



Roll Call Number

16-0564

Agenda Item Number

22

Date April 11, 2016

RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION  
AND LEASE OF A PORTION OF THE 13TH STREET RIGHT-OF-WAY FOR  
A SIDEWALK CAFE ADJOINING THE PROOF RESTAURANT AT  
1301 LOCUST STREET

WHEREAS, the City has received an application from Daisy Buchanan Concepts, LLC, represented by Sean Wilson, officer, for a Sidewalk Cafe Lease for a portion of the sidewalk on 13th Street adjoining the Proof Restaurant at 1301 Locust Street; and,

WHEREAS, the 13th Street right-of-way adjoining the Proof Restaurant at 1301 Locust Street has not been previously vacated; and,

WHEREAS, 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 13th Street right-of-way adjoining the Proof Restaurant at 1301 Locust Street, more specifically described as follows:

The South 50.0 feet of the East 6.41 feet of the West 9.21 feet of Lot 7, in Block 1, Allen's Addition to the City of Des Moines, Polk County, Iowa, all now being a part of the Thirteenth (13th) Street right-of-way, and containing 321 square feet, 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 Daisy Buchanan Concepts, 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 real estate is to be considered shall be held on April 25, 2016, said meeting to be held 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.

( continued )



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MOVED by Coleman 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	✓			
MOORE	✓			
WESTERGAARD	✓			
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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk