



Roll Call Number

18-1110

Agenda Item Number

53

Date June 25, 2018

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

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

WHEREAS, the alley right-of-way adjacent to 1417 Walnut 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 June 11, 2018, by Roll Call No. 18-0984, 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 June 25, 2018, 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 1417 Walnut Street, more specifically described as follows:



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BEGINNING AS A POINT OF REFERENCE AT THE SE CORNER, LOT 3, BLOCK 38 LYON'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, POLK COUNTY IOWA; THENCE N14°59'52"W, 12.42 FEET TO THE POINT OF BEGINNING; THENCE N73°48'01"E, 12.03 FEET TO A POINT; THENCE N16°11'59"W, 49.16 FEET TO A POINT; THENCE S73°48'01"W, 5.76 FEET TO A POINT; THENCE N16°10'59"W, 27.93 FEET TO A POINT; THENCE S74°55'45"W, 12.70 FEET; THENCE S15°35'45"E TO A POINT; THENCE N74°02'38"E, 6.43 FEET TO A POINT; THENCE S16°14'37"E, 71.54 FEET TO THE POINT OF BEGINNING AND ALL CONTAINING 737 SQUARE FEET MORE OR LESS.

3. Subject to final passage and publication of the ordinance vacating such right-of-way, the lease of such vacated right-of-way to White Tree, LLC, for a sidewalk café is hereby approved, and the Permit and Development Center Administrator is hereby authorized and directed to sign a Sidewalk Café Lease with White Tree, LLC in the approved standard form.

MOVED by Mandelbaum to adopt.

FORM APPROVED:

Thomas G. Fisher Jr.

Thomas G. Fisher Jr. Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, 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.

Diane Rauh

City Clerk

MOTION CARRIED APPROVED 7. M. Franklin Council