

STATE OF IOWA

21999

CITY OF SIOUX CITY

Woodbury County

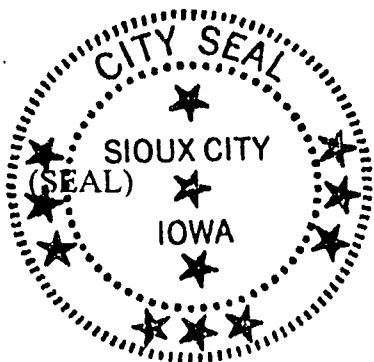
Doc. No. \_\_\_\_\_ Fee \$ 51<sup>00</sup> Pd: chy  
WOODBURY COUNTY, IOWA-Filed for Record  
2:40 PM Mo June Day 18 Yr. 19 98  
PATRICK F. GILL, Auditor & Recorder  
By C. Murphy Deputy

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 the Resolution No. 98/U- 6751 passed and adopted by the City Council of the City on the 8th day of June, 1998, upon the call of yeas and nays thereof duly had and recorded.

Dated at Sioux City, Iowa, this 8th day of June 1998.

Shirley A. Brown  
SHIRLEY A. BROWN  
CITY CLERK



RESOLUTION NO. 98/U- 06751  
with attachment

RESOLUTION APPROVING A SIXTH 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 Sixth 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 Sixth 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 Sixth Amendment for and on behalf of the City of Sioux City, Iowa.

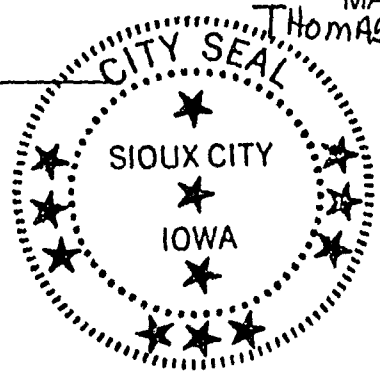
PASSED AND APPROVED: JUN 8 1998

*Thomas R. Padgett*

ATTEST: *Shirley A. Brown*  
CITY CLERK

MAYOR  
THOMAS R. Padgett

SHIRLEY A. BROWN



## SIXTH AMENDMENT TO DEVELOPMENT AGREEMENT

THIS SIXTH AMENDMENT made and entered into on June 8, 1998, 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 (5) is amended to state as follows:

(5) Developer shall construct a 16" water line from Gordon Drive at its intersection with the Parts America driveway entrance to connect with the existing water main in Correctionville Road as shown on the attached Exhibit "J" in accordance with the plans and specifications on file in the office of the city engineering division. Reimbursement shall be made to Developer in the amount of \$48,600.08 for construction, design and engineering. Developer shall pay all costs in excess of such amounts and the foregoing payment made by the City shall be considered full and complete payment for and settlement of all Developer's claims in conjunction with, directly or indirectly, the construction of said water line.

2. Section 8(f), subsection (6) is amended to state as follows:

(6) Developer shall construct traffic control signal lights on Gordon Drive at the Hy Vee entrance to the project as shown on the attached Exhibit "K" in accordance with the plans and specifications on file in the office of the city engineering division. Reimbursement shall be made to Developer in an amount of \$50,399.92 for construction, design and engineering. Developer shall pay all costs in excess of said amounts, and the foregoing payment by City shall be considered full payment for and settlement of all Developer's claims in conjunction with, directly or indirectly, the construction of said traffic control lights and related facilities or works. Payment shall be made when the development is completed in accordance with the plans and specifications and the work is accepted by the City.

3. Section 8(f), subsection (7) is amended as follows:

- (7) Developer shall install pedestrian crossing signals, control and sidewalks along Gordon Drive in the vicinity of the development when required by the City. Such construction shall be at Developer's expense.
- 4. 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.
- 5. 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:

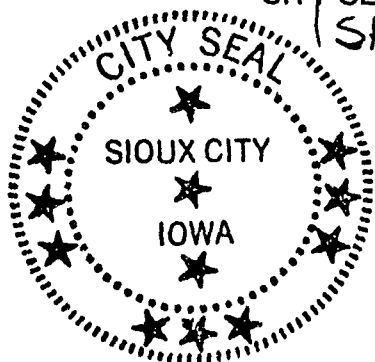
CITY OF SIOUX CITY, IOWA

Shirley A. Brown  
CITY CLERK  
SHIRLEY A. BROWN

By: Thomas R. Padgett  
MAYOR  
THOMAS R. PADGETT

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 )

*Radgett*

On this 8 day of June, 1998, before me, a Notary Public duly commissioned and qualified in and for said County and State, personally appeared ~~Robert E. Scott~~ <sup>Thomas R.</sup> 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.

