



Roll Call Number

Agenda Item Number

27

Date January 12, 2026

**RESOLUTION APPROVING REVOCATION OF DECLARATION OF COVENANT
REQUIRED FOR THE OPERATION OF A SIDEWALK CAFE GENERALLY
LOCATED AT 218 E. 2nd STREET**

WHEREAS, on July 21, 2016, East River, LLC, a former owner of the property generally located at 218 E. 2nd Street in Des Moines, Iowa, as more particularly described in the Revocation of Declaration of Covenant attached hereto (the "Property"), executed the Declaration of Covenant (the "Lot Tie Agreement") recorded in Book 16101, Page 970, of the Polk County Recorder's Office; and

WHEREAS, the Lot Tie Agreement requires the Property to remain under common ownership and devoted to a common use for the benefit of the City of Des Moines to ensure compliance with Building and Fire Codes, and the Site Plan and Subdivision Regulations applicable to the existence of a sidewalk café formerly located within the alley between the parcels that makeup the Property; and

WHEREAS, the Lot Tie Agreement provides that it cannot be amended or revoked without the approval of the City of Des Moines; and

WHEREAS, the Property is no longer being used for a sidewalk café and the City has determined the Lot Tie Agreement is no longer necessary to achieve the purposes for which it was originally imposed; and

WHEREAS, Riverview Parking DSM, LLC, and 217 E. Second, LC, the current owners of the Property, have submitted the Revocation of Declaration of Covenant to the City for approval and it has been reviewed and approved as to form by the Legal Department.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines that the Lot Tie Agreement submitted by the owner for approval is hereby approved and the City Clerk is hereby authorized and directed to execute the same on behalf of the City of Des Moines.

Moved by _____ to adopt.

Second by _____.



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FORM APPROVED:

/s/ Emily A. Duffy

Emily A. Duffy

Assistant City Attorney

CERTIFICATE

I, LAURA BAUMGARTNER, 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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
BARRON				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				

MOTION CARRIED

APPROVED

Mayor