



Roll Call Number

16-0758

Agenda Item Number

19

Date May 9, 2016

RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION AND LEASE OF A PORTION OF THE EAST-WEST ALLEY RIGHT-OF-WAY FOR A SIDEWALK CAFE ADJACENT TO THE IOWA TAPROOM AT 215 EAST 3RD STREET

WHEREAS, the City has received an application from Beer, Inc, LLC, d/b/a The Iowa Taproom represented by Jeff Bruning officer, for a Sidewalk Cafe Lease for the alley adjacent to and north of The Iowa Taproom at 215 E. 3rd Street, Suite 100; and,

WHEREAS, the alley right-of-way adjacent to The Iowa Taproom at 215 E. 3rd 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 the alley right-of-way adjacent and north of The Iowa Taproom at 215 E. 3rd street, more specifically described as follows:

All of the East-West Alley lying North of Lot 3 in Block 2 of Scott and Dean's Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, Containing 2,112 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 Beer Inc, 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 May 23, 2016, said meeting to be held at 5:00 p.m., in the Council Chambers.

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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:

Thomas G. Fisher Jr.

Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GATTO | ✓ | | | |
| GRAY | ✓ | | | |
| HENSLEY | ✓ | | | |
| MOORE | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| TOTAL | 7 | | | |

MOTION CARRIED

APPROVED

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