(SEAL)



*Julie Taylor*  
NOTARY PUBLIC in and for said COUNTY and STATE

STATE OF IOWA )  
: ss.  
COUNTY OF WOODBURY )

On this 27<sup>th</sup> day of May, 1998, 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



SIouxLAND ENGINEERING ASSOCIATES, P.C.  
CONSULTING ENGINEERS

COST SHARING

EXHIBIT J

JOB NO.:

PROJECT: GORDON PLAZA IMPROVEMENTS  
WATER LINE SERVING WEST END

OWNER: FRED & MARTHA FAMILY TRUST

CONTRACTOR: D. A. DAVIS CO., INC.

Description	Qty	Unit	Unit	Total	COST SHARING	
			Bid	Bid	DEVELOPER	CITY
			Price	Price	Due From Developer	Due From City
<b>SCHEDULE I - STORM SEWER</b>						
1. Furnish & Place 15" RCP	123	LF	\$26.00	\$3,198.00	\$3,198.00	\$0.00
2. Furnish & Place Manhole	9	VP	\$140.00	\$1,260.00	\$1,260.00	\$0.00
3. Furnish & Place Special Inlet (no wing) or "G" Inlet	2	EA	\$1,200.00	\$2,400.00	\$2,400.00	\$0.00
4. Furnish & Place MH Ring, Cover & Base	1	EA	\$500.00	\$500.00	\$500.00	\$0.00
<b>TOTAL SCHEDULE I</b>				<b>\$7,358.00</b>	<b>\$7,358.00</b>	<b>\$0.00</b>
<b>SCHEDULE II - GREEN AVENUE WATER MAIN FROM CORRECTIONVILLE ROAD WATER MAIN TO PARTS AMERICA DRIVE AND THE INTERSECTION WITH THE PROPOSED 12" DIP WATERMAIN WHICH WILL RUN TO THE EAST AND SERVE THE DEVELOPMENT</b>						
1. Paving Removal Correctionville Road	48.22	SY	\$9.00	\$433.98	\$0.00	\$433.98
2. Paving Replacement Correctionville Road	48.22	SY	\$40.00	\$1,928.80	\$0.00	\$1,928.80
3. Furnish & Place 8" Rolled Curb M-4 Mix	28	LF	\$5.00	\$140.00	\$0.00	\$140.00
4. Full Depth Saw Cut	60	LF	\$4.65	\$279.00	\$0.00	\$279.00
5. 6" Underpinning (existing PCC would not take Dowel Bars because of deteriorated condition)	60	LF	\$12.00	\$720.00	\$0.00	\$720.00
6. Furnish & Place Asphalt Overlay Correctionville Road	6.25	TN	\$90.00	\$562.50	\$0.00	\$562.50
7. Traffic Control Correctionville Road	1	LS	\$450.00	\$450.00	\$0.00	\$450.00
8. Furnish & Place Live tap on Existing 6" CIP Water Main in Correctionville Road	1	EA	\$2,200.00	\$2,200.00	\$0.00	\$2,200.00
9. Furnish & Place 6" DIP Water Main w/Poly Wrap	33	LF	\$21.00	\$693.00	\$0.00	\$693.00

