



Roll Call Number

16-0721

Agenda Item Number

59

Date April 25, 2016

RESOLUTION CLOSING 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, AND APPROVING SAME

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.

WHEREAS, on April 11, 2016, by Roll Call No. 16-0564, 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 April 25, 2016, 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 given as provided by law, 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 as described below are hereby overruled and the hearing is closed.
2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the portion of 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.

(continued)



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- 3. Subject to final passage and publication of the ordinance vacating such right-of-way, the lease of such vacated right-of-way to Daisy Buchanan Concepts, LLC, for a sidewalk cafe is hereby approved, and the Permit and Development Center Administrator is hereby authorized and directed to sign a Sidewalk Cafe Lease with in the approved standard form.

(Council Communication No. 16- 207)

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	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. McFarland Council 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