



Roll Call Number

16.0880

Agenda Item Number

48

Date May 23, 2016

RESOLUTION CLOSING 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 and north of 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.

WHEREAS, on May 9, 2016, by Roll Call No. 16-0758, 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 23, 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 alley right-of-way adjacent to 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.



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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 Beer Inc, 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- 267)

MOVED by Gatto 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

T. M. Franklin 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