

STATE OF IOWA

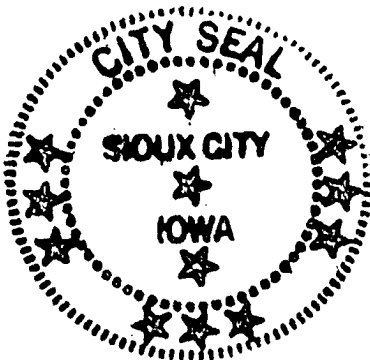
CITY OF SIOUX CITY

Woodbury County

Office of the City Clerk

I, Brittany Scott, Acting City Clerk of the City of Sioux City and Acting 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. 2000-9561 adopted by the City Council of the City on the 25<sup>th</sup> day of September, 2000 upon the call of yeas and nays thereof duly had and recorded.

Dated at Sioux City, Iowa this 28<sup>th</sup> day of September, 2000.



(SEAL)

  
BRITTANY SCOTT  
ACTING CITY CLERK

4927

Doc. No. \_\_\_\_\_  
WOODBURY COUNTY, IOWA  
Filed for record, indexed and delivered  
to County Auditor & Recorder on

SEP 28 2000

Time 2:30 AM PM  
Auditor's & Recorder's Fee \$ 36.00  
PATRICK F. GILL, Auditor & Recorder  
By C. Murphy Designee

V. T. \_\_\_\_\_  
City of \_\_\_\_\_  
to be recorded in the transfer book and  
for taxation on

SEP 28 2000

For \$ 5.00 Pd  
\_\_\_\_\_  
City of \_\_\_\_\_ Auditor & Recorder  
By E. Whitehouse

RESOLUTION NO. 2000- **009561**  
with attachments

RESOLUTION APPROVING AND ACCEPTING A WARRANTY DEED FROM THE FRED AND MARTHA GRANDCHILD TRUST DATED DECEMBER 30, 1992 AND FRED DAVENPORT, JR. TO THE CITY FOR PROPERTY TO BE USED IN CONNECTION WITH THE 158<sup>TH</sup> STREET RECONSTRUCTION PROJECT.

WHEREAS, the Fred and Martha Grandchild Trust dated December 30, 1992 and Fred Davenport, Jr. are the owners and title holder of certain real estate located in Sioux City, Woodbury County, Iowa, legally described as follows:

A tract of land being part of the Southwest One-Quarter of the Southwest One-Quarter of Section 31, Township 89 North, Range 46 West of the 5<sup>th</sup> Principle Meridian to the City of Sioux City, Woodbury County, Iowa, with said part being also part of Tax Lots 7, 8 and 9, and being more particularly described as follows:

Commencing at the Southwest corner of the Southwest One-Quarter of the Southwest One-Quarter of Section 31, Township 89 North, Range 46 West; thence North 00°14'30" West, along the West line of the Southwest One-Quarter of Section 31, a distance of 136.01 feet to a point on the Northerly right-of-way line of Primary Highway Iowa No. 12 (Gordon Drive); thence South 88°41'58" East along said Northerly right-of-way line of Primary Highway Iowa No. 12 (Gordon Drive), a distance of 535.90 feet; thence North 00°00'00" East a distance of 94.58 feet to the point of beginning; thence South 78°46'00" West a distance of 2.13 feet; thence North 00°04'08" West a distance of 196.66 feet; thence North 89°55'52" East a distance of 272.11 feet; thence South 00°04'08" East a distance of 24.82 feet; thence North 89°55'52" East a distance of 60.00 feet; thence South 00°04'08" East a distance of 156.00 feet; thence North 87°29'00" West a distance of 36.04 feet; thence North 00°04'08" West a distance of 103.18 feet to the beginning of a curve concaved to the Southwest having a radius of 40.00 feet through a central angle of 90°00'00" and a chord of 56.57 feet bearing North 45°04'08" West; thence S 89°55'52" West a distance of 42.92 feet; thence South 87°00'06" West a distance of 119.38 feet to the beginning of a curve concaved to the Southeast having a radius of 40.00 feet through a central angle of 47°52'32" and a chord of 32.46 feet bearing South 63°03'50" West; thence South 00°04'08" East a distance of 127.05 feet; thence South 78°46'00" West a distance of 64.13 feet to the point of beginning; and containing 26,700 square feet or 0.613 acres, more or less.

and have executed a Development Agreement for the above-described property, which was accepted by the City Council of the City of Sioux City, Iowa, pursuant to Resolution No. 2000-8989 on the 10<sup>th</sup> day of April, 2000, for use in connection with the Project; and

