



**Roll Call Number**

14-1097

**Agenda Item Number**

57

**Date** July 14, 2014

**RESOLUTION APPROVING 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 affected portion of the sidewalk must first be vacated before the City may approve the proposed Sidewalk Cafe Lease; and,

WHEREAS, on June 23, 2014, by Roll Call No. 14-0952, it was duly resolved by the City Council that the proposed vacation and lease of such right-of-way be set down for hearing on July 14, 2014, at 5:00 p.m., in the Council Chambers; and

WHEREAS, due notice of said proposal to vacate and lease public right-of-way was published in the Des Moines Register on July 3, 2014, setting forth the time and place for hearing on said proposal; and,

WHEREAS, in accordance with said notice, those interested in said proposed vacation and 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 vacation and lease of public right-of-way are hereby overruled and the hearing is closed.
2. The proposed vacation and lease of a portion of the public sidewalk adjoining the Sakari Sushi Lounge at 2605 Ingersoll Avenue, more specifically described as follows, is hereby APPROVED, subject to final passage of the vacation ordinance.

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

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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.

- Subject to final passage of an ordinance vacating the public sidewalk described above, the Permit and Development Center Administrator is hereby authorized and directed to sign a standard Sidewalk Lease Agreement with Sakari Sushi Lounge, LLC, for the use of the vacated sidewalk described above.

( Council Communication No. 14- 321 )

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	7			

MOTION CARRIED

APPROVED

T.M. Franklin Cownie 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