



Roll Call Number

Agenda Item Number

16-1112

15

Date July 11, 2016

RESOLUTION APPROVING INGRESS/EGRESS EASEMENT IN CONJUNCTION WITH AN APPROVED SIDEWALK CAFE ADJACENT TO BIG LAR'S AT 215 EAST 2ND STREET

WHEREAS, the City has received an application from East River, LLC, d/b/a Big Lar's, represented by Larry Smithson, officer, for a Sidewalk Cafe Lease for the vacated alley adjacent to and south of Big Lar's at 215 E. 2nd Street; and,

WHEREAS, the alley right-of-way adjacent to and south of Big Lar's at 215 E. 2nd Street has been previously vacated by Ordinance No. 11,496; and,

WHEREAS, the City approved a lease to East River, LLC for a sidewalk cafe in Roll Call No. 16-0839 on May 23, 2016;

WHEREAS, East River LLC needs ingress and egress rights along the vacated alley to provide access to its building and sidewalk cafe for the duration of the lease;

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 the proposed ingress/egress easement as described below are hereby overruled.
2. The ingress/egress easement agreement attached to this resolution is approved.

MOVED by Hensley to adopt.

FORM APPROVED:

Thomas G. Fisher Jr. Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL (7 yeas).

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