

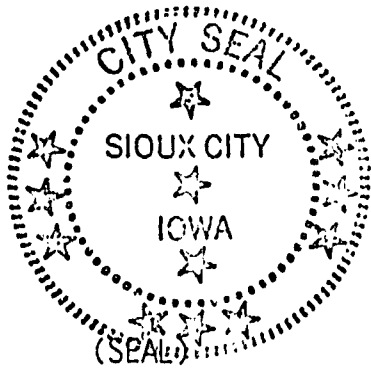
Doc. No. 6061 Fee Pd.
WOODBURY COUNTY, IOWA Filed for Record
Mo. Nov Day 7 Yr. 19 97
By Patrick F. Gilk Auditor & Recorder
 Deputy

STATE OF IOWA
Woodbury County

CITY OF SIOUX CITY
Office of the City Clerk

I, Shirley A. Brown, City Clerk of the City of Sioux City and City Clerk of the City Council, thereof, and, as such, having charge of and in my possession all the records and documents pertaining to said office now remaining therein, do hereby certify that it appears from such records that the foregoing is a true and correct copy of Resolution No. 97/U-6061 passed and adopted by the City Council of the City on the 3rd day of November, 1997 upon the call of yeas and nays thereof duly had and recorded.

Dated at Sioux City, Iowa, this 3rd day of November, 1997.



Shirley A. Brown
SHIRLEY A. BROWN, CITY CLERK

RESOLUTION NO. 97/U-
with attachment

RESOLUTION APPROVING A FIFTH AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SIOUX CITY AND FRED DAVENPORT, JR. D/B/A URBAN REALTY (GORDON PLAZA PROJECT).

WHEREAS, pursuant to Resolution No. 95/U-3150, passed and approved April 24, 1995, the City of Sioux City, Iowa, entered into a Development Agreement with the Fred and Martha Family Trust; and

WHEREAS, such Development Agreement was subsequently assigned to Fred Davenport, Jr. d/b/a Urban Realty; and

WHEREAS, Fred Davenport, Jr., has submitted a Fifth Amendment to such Development Agreement to provide for changes in the Alice Street Bridge portion of the Gordon Plaza Project, a copy of which amendment is attached hereto, by this reference incorporated herein and which should be approved as to form and content.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the Fifth Amendment to the Development Agreement between the City and Fred Davenport, Jr., d/b/a Urban Realty, referred to in the preamble hereof, be and the same is hereby approved as to form and content.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby authorized and directed to execute said Fifth Amendment for and on behalf of the City of Sioux City, Iowa.

NOV 03 1997

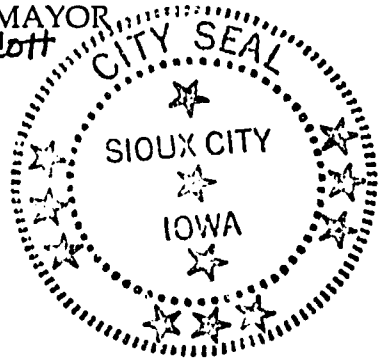
PASSED AND APPROVED: _____

R. E. Scott

MAYOR
R. E. Scott

ATTEST: *Shirley A. Brown*

CITY CLERK
SHIRLEY A. BROWN



FIFTH AMENDMENT TO DEVELOPMENT AGREEMENT

THIS FIFTH AMENDMENT made and entered into on November 3rd, 1997, by and between the City of Sioux City, Iowa, (hereinafter "City") and Fred Davenport, Jr. d/b/a Urban Realty, (hereinafter "Developer").

RECITALS

WHEREAS, the Fred and Martha Family Trust entered into a Development Agreement, (hereinafter "Agreement"), with the City on April 24, 1995 for the development of the Gordon Plaza Project, including the Bacon Creek Box Culvert Project, recorded at Roll 326, Image 1406; and

WHEREAS, the interest of the Fred and Martha Family Trust has been assigned to Developer; and

WHEREAS, City and Developer now propose to amend the Agreement.

NOW, THEREFORE, in consideration of the promises and mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

1. Section 8 (f), subsection (4) is amended to state as follows:
 - (4) Developer shall construct the Alice Street bridge in accordance with the Alice Street Bridge plans and specifications on file in the office of the city engineering division. Reimbursement shall be made to Developer in an amount not to exceed \$516,812.25 for construction and \$31,500.00 for design and engineering, or the actual cost of either item, whichever is less, in accordance with the attached Exhibit "I" and Supplement 1 to Exhibit "I". Developer shall pay all costs in excess of such amounts.
2. In all other respects, the Agreement entered into by the parties on April 24, 1995, as amended, be and the same is hereby ratified, confirmed and approved.
3. The parties acknowledge that there is pending a claim by the project engineer for additional engineering fees and nothing herein shall be construed to either approve or deny said claim. The parties agree to resolve the question in a later amendment.

