



Roll Call Number

18-0984

Agenda Item Number

26

Date June 11, 2018

**RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION AND  
LEASE OF A PORTION OF THE NORTH-SOUTH ALLEY ADJACENT TO 1417  
WALNUT STREET FOR A SIDEWALK CAFE**

WHEREAS, the City has received an application from White Tree, LLC, represented by Ben Norris, authorized agent, for a Sidewalk Cafe for the north-south alley adjacent to 1417 Walnut Street; and,

WHEREAS, the north-south alley adjacent to 1417 Walnut Street has not been previously vacated though the potential vacation has been reviewed by the Plan and Zoning Commission and the Commission recommended approval in a communication received by the Council on October 23, 2018 in Roll Call number 17-1820; and,

WHEREAS, the affected portion of the public right-of-way must first be vacated before the City may approve the proposed Sidewalk Café 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 the adoption of an ordinance permanently vacating a portion of the north-south alley adjacent to 1417 Walnut Street shown on Exhibit A attached to this roll call and containing 737 square feet.
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 White Tree, LLC for use as a sidewalk café.
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 at a meeting to be held on June 25, 2018 at 5:00 p.m. in the Council Chambers.

(Continued)

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4. That the City Clerk is authorized and directed to publish notice of the proposal in the form attached in accordance with section 362.3 of the Iowa Code.

MOVED by Gatto to adopt.

FORM APPROVED:

Thomas G. Fisher Jr.  
 Thomas G. Fisher Jr.  
 Assistant City Attorney

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

**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.

T. M. Franklin  
 Mayor

Diane Rauh  
 City Clerk