

★ Roll Call Number

17-1820

Agenda Item Number

20

Date October 23, 2017

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM BRONSON PARTNERS, LLC FOR VACATION OF ALLEY RIGHT-OF-WAY ADJOINING 1417 WALNUT STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 5, 2017, its members voted 11-0 to recommend APPROVAL of a request from Bronson Partners, LLC (owner), for vacation of a segment of north/south alley adjoining 1417 Walnut Street between 14th Street and 15th Street from Walnut Street to the east/west alley, and a segment of the east/west alley adjoining 1417 Walnut Street, to allow for use as an outdoor patio service area for a restaurant, subject to the following conditions:

- 1. The right-of-way shall be leased in accordance with a Sidewalk Café Lease approved by the City.
2. Easements shall be provided for public pedestrian ingress and egress across any portion of the alley not being leased.
3. Easements shall be provided for any existing utilities until such time that they are abandoned or are relocated.
4. Removal of the Walnut Street driveway entrance, with restoration of the street curb and provision of a Class A sidewalk and street tree planter, is required.
5. Any future use of the right-of-way shall be in accordance with all applicable City stormwater management requirements.
6. Any future use of the right-of-way shall be in accordance with an approved site plan and in accordance with design guidelines applicable in the "C-3A" and "D-O" Districts or any applicable zoning that may be adopted.

MOVED by Gatto to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(11-2017-1.02)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

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