



Roll Call Number

16-0757

Agenda Item Number

18

Date May 9, 2016

RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION AND LEASE OF A PORTION OF THE COURT AVENUE RIGHT-OF-WAY FOR THE EXPANSION OF THE SIDEWALK CAFE ADJACENT TO THE ROCA RESTAURANT AT 208 COURT AVENUE

WHEREAS, the City has received an application from 208 Restaurant & Bar, LLC, represented by Todd Millang, Managing Member, for the expansion of the sidewalk cafe upon a portion of the Court Avenue sidewalk adjacent to the RoCA Restaurant it operates at 208 Court Avenue; and,

WHEREAS, the Court Avenue right-of-way immediately adjacent to the RoCA Restaurant was previously vacated by Ordinance No. 13,617 passed on June 22, 1998, and was previously leased for use as a sidewalk cafe, and 208 Restaurant & Bar, LLC, now seeks to extend the sidewalk cafe further east upon the Court Avenue right of way more specifically described below, which adjoins the parking lot at 200 Court Avenue owned by Polk County; and,

WHEREAS, Polk County has consented to the requested vacation and lease of the Court Avenue right-of-way adjoining its property for an expansion of the RoCA Restaurant sidewalk cafe; 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 for the expansion of the RoCA Restaurant.

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 Court Avenue right-of-way adjacent to 200 Court Avenue more specifically described as follows, for an expansion of the sidewalk cafe for the RoCA Restaurant at 208 Court Avenue:

The South 7.00 feet of Court Avenue right-of-way lying North of and adjoining the West 18.00 feet of Lot 12 in Block 30 of Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, containing 126 square feet.

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 208 Restaurant & Bar, LLC, for use as a sidewalk cafe.

3. That the meeting of the City Council at which the adoption of said ordinance and the



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lease of such real estate is to be considered shall be held on May 23, 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.

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			

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.

MOTION CARRIED

APPROVED

T. M. Franklin Council Mayor

Diane Rauh City Clerk