

Date April 7, 2008

WHEREAS, the City has received an application from KH of Des Moines, LLC for a Sidewalk Cafe Lease for a portion of the sidewalk adjoining the Dos Rios restaurant at 316 Court Avenue; and,

WHEREAS, the right-of-way adjoining 316 Court Avenue 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; 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 adoption of an ordinance permanently vacating a portion of the Court Avenue right-of-way adjoining the Dos Rios restaurant at 316 Court Avenue, more specifically described as follows:

A 4.0-foot-wide strip on the South side of the Court Avenue Street Right-of-Way (R.O.W.), as presently established, adjacent to Lots 1 and 2 in Block 25, Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

COMMENCING at the Northwest Corner of said Lot 1; THENCE North 74°(degrees) 13'(minutes) 01"(seconds) East, along said South R.O.W. line of Court Avenue, a distance of 2.00 feet, to the POINT OF BEGINNING; THENCE North 15°(degrees) 46'(minutes) 59"(seconds) West, 4.00 feet; THENCE North 74°(degrees) 13'(minutes) 01"(seconds) East, along a line parallel with said South R.O.W. line of Court Avenue, a distance of 115.33 feet; THENCE South 15°(degrees) 46'(minutes) 59"(seconds) East, 4.00 feet, to a point on said South R.O.W. line of Court Avenue; THENCE South 74°(degrees) 13'(minutes) 01"(seconds) West, along said South R.O.W. line of Court Avenue, a distance of 115.33 feet, to the POINT OF BEGINNING, containing 461.3 sq.ft., more or less.

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 KH of Des Moines, LLC for use as a sidewalk cafe

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 shall be on April 21 , 2008, said meeting to be held at 5:00 p.m., in the Council Chambers.

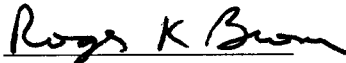
(continued)

Date April 7, 2007

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:



Roger K. Brown
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

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