



Roll Call Number

15-0859

Agenda Item Number

60

Date May 18, 2015

RESOLUTION CLOSING HEARING ON THE VACATION AND LEASE OF
PUBLIC RIGHT-OF-WAY FOR A SIDEWALK CAFÉ ON A SEGMENT OF E. 4TH
STREET ADJOINING 350 E. LOCUST STREET, AND APPROVING SAME
(Scenic Route Bakery)

WHEREAS, Scenic Route Bakery, LLC, d/b/a Scenic Route Bakery, represented by Mark Nelson, officer, is leasing property at 350 E. Locust Street, Suite 104 for the operation of the Scenic Route Bakery, and has made application pursuant to Section 102-576 of the City Code to lease a portion of the public sidewalk lying east of and adjoining its business at 350 E. Locust Street, Suite 104, 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 Café Lease; and,

WHEREAS, on May 4, 2015, by Roll Call No. 15-0737, 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 May 18, 2015 at 5:00 pm, in the Council Chambers; and,

WHEREAS, due notice of said proposal to vacate and lease the public right-of-way was published in the Des Moines Register on May 7, 2015, 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 on E. 4th Street, adjoining the Scenic Route Bakery at 350 E. Locust Street, Suite 104, more specifically described as follows, is hereby APPROVED, subject to final passage of the vacation ordinance.

A 2.60 feet x 44.00 feet parcel of land in Lot 8, Block 9, of East Fort Des Moines, an Official Plat, recorded in Book 'A', Page 136, at the Polk County Recorder's Office, City of Des Moines, Polk County, Iowa, that is more particularly described as follows:

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Beginning at the SE corner of Parcel 'B' of Block 8, of East Fort Des Moines, an Official Parcel recorded in Book 10868, Page 275, at the Polk County Recorder's Office; thence North 15°14'02" West, 44.00 feet along the East line of said Parcel 'B'; thence North 74° 34'12" East, 2.60 feet; thence South 15°02" East, 44.00 feet along a line that is 2.60 feet East of and parallel to said East line of Parcel 'B'; thence South 74°34'12" West, 2.60 feet to the Point of Beginning and containing 114 square feet.

- 3. 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 Scenic Route Bakery, LLC, for the use of the vacated sidewalk described above.

(Council Communication No. 15-246)

MOVED by Gatto to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown, Assistant City Attorney

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Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL (7).

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.

Y. M. Franklin Council Mayor

Diane Rauh City Clerk