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Date September 23, 2013

**RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION AND
LEASE OF PUBLIC RIGHT-OF-WAY FOR A SIDEWALK CAFE AT 309 COURT
AVENUE**

WHEREAS, the City has received an application from Saddlery Restaurants, Inc., d/b/a Court Avenue Brewing Co., for the renewal and expansion of its existing Sidewalk Cafe Lease for a portion of the sidewalk adjoining its business at 309 Court Avenue; and,

WHEREAS, the leased area under the existing Sidewalk Cafe Lease was vacated by Ordinance No. 11,805 passed April 27, 1992, and the proposed expansion area has not been previously vacated; and,

WHEREAS, the portion of the public right-of-way within the expansion area must first be vacated before the City may approve the renewal and expansion of the 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 Court Avenue Brewing Co., at 309 Court Avenue, more specifically described as follows:

The North 9.0 feet of the Court Avenue right-of-way lying southerly of and adjoining the easterly 21.0 feet of the westerly 30.3 of Lot 7, Block 24, TOWN OF FORT DES MOINES, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to immediately renew the existing Sidewalk Cafe Lease for a new term extending until December 31, 2016, and to expand such lease to include the area described above. The new leasehold is more specifically described as follows:

A part of the Court Avenue right-of-way lying South of and adjoining Lot 7, Block 24, TOWN OF FORT DES MOINES, an Official Plat, described as follows:

Beginning at the Southeast corner of said Lot 7; thence southerly 6.0 feet at right angles to the southerly line of said Lot 7; thence westerly 8.43 feet along a line parallel with the southerly line of said Lot 7; thence southerly 3.0 feet at right angles to the southerly line of said Lot 7; thence westerly 49.5 feet along a line parallel with the southerly line of said Lot 7; thence northerly 9.0 feet to a point on the southerly line of said Lot 7, a distance of 9.3 feet easterly from the Southwest corner of said Lot 7; thence easterly along the South line of said Lot 7 a distance of 57.93 feet to the Point of Beginning, all now included in

(continued)



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and forming a part of the City of Des Moines, Polk County, Iowa (containing 496.1 square feet more or less).

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 October 7, 2013, said meeting to be held at 5:00 p.m., in the Council Chambers.

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

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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