10. Furnish & Place Flanged Swing Check Valve : So. Side of Correctionville Road 2 LF South of Curb Line	1 EA	\$1,861.00	\$1,861.00	\$0.00	\$1,861.00
11. Furnish & Place 48" Check Valve Manhole	6 VF	\$140.00	\$840.00	\$0.00	\$840.00
12. Furnish & Place Manhole Base, Ring & Cover:	1 EA	\$500.00	\$500.00	\$0.00	\$500.00
13. Furnish & Place 6"x16" Increasor	1 EA	\$495.00	\$495.00	\$0.00	\$495.00
14. Furnish & Place 6"xShort Solid MJ DIP Sleeve	1 EA	\$117.00	\$117.00	\$0.00	\$117.00
15. Furnish & Place 16"xShort Solid MJ DIP Sleeve	1 EA	\$415.00	\$415.00	\$0.00	\$415.00
16. Furnish & Place 16" DIP MJ 45 Deg. Bend w/Poly Wrap & Thrust Block	1 EA	\$975.00	\$975.00	\$0.00	\$975.00
17. Furnish & Place 16" DIP PC250 Water Main w/Poly Wrap	359.8 LF	\$36.00	\$12,952.80	\$0.00	\$12,952.80
18. Furnish & Place 16"x6" MJ Tee with Thrust Block & Poly Wrap	1 EA	\$1,350.00	\$1,350.00	\$0.00	\$1,350.00
19. Furnish & Place Fire Hydrant & Fittings w/Thurst Block	1 EA	\$1,750.00	\$1,750.00	\$0.00	\$1,750.00
20. Furnish & Place 1' Fire Hydrant Extension	1 EA	\$371.00	\$371.00	\$0.00	\$371.00
21. Furnish & Place 16" DIP MJ Cross	1 EA	\$1,710.00	\$1,710.00	\$0.00	\$1,710.00
22. Furnish & Place 16"x12" MJ DIP Reducer w/Poly Wrap	1 EA	\$495.00	\$495.00	\$0.00	\$495.00
23. Furnish & Place 16"x8" MJ DIP Reducer w/Poly Wrap	1.00 EA	\$475.00	\$475.00	\$0.00	\$475.00
24. Furnish & Place 8"xShort Solid MJ DIP Sleeve	1 EA	\$196.00	\$196.00	\$0.00	\$196.00
25. Furnish & Place 8" DIP MJ 22 1/2 Bend w/Poly Wrap & Thrust Block	2 EA	\$285.00	\$570.00	\$0.00	\$570.00
26. Furnish & Place 16" Butterfly Valve & Box	2 EA	\$1,760.00	\$3,520.00	\$0.00	\$3,520.00
27. Furnish & Place 12" Butterfly Valve & Box	1 EA	\$1,200.00	\$1,200.00	\$0.00	\$1,200.00
28. Furnish & Place 8" Gate Valve & Box	1 EA	\$550.00	\$550.00	\$0.00	\$550.00
29. Furnish & Place 6" Gate Valve & Box	1 EA	\$450.00	\$450.00	\$0.00	\$450.00
30. Furnish & Place 16" MJ DIP Plug w/Thurst Block	1 EA	\$350.00	\$350.00	\$0.00	\$350.00
31. Furnish & Place 12" MJ DIP Plug w/Thurst Block	1 EA	\$275.00	\$275.00	\$0.00	\$275.00

32. Furnish & Place 8" MJ DIP Plug w/Thrust Block	1 EA	\$250.00	\$250.00	\$0.00	\$250.00
33. Furnish & Place 12" DIP PC350 DIP w/Poly Wrap	43.2 LF	\$26.00	\$1,123.20	\$1,123.20	\$0.00
34. Furnish & Place 8" DIP PC350 DIP w/Poly Wrap	49.3 LF	\$19.50	\$961.35	\$961.35	\$0.00
TOTAL SCHEDULE II :			\$41,159.63	\$2,084.55	\$39,075.08
SCHEDULE III - WATER MAIN PARTS AMERICA DRIVE					
1. Furnish & Place 16" DIP Water Main w/Polywrap	367 LF	\$36.00	\$13,212.00	\$9,542.00	\$3,670.00
2. Furnish & Place 16" MJ 22 1/2 Deg. Bend	2 EA	\$975.00	\$1,950.00	\$1,380.00	\$570.00
3. Furnish & Place 16" MJ DIP 45 Deg. Bend	4 EA	\$975.00	\$3,900.00	\$2,760.00	\$1,140.00
4. Furnish & Place 16"x16"x6" MJ DIP Tee	4 EA	\$1,550.00	\$6,200.00	\$3,880.00	\$2,320.00
5. Furnish & Place 16" DIP SBT Plug	1 EA	\$350.00	\$350.00	\$275.00	\$75.00
6. Furnish & Place Fire Hydrant Assembly	1 EA	\$1,750.00	\$1,750.00	\$0.00	\$1,750.00
TOTAL SCHEDULE III			\$27,362.00	\$17,837.00	\$9,525.00
TOTAL SCHEDULES I, II & III :			\$75,879.63	\$27,279.55	\$48,600.08
TOTAL ESTIMATED COST SPLIT					
			\$75,879.63	\$27,279.55	\$48,600.08



