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2016-07740

RECORDER MARK BRANDENBURG
POTTAWATTAMIE COUNTY, IA

FILE TIME: 06/10/2016 1:57:20 PM

REC: 20.00AUD: T TAX:

RMA: 1.00ECM: 1.00

R FEE \$ 20⁰⁰ RMA \$ 1⁰⁰

A FEE \$ _____ ECOM \$ 1⁰⁰

T TAX \$ _____

Type of Document:

Michael J. O'Bradovich 7701 Pacific St #205

Preparer Information: (Individual's Name, Street Address, City, Zip, Phone)

OMA Lodging LLC 2010 Abbott Dr, Carter Lake IA 51570

Taxpayer Information: (Individual/Company Name, Street Address, City, Zip, Phone)

Michael O'Bradovich - same as above

Return Document to: (Individual/Company Name, Street Address, City, Zip, Phone)

Grantors: Memorandum 1

Grantees:

City of Carter Lake Iowa

Legal Description:

OMA Lodging LLC

Lot 2, Owen Parkway Replat One

Book & Page Reference:

EXHIBIT D
MEMORANDUM OF AGREEMENT FOR PRIVATE DEVELOPMENT

WHEREAS, the City of Carter Lake, Iowa (the "City") and OMA Lodging, LLC, a limited liability company (the "Developer"), having an office for the transaction of business at 2010 Abbott Drive, Carter Lake, Iowa, did on or about the 15 day of July, 2015, 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, to develop and maintain certain real property located within the City and as more particularly described as follows: (Pottawattomae County)

Lot 2, Owen Parkway Replat (the "Development Property"); and

WHEREAS, the term of the Agreement commenced on the 15 day of June, 2015 and terminates December 31, 2028, unless otherwise terminated as set forth in 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, Carter Lake, Iowa.

IN WITNESS WHEREOF, the City and Developer have executed this Memorandum of Agreement for Private Development on the 5 day of June, 2015.

(SEAL)

CITY OF CARTER LAKE, IOWA

By: _____


Mayor

ATTEST:

By: Doreen Mowery
Doreen Mowery, City Clerk

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

On this 5 day of June, 2015, before me a Notary Public in and for said State, personally appeared Gerald Watkins and Doreen Mowery, to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Carter Lake, 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.

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



