

MEMORANDUM OF AGREEMENT FOR PRIVATE DEVELOPMENT

Type of Document: MEMORANDUM OF AGREEMENT FOR PRIVATE DEVELOPMENT AMONG THE CITY OF WAUKEE, 117 LAND COMPANY, LLC, AND RJ LAWN SERVICE, INC.

Return Document to: City of Waukee, 230 West Hickman Road, Waukee, Iowa 50263, Attn: Becky Schuett, City Clerk

Preparer Information: Nathan J. Overberg, Ahlers & Cooney, P.C., 100 Court Avenue, Ste. #600, Des Moines, IA 50309, 515-243-7611

Taxpayer Information: N/A

GRANTORS: N/A

GRANTEES: N/A

LEGAL DESCRIPTION: Lots 1 through 6 in I-80 West Industrial Park Plat 1, an Official Plat, City of Waukee, Iowa.

WHEREAS, the City of Waukee, Iowa (the "City"), 117 Land Company, LLC, an Iowa limited liability company ("Developer"), and RJ LAWN SERVICE, INC. (the "Employer") did on or about the 6th day of NOVEMBER, 2017, make, execute and deliver, each to the other, an Agreement for Private Development (the "Agreement"), wherein and whereby Developer agreed, in accordance with the terms of the Agreement and the Southwest Business Park Urban Renewal Plan (the "Plan"), to develop and operate certain real property located within the City and within the Southwest Business Park Urban Renewal Area.

The Development Property is described as follows:

Lots 1 through 6 in I-80 West Industrial Park Plat 1, an Official Plat, City of Waukee, Iowa.

(the "Development Property"); and

WHEREAS, the term of the Agreement commenced on the 6th day of NOVEMBER, 2017 and terminates as set forth in Section 13.8 of the Agreement; and

WHEREAS, the City and Developer desire to record a Memorandum of the Agreement referring to the Development Property and their respective interests therein.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. That the recording of this Memorandum of Agreement for Private Development shall serve as notice to the public that the Agreement contains provisions restricting development and use of the Development Property and the improvements located and operated on such Development Property.

2. That all of the provisions of the Agreement and any subsequent amendments thereto, if any, even though not set forth herein, are by the filing of this Memorandum of Agreement for Private Development made a part hereof by reference, and that anyone making any claim against any of said Development Property in any manner whatsoever shall be fully advised as to all of the terms and conditions of the Agreement, and any amendments thereto, as if the same were fully set forth herein.

3. That a copy of the Agreement and any subsequent amendments thereto, if any, shall be maintained on file for public inspection during ordinary business hours in the office of the City Clerk, Waukee, Iowa.

[Signatures Start on Next Page]

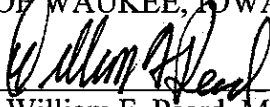
IN WITNESS WHEREOF, the City, Developer, and Employer have executed this Memorandum of Agreement for Private Development on the 6th day of NOVEMBER, 2017.

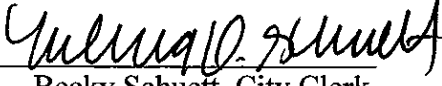
Execution Version

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CITY OF WAUKEE, IOWA

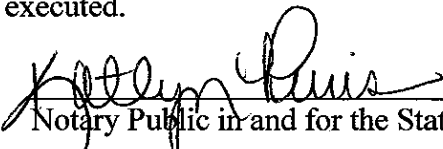
By: 
William F. Peard, Mayor

By: 
Becky Schuett, City Clerk

STATE OF IOWA)
) SS
COUNTY OF DALLAS)

On this 7 day of November, 2017, before me a Notary Public in and for said State, personally appeared William F. Peard and Becky Schuett, to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Waukee, Iowa, a Municipality created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Municipality, and that said instrument was signed and sealed on behalf of said Municipality by authority and resolution of its City Council, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said Municipality by it voluntarily executed.



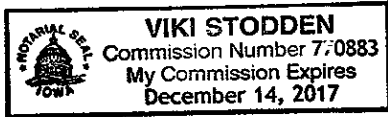

Notary Public in and for the State of Iowa

117 LAND COMPANY, LLC, an Iowa limited liability company

By: Mike Sobotka
Michael Sobotka, Manager

STATE OF IOWA)
) SS
COUNTY OF DALLAS)

On this 6th day of November, 2017, before me the undersigned, a Notary Public in and for said State, personally appeared Michael Sobotka, to me personally known, who, being by me duly sworn, did say that he is the manager of 117 Land Company, LLC and that said instrument was signed on behalf of said company; and that the said Michael Sobotka as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said company, by him voluntarily executed.



[Signature]
Notary Public in and for the State of Iowa

RJ LAWN SERVICE, INC.,

By: Ryan J. McCarthy
Ryan J. McCarthy, Owner

STATE OF IOWA)
) SS
COUNTY OF DALLAS)

On this 6 day of November, 2017, before me the undersigned, a Notary Public in and for said State, personally appeared Ryan J. McCarthy, to me personally known, who, being by me duly sworn, did say that he is the Owner of RJ LAWN SERVICE, INC. and that said instrument was signed on behalf of said company; and that the said Owner acknowledged the execution of said instrument to be the voluntary act and deed of said company, by him voluntarily executed.



Tyler McCann
Notary Public in and for the State of Iowa