Gordon Plaza Signal Lights Cost Share

EXHIBIT K

Work Item	Units	Unit Cost	Total Cost	Davenport Responsibility	City Responsibility	Comments
Mobilization	1	\$ 2,600.00	\$ 2,600.00			
Furnish and Place Controller and Cabinet including support base and sidewalk	1	\$ 13,705.00	\$ 13,705.00			
Furnish and Place combination poles, including base and mast arm	4	\$ 7,877.00	\$ 31,508.00			
Furnish and Place 250 watt HPS fixture combination pole	2	\$ 270.00	\$ 540.00			
Furnish and Place Video Camera	4	\$ 8,287.00	\$ 33,148.00			
Furnish and Place signal head - 3 face	10	\$ 1,745.00	\$ 17,450.00			
Furnish and Place signal head - 5 face	-	\$ 2,525.00	\$ -			
Furnish and Place Pedestrian symbol signal heads - LED	6	\$ 995.00	\$ 5,970.00	Deferred		
Furnish and Place Buttons and Signs	6	\$ 113.00	\$ 678.00	Deferred		
Allowance			\$ 3,360.00			
Furnish and Place 4" steel conduit	100	\$ 28.25	\$ 2,825.00			
Furnish and Place 2" steel conduit	110	\$ 17.75	\$ 1,952.50			
Furnish and Place handholds (poleboxes)	9	\$ 500.00	\$ 4,500.00			
Furnish and Place Red coax cable	150	\$ 1.01	\$ 151.50			
Furnish and Place White coax cable	340	\$ 1.01	\$ 343.40			
Furnish and Place yellow coax cable	225	\$ 1.01	\$ 227.25			
Furnish and Place gray coax cable	70	\$ 1.30	\$ 91.00			
Furnish and Place 16C-#14 cable	850	\$ 1.31	\$ 1,113.50			
Furnish and Place 5C-#14 cable	600	\$ 0.54	\$ 324.00			
Furnish and Place 7C-#14 cable (spare)	500	\$ 0.57	\$ 285.00			

ROLL 404 IMAGE 1121

Furnish and Place 2C shielded #14 for push buttons	580	\$ 0.47	\$ 272.60			
Furnish and Place #12UF for street lights	340	\$ 0.39	\$ 132.60			
Furnish and Place 16 pair communication line	760	\$ 1.61	\$ 1,223.60			
Furnish and Place 12 pair communication line	200	\$ 1.03	\$ 206.00			
Furnish and Place 3" conduit only for interconnection cable cut	760	\$ 4.55	\$ 3,458.00			
Furnish and Place 2" PVC conduit for power source in same trench as interconnection conduit	740	\$ 2.00	\$ 1,480.00			
Furnish and Place meter, meter socket disconnect, mounting post, weatherhead complete	1	\$ 935.00	\$ 935.00			
Furnish and Place Power cable (#4) and hook up system	600	\$ 1.75	\$ 1,050.00			
Allowance		\$ 12,946.00	\$ 12,946.00			
Signing and traffic control during construction	1	\$ 6,000.00	\$ 6,000.00			
Place Painted pavement symbols including sidewalk crossing	1	\$ 2,850.00	\$ 2,850.00		City Responsibility	To be completed under separate contract
Furnish and Place permanent traffic and street signs	1	\$ 1,890.00	\$ 1,890.00		City Responsibility	To be completed under separate contract
Furnish and Place 4" sidewalk	460	\$ 3.40	\$ 1,564.00	Deferred		
Furnish and Place 6" sidewalk	680	\$ 4.26	\$ 2,896.80	Deferred		
Furnish and Place mill curbs for handicap ramps	50	\$ 10.00	\$ 500.00	Deferred		
Testing (compaction) Allowance		\$ 1,400.00	\$ 1,400.00			
<b>Totals</b>			\$ 159,576.75	\$ 109,176.83	\$ 50,399.92	