 35 feet; thence North 00°07'42" West, a distance of 8 feet to said right-of-way line; thence North 89°52'18" East along said line, a distance of 35 feet to the Point of Beginning, containing 280 sq. ft., more or less.

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 Sakari Sushi Lounge, LLC, for use as a sidewalk cafe.
3. That the meeting of the City Council at which the adoption of said ordinance and the lease of such vacated right-of-way is to be considered shall be on July 14, 2014, said meeting to be held at 5:00 p.m., in the Council Chambers.

(continued)

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- 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

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO				✓
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	5			2

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