



Roll Call Number

26-0071

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. 2<sup>nd</sup> STREET**

**WHEREAS**, on July 21, 2016, East River, LLC, a former owner of the property generally located at 218 E. 2<sup>nd</sup> 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 Gatto to adopt.

Second by Voss.



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FORM APPROVED:

/s/ Emily A. Duffy

Emily A. Duffy

Assistant City Attorney

Council Member Mandelbaum declares a conflict of interest and abstains from voting.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
BARRON	✓			
WESTERGAARD	✓			
*MANDELBAUM				
GATTO	✓			
TOTAL	6			

#### 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.

MOTION CARRIED

APPROVED

Connie Bassen

Mayor

Laura Baumgartner

City Clerk