Attest:

Shirley A. Brown
 CITY CLERK
 SHIRLEY A. BROWN

CITY OF SIOUX CITY, IOWA
 By: R.E. Scott
 R.E. SCOTT MAYOR

FRED DAVENPORT, JR.
 d/b/a URBAN REALTY

Fred Davenport, Jr.
 Fred Davenport, Jr. d/b/a Urban Realty

STATE OF IOWA)
 : ss.
COUNTY OF WOODBURY)

On this 3rd day of November, 1997, before me, a Notary Public duly commissioned and qualified in and for said County and State, personally appeared Robert E. Scott, Mayor of the City of Sioux City, Iowa, and Shirley A. Brown, City Clerk of said City, each being to me personally known to be the identical persons and officers named in the foregoing instrument, who executed the same under and by virtue of the authority vested in them by the City Council of said City, and each for himself acknowledged the execution thereof to be his voluntary act and deed for the purposes herein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal at Sioux City, Iowa, the day and year last above written.



Brittany Hamilton
NOTARY PUBLIC in and for said COUNTY and STATE

STATE OF IOWA)
 : ss.
COUNTY OF WOODBURY)

On this 4th day of November, 1997, before me, the undersigned a Notary Public in and for said State, personally appeared Fred Davenport, Jr. to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

(SEAL)

Dianna D. Wheeler
NOTARY PUBLIC in and for said COUNTY and STATE



Contractor
Engineering
Accounting/Auditing

Page 1
Date 11/27/95

CONTRACT CHANGE ORDER

NO. 4

Contract (name) BACON CREEK BOX CULVERT - MARTHA STREET TO ALICE STREET
IN SIOUX CITY, IOWA

between DIXON CONSTRUCTION CO. (Contractor)

and the FRED & MARTHA FAMILY TRUST dated APRIL 21, 1995, is hereby
changed in the following particulars, to-wit:

The following specific work is hereby DELETED from said Contract:

The following specific work is hereby ADDED to said Contract:

See Attachment "A" - Total Add \$452,336.95

By virtue of such changes in the Contract, the following revisions shall be made in the Contract Price:

Original Contract Price-----	\$1,568,828.30
Contract Price as Revised by Previous Change Orders----	\$1,661,781.05
REMOVED Additions this Change Order-----	\$ 452,336.95
Revised Contract Price-----	\$2,114,118.00

DIXON CONSTRUCTION CO.
CONTRACTOR

FRED & MARTHA FAMILY TRUST

By: *D. P. De V.*

By: *[Signature]*

Due to the addition of the above work to this Contract n/a
calendar days are added to the completion date. The new Completion
Date is

ATTACHMENT "A"

ALICE STREET BOX CULVERT
(REPLACEMENT OF ALICE STREET BRIDGE
BETWEEN GORDON DRIVE & CORRECTIONVILLE ROAD)
in Sioux City, IA

Item No.	Description	Quantity	Unit	Unit Price	Total
<u>SCHEDULE I - ALICE STREET BOX CULVERT</u>					
1.	Mobilization		LS	\$ _____	\$ 10,000.00
*2.	Remove Existing Pavement	1,300	SY	\$ 7.00	\$ 9,100.00
3.	Remove Wood Ties & Wooden Piling	1	LS	\$ _____	\$ 8,000.00
4.	Clearing & Grubbing	1	LS	\$ _____	\$ 2,000.00
5.	Remove & Dispose of Trees	1	LS	\$ _____	\$ 8,000.00
6.	Remove Sidewalk	1,820	SF	\$ 1.40	\$ 2,548.00
*7.	Asphalt Paving Removal	2,000	SF	\$ 2.20	\$ 4,400.00
8.	Pipe Removal - 36" CMP	30	LF	\$ 28.00	\$ 840.00
9.	Pipe Removal - 30" RCP	120	LF	\$ 28.00	\$ 3,360.00
10.	Pipe Removal - 24" CMP	25	LF	\$ 26.00	\$ 650.00
11.	Pipe Removal - 10" DIP	21	LF	\$ 19.00	\$ 399.00
12.	Inlet Removal	4	EA	\$ 250.00	\$ 1,000.00
13.	Manhole Removal	1	EA	\$1,500.00	\$ 1,500.00
14.	Furnish & Place Storm Sewer Pipe - 42" Class III	10	LF	\$ 80.00	\$ 800.00
15.	Furnish & Place Storm Sewer Pipe - 36" Class III	128	LF	\$ 61.60	\$ 7,884.80
16.	Furnish & Place Storm Sewer Pipe - 30" Class III	112	LF	\$ 58.00	\$ 6,496.00
17.	Furnish & Place Storm Sewer Pipe - 24" Class III	21	LF	\$ 50.00	\$ 1,050.00
18.	Furnish & Place Storm Sewer Pipe - 15" Class III	106	LF	\$ 25.00	\$ 2,650.00