WHEREAS, the above-described property is to be conveyed by the above named grantors to the City of Sioux City, Iowa, by warranty deed, a copy of which is attached hereto and by this reference made a part hereof, which warranty deed should be approved as to form and content; and

WHEREAS, the City Council is advised and does believe that it is in the best interest of the City of Sioux City that the warranty deed executed by the Fred and Martha Grandchild Trust dated December 30, 1992 and Fred Davenport, Jr. should be accepted by and on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the warranty deed executed by the Fred and Martha Grandchild Trust dated December 30, 1992 and Fred Davenport, Jr., a copy of which is attached hereto and by this reference made a part hereof, be and the same is hereby approved as to form and content.

BE IT FURTHER RESOLVED, that said warranty deed be and is hereby accepted for and on behalf of the City of Sioux City, Iowa.

PASSED AND APPROVED: 9-25-00 Martin J. Daugherty  
MAYOR

ATTEST: Robert K. Pelt  
CITY CLERK

THE IOWA STATE BAR ASSOCIATION Official Form No. 102	Crary, Huff, Inkster, Sheehan, Ringgenberg, Hartnett, Storm &	FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER
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Preparer Information Cody M. McCullough, 614 Pierce Street, Sioux City, (712) 277-4561  
Individual's Name Street Address City Phone

Address Tax Statement:

SPACE ABOVE THIS LINE  
FOR RECORDER



**WARRANTY DEED**  
(Several Grantors)

For the consideration of One (\$1.00)  
 Dollar(s) and other valuable consideration,  
James C. Johnson and Larry L. Book as Co-Trustees of the Fred and Martha Grandchild Trust  
dated December 30, 1992, and Fred Davenport, Jr., a single person,

do hereby Convey to  
City of Sioux City

the following described real estate in Woodbury County, Iowa:

See Exhibit "A" attached hereto and incorporated herein by this reference.

Subject to covenants, conditions, restrictions and easements of record, if any.

This deed is exempt from transfer tax pursuant to Iowa Code Section 428A.2(21).

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: July 10, 2000

Fred Davenport Jr.  
 Fred Davenport, Jr. (Grantor)

\_\_\_\_\_  
 (Grantor)

\_\_\_\_\_  
 (Grantor)

\_\_\_\_\_  
 (Grantor)

The Fred and Martha Grandchild  
Trust dated December 30, 1992 (Grantor)

By: James C. Johnson  
 James C. Johnson, Co-trustee (Grantor)

By: Larry L. Book  
 Larry L. Book, Co-trustee (Grantor)

\_\_\_\_\_  
 (Grantor)

OVER FOR ACKNOWLEDGMENTS

STATE OF IOWA , WOODBURY COUNTY, ss:

On this 10th day of July , 2000 before me, the undersigned, a  
Notary Public in and for said County and said State, personally appeared  
Fred Davenport, Jr. , a single person.

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.

Patricia S. Brockhaus



PATRICIA S. BROCKHAUS  
MY COMMISSION EXPIRES  
12-6-02

Notary Public

STATE OF \_\_\_\_\_ , \_\_\_\_\_ COUNTY, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_ before me, the undersigned, a  
Notary Public in and for said County and said State, personally appeared

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.

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public

STATE OF \_\_\_\_\_ , \_\_\_\_\_ COUNTY, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_ before me, the undersigned, a  
Notary Public in and for said County and said State, personally appeared

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.

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public

STATE OF IOWA )  
 ) ss:  
COUNTY OF WOODBURY)

This instrument was acknowledged before me on the 10th day of July ,  
2000, by James C. Johnson as co-trustee of the Fred and Martha Grandchild Trust  
dated December 30, 1992.



PATRICIA S. BROCKHAUS  
MY COMMISSION EXPIRES  
12-6-02

Patricia S. Brockhaus  
Notary Public

STATE OF IOWA )  
 ) ss:  
COUNTY OF WOODBURY)

This instrument was acknowledged before me the 10th day of July ,  
2000, by Larry L. Book as co-trustee of the Fred and Martha Grandchild Trust  
dated December 30, 1992.



PATRICIA S. BROCKHAUS  
MY COMMISSION EXPIRES  
12-6-02

Patricia S. Brockhaus  
Notary Public

## EXHIBIT A

A tract of land being part of the Southwest One-Quarter of the Southwest One-Quarter of Section 31, Township 89 North, Range 46 West of the 5th Principle Meridian to the City of Sioux City, Woodbury County, Iowa, with said part being also part of Tax Lots 7, 8, and 9, and being more particularly described as follows:

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