



Roll Call Number

17-0416

Agenda Item Number

58

Date: March 6, 2017

APPEAL OF THE STREET USE TEAM'S DECISION TO ISSUE A STREET USE PERMIT TO MICKEY'S IRISH PUB/DH50 WALNUT LLC. FOR COURT AVENUE BETWEEN 3RD AND 4TH STREETS ON ST. PATRICK'S DAY

WHEREAS, Annie Baldwin, owner of AGB, LLC has filed a timely appeal of the decision of the Street Use Team to approve and issue a street use permit initially to LWBJ, LLP and now to Mickey's Irish Pub/DH50 Walnut LLC for Court Avenue between 3rd and 4th Streets on March 17, 2017; and

WHEREAS, LWBJ has withdrawn from the street use permit process and no longer desires the permit; and

WHEREAS, Steve McFadden, owner of DH50 Walnut LLC, has also filed an appeal of the Street Use Team decision which was filed prior to LWBJ's withdrawal; and

WHEREAS, these appeals come before City Council pursuant to Municipal Code section 102-1133; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa: (choose one of the three alternatives)

Alternative One: That the street use permit for closing Court Avenue from 3rd to 4th Streets on March 17, 2017 be issued to Mickey's Irish Pub/DH50 Walnut LLC.

MOVED BY _____ TO ISSUE THE PERMIT TO MICKEY'S IRISH PUB/DH50 WALNUT LLC.

Alternative Two: That the street use permit for closing Court Avenue from 3rd to 4th Streets on March 17, 2017 be issued to AGB LLC.

MOVED BY Nensley TO ISSUE THE PERMIT TO AGB LLC.

Alternative Three: That the decision of the Street Use Team to issue the street use permit is reversed and no street use permit be issued for the proposed street use.

MOVED BY _____ TO REVERSE THE STREET USE TEAM'S DECISION AND NOT ISSUE A PERMIT



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FORM APPROVED:

Douglas P. Philip
Assistant City Attorney

(Council Communication No.

17-281)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE			✓	
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	6		1	

MOTION CARRIED

APPROVED

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.

City Clerk