*19.	Furnish & Place Storm Pipe 15" CMP	78	LF	\$ 16.50	\$ 1,287.00
20.	Furnish & Place Storm Drain Pipe - 6" Perforated PVC	29	LF	\$ 16.00	\$ 464.00
21.	Construct, Maintain & Remove Temporary Drainage System Including Pumping if Required to take Runoff Through Site	1	LS	\$	\$ 20,000.00
22.	Class 20 Excavation	600	CY	\$ 9.00	\$ 5,400.00
*23.	Furnish & Place Subgrade Rock	100	TN	\$ 21.45	\$ 2,145.00
*24.	Furnish & Place 12'x12' Box Culvert	145	LF	\$ 409.20	\$ 59,334.00
*25.	Furnish & Place End Section 12'x12'x20' Length	1	LS	\$	\$ 4,558.40
26.	Backfill Box Culvert	1	LS	\$	\$ 10,000.00
*27.	Furnish & Place Sand & Gravel Between 12'x12' Box & 8'x4' Boxes	275	TN	\$ 7.00	\$ 1,925.00
*28.	Furnish & Place 8 Connected 8'x4' Box Culverts	70	LF	\$1,212.20	\$ 84,854.00
29.	Field Connection - Storm Sewer to 12'x12'	4	EA	\$ 750.00	\$ 3,000.00
*30.	Furnish & Place Class A Revetment (RipRap)	640	TN	\$ 21.25	\$ 13,600.00
*31.	Furnish & Place Poured-in- Place Reinforced Concrete Parapet	15	CY	\$ 275.00	\$ 4,125.00
32.	Furnish & Place Soil to Rough Grade Street	750	CY	\$ 6.50	\$ 4,875.00
33.	Furnish & Place Special Inlet (DW-12)	2	EA	\$1,217.00	\$ 2,434.00
*34.	Furnish & Place Half Special Inlet (DW-8)	2	EA	\$ 950.00	\$ 1,900.00
35.	Furnish & Place Standard Round Alley Drop Inlets	3	EA	\$1,000.00	\$ 3,000.00
36.	Furnish & Place MH	16	VF	\$ 131.00	\$ 2,096.00

37.	Furnish & Place MH, Ring, Cover & Base	2	EA	\$ 550.00	\$ 1,100.00
*38.	Subgrade Prep Street (and parking)	1,900	SY	\$ 2.25	\$ 4,275.00
*39.	Sawcut Existing Paving (Full Depth)	370	LF	\$ 5.75	\$ 2,127.50
*40.	Furnish & Place Dowels (RH50-RD) (Epoxy Coated) (Gordon Drive)	116	EA	\$ 6.00	\$ 696.00
*41.	Furnish & Place Dowels	555	EA	\$ 6.00	\$ 3,330.00
42.	Furnish & Place 8" PCC Street 41' B-B Paving & Returns	1,690	SY	\$ 29.95	\$ 50,615.50
*43.	Furnish & Place Sidewalk	2,300	SF	\$ 2.25	\$ 5,175.00
44.	Furnish & Place 6" PCC Parking & Patch	220	SY	\$ 70.00	\$ 15,400.00
*45.	Furnish & Place 4' Chain Link Fence	360	LF	\$ 18.00	\$ 6,480.00
46.	Furnish & Place Seeding & Mulching (Approx. 0.3 AC)	1	LS	\$	\$ 1,000.00
47.	Furnish & Place Concrete Retaining Wall	120	CY	\$ 300.00	\$ 36,000.00
*48.	Furnish & Place Keystone Retaining Wall (Standard Unit & Caps)	220	SF	\$ 11.50	\$ 2,530.00
				FACE AREA	
*49.	Traffic Control	1	LS	\$	\$ 1,600.00
50.	8 Anchor Posts for Geogrid	1	LS	\$	\$ 3,646.50
51.	2'x12" Concrete Footing for Keystone Wall (30.5 LF)	1	LS	\$	\$ 2,500.00
52.	6" Concrete Paving/Swale	45	SY	\$ 23.25	\$ 1,046.25
53.	Paint Striping	1	LS	\$	\$ 2,000.00
*54.	Testing		ALLOWANCE	\$	\$ 4,800.00
	SUBTOTAL SCHEDULE I			\$ 439,996.95	

SCHEDULE II - WATER SYSTEM IMPROVEMENTS

1.	Furnish & Place 12" Class 350 DIP Water Line, Bends, Thrust Block w/Poly	300	LF	\$ 27.60	\$ 8,280.00
2.	Furnish & Place 12" Gate Valves	2	EA	\$1,100.00	\$ 2,200.00
3.	Furnish & Place 12" 45 Deg. Bend	4	EA	\$ 465.00	\$ 1,860.00
SUBTOTAL SCHEDULE II				\$ 12,340.00	
TOTAL SCHEDULES I & II				\$ 452,336.95	

ADD ITEM:

Furnish & Place Insulation 90 LF \$ 76.70 \$ 6,894.00

*Each one of these items that has an asterisk was contained within the original bid of Dixon Construction on the Bacon Creek Box Culvert project at the unit price bid.

NOTE:

ADD IN LIEU OF ITEMS 1, 2 & 3, WATER SYSTEM IMPROVEMENTS, SCHEDULE II - 16" in lieu of 12":

1.	Furnish & Place 16" Class 250 DIP Water Line, Thrust Block w/Poly	300	LF	\$ 37.60	\$ 11,280.00
2.	Furnish & Place 16" Gate Valves	2	EA	\$1,520.00	\$ 3,040.00
3.	Furnish & Place 16" 45 Deg. Bend	4	EA	\$1,090.00	\$ 4,360.00

Dixon Construction Co.

EXHIBIT I SUPPLEMENT 1

ALICE STREET EXTRA WORK ORDER
AUTHORIZED BY LEROY SATRANG

ITEM	DESCRIPTION	QUANTITY	UNIT	TOTAL
1	Furnish & place Rock Bedding	59 TN	\$ 22.00	\$ 1,298.00
2	Construct Enlarged Manhole Base at Manhole west of half special inlet to accommodate existing North/South storm sewer not shown on plan. Trim and incorporate existing storm sewer into Manhole Base.	1 LS	\$ 2,058.10	\$ 2,058.10
3	Construct enlarged Alley Drop Inlet East of Sinclair gas station driveway to fit casting added by Engineer. Furnish & place 560# Concave Casting	1 LS	\$ 2,381.50	\$ 2,381.50
4	Construct 3 EA. Alley Drop Inlets from 4' depth typical (see Bid Item 38) to average of 14 VF depth each.	3 EA	\$ 3,139.40	\$ 9,418.20
5	Construct 3 EA 6'x6'x5' poured reinforced concrete box structures w/48" openings at each manhole North of 12 x 12 Box Culvert	3 EA	\$ 3,415.50	\$ 10,246.50
			TOTAL	\$ 25,402.30

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ROLL 387 IMAGE 987
DAVENPORT CO
DIXON CONST CO

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Dixon Construction Co.

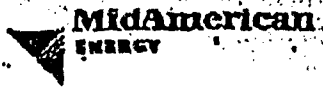
ALICE STREET EXTRA WORK ORDER
AUTHORIZED BY LEROY SATRANG
NO. 2

ITEM	DESCRIPTION	QUANTITY	UNIT	TOTAL
1	GROUTED RIP-RAP	53	CY	\$ 160.00 \$ 8,480.00
2	RELOCATE POLE	1	EA	\$ 563.00 \$ 563.00
				\$ 9,043.00

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ROLL 387 IMAGE 988
DAVENPORT CO
DIXON CONST CO

007
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444190-11 MOV

***** ELECTRIC SERVICE *****

Rate GRN GENERAL SERVICE-BASE
Billing Period 32 Days
Meter Number 076857481
05/08/97 to 06/09/97

New Reading (ACTUAL) JUN 09 39726
Prior Reading MAY 08 39388

Billing Usage, kWh 338

Service Charge \$10.00
First 4000 kWh 338 @ \$.06220 21.02
Additional kWh 0 @ \$.04720 .00
Energy Cost Adjustment 338 kWh X @ .012800 = 4.33

Electric Charges \$35.35

***** OTHER CHARGES *****

CHARGE TO RELOCATE POLE BEHIND GAS STATION ON GORDON DRIVE
IN SIOUX CITY \$563.00
Your merchandise balance is \$563.00

Total Other Charges \$563.00

?

Name DIXON CONSTRUCTION
Account No. 1444190-11 9

Address 409 DRIFTHOOD ST. CORRECTIONVILLE, IA
Billing Date 06/12/97 Page 2 of 2