

12443

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WOODBURY COUNTY, IOWA
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WOODBURY COUNTY, IOWA
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Auditor's & Recorder's Fee \$ 27th Pd. dy
By C. Mung Auditor & Recorder
Designee

Fee \$ 5⁰⁰ Pd.
PATRICK F. GILL, Auditor & Recorder
By Ewhitehouse Designee

Prepared By: James Abshier, P.O. Box 447, Sioux City, Iowa 51102 Telephone No. (712)279-6318

ADDRESS TAX STATEMENT: Lakeport Commons, L.L.C., ATTN: Jerry J. Johnson
3918 Sylvian Way, Sioux City, Iowa 51104

CITY DEED

KNOW ALL MEN BY THESE PRESENTS:

That the City of Sioux City, Iowa, a municipal corporation, of the County of Woodbury, and the State of Iowa, by its Mayor thereunto duly authorized, as hereinafter set forth, in consideration of the sum of ELEVEN THOUSAND SIX HUNDRED EIGHTY-ONE DOLLARS AND NO CENTS (\$11,681.00), in hand paid by Lakeport Commons, L.L.C., of the County of Woodbury and State of Iowa, does hereby release, remise, convey and quitclaim unto the said Lakeport Commons, L.L.C., all its right, title and interest in and to the following described premises situated in the County of Woodbury and State of Iowa, to wit:

The entirety of Spruce Avenue between the west Right-of-Way line of Old Lakeport Road and the east right-of-way line of S. Lakeport Street.

AND

The entirety of an unnamed road or highway easement across the entirety of the north 20 feet of Tax Lot 11 and across the entirety of the south 20 feet of Tax Lot 10 Auditors Subdivision of the SW¹/₄ Section 8-88-47.

AND

That portion of Sergeant Road lying between the east Right-of-Way line of S. Lakeport Street and the westerly line of that portion of Sergeant Road vacated on November 8, 2004 via Ordinance 2004-963 and described as follows: Beginning at the intersection of the south line of said Sergeant Road and the west line of Old Lakeport road; thence westerly along said south line for a distance of 54.5 feet to the beginning of a 310 foot radius curve; thence northwesterly along said curve and along said south line for a distance of 184 feet; thence northeasterly for a distance of 60 feet to the north line of said Sergeant Road and the southwest corner of Lot 3, Lakeport Manor 6th Filing; thence southeasterly along said north line and a 250 foot radius curve for a distance of 148 feet; thence easterly along said north line for a

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distance of 52.5' to the intersection of said northerly line and the west line of Old Lakeport Road; thence southerly 60 feet to the Point of Beginning.

AND

That portion of the Sergeant Road Right-of-Way, described as follows: Beginning at the intersection of the south line of said Sergeant Road and the west line of Old Lakeport road, thence westerly along said south line for a distance of 54.5 feet to the beginning of a 310 foot radius curve; thence northwesterly along said curve and along said south line for a distance of 184 feet; thence northeasterly for a distance of 60 feet to the north line of said Sergeant Road and the southwest corner of Lot 3, Lakeport Manor 6th Filing; thence southeasterly along said north line and a 250 foot radius curve for a distance of 148 feet; thence easterly along said north line for a distance of 52.5' to the intersection of said northerly line and the west line of Old Lakeport Road; thence southerly 60 feet to the Point of Beginning.

AND

That portion of the Old Lakeport Road Right-of-Way, described as follows: Beginning at the intersection of the west line of said Old Lakeport Road and the South line of Sergeant Road; thence easterly 66.0 feet to the east line of said Old Lakeport Road; thence northerly along said east line for a distance of 570.5 feet; thence westerly 33.0 feet to the centerline of said Old Lakeport Road; thence northerly along said centerline for a distance of 101.8 feet; thence westerly 33.0 feet to the west line of said Old Lakeport road; thence southerly along said west line for a distance of 677.5 feet to the Point of Beginning.

AND

That portion of Old Lakeport Road lying south of the south Right-of-Way line of Sergeant Road and north of the north Right-of-Way line of U.S. 20 and 75, all in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8, T88N R47W of Sioux City, Woodbury County, Iowa

AND

Those portions of Outlot B and Outlot C in South Mayhew Avenue Replat, Sioux City, Woodbury County, Iowa, described as follows: Beginning at the southeast corner of said Outlot C; thence North 00°06'25" West along the east line of said Outlot C for a distance of 84.98 feet; thence North 55°34'01" West for a distance of 282.10 feet; thence northwesterly along a curve to the left having a radius of 865.00 feet, through a central angle of 15°54'56", for a distance along the arc of 240.28 feet, the chord of which bears North 63°31'05" West a distance of 239.51 feet to the south line of Brookshire Addition to the City of Sioux City; thence continuing along said south line, northeasterly along a non-tangent curve to the left having a radius of 832.00 feet, through a central angle of 04°33'33", for a distance along the arc of 66.20 feet, the chord of which bears North 74°01'45" West a distance of 66.19 feet; thence continuing along said south line, South 88°25'07" West for a distance of 72.05 feet to the west line of said Outlot B; thence South 02°50'59" East along said west line for a

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distance of 46.27 feet; thence southeasterly along a curve to the right having a radius of 625.00 feet, through a central angle of 08°56'18", for a distance along the arc of 97.50 feet, the chord of which bears South 77°13'37" East a distance of 97.40 feet; thence South 03°17'14" East for a distance of 315.28 feet to the south line of said Outlot C; thence North 88°10'01" East along said south line for a distance of 467.88 feet to the Point of Beginning, containing 2.84 acres, subject to easements, if any, of record or apparent. BASIS OF BEARINGS: All bearings are referenced to Geodetic North. The east line of said Outlot C was determined to bear North 00°06'56" West by GPS measurements.

AND

That portion of the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Eight (Sec. 8), Township 88 North, Range 47 West of the 5th P.M., Sioux City, Woodbury County, Iowa, described as follows: Beginning at the southwest corner of the NW $\frac{1}{4}$ -SE $\frac{1}{4}$ of said Sec. 8; thence North 00°03'55" West along the west line of said NW $\frac{1}{4}$ -SE $\frac{1}{4}$ for a distance of 430.67 feet to the southeast corner of Outlot "D" of South Mayhew Replat; thence North 00°03'56" West along the east line of said Outlot "D" for a distance of 95.91 feet to the southeast corner of Outlot "C" of South Mayhew Replat; thence North 00°06'25" West along the east line of said Outlot "C" for a distance of 84.98 feet; thence South 55°34'01" East for a distance of 417.53 feet; thence North 34°25'59" East for a distance of 116.77 feet; thence North 87°53'46" East for a distance of 189.25 feet; thence South 54°47'38" East for a distance of 227.12 feet; thence South 57°37'06" East for a distance of 250.00 feet; thence South 76°00'56" East for a distance of 145.13 feet; thence North 85°59'50" East for a distance of 107.03 feet to the westerly Right-of-Way line of Primary Road No. U.S. 20-75; thence South 15°11'24" West along said Right-of-Way line for a distance of 495.50 feet; thence South 45°16'18" West along said Right-of-Way line for a distance of 487.15 feet; thence South 88°10'14" West for a distance of 103.21 feet; thence North 00°10'21" West for a distance of 659.60 feet; thence South 88°07'58" West for a distance of 662.35 feet to the Point of Beginning, containing 16.00 acres, subject to easements, if any, of record or apparent. BASIS OF BEARINGS: All bearings are referenced to Geodetic North. The west line of the SW $\frac{1}{4}$ -SE $\frac{1}{4}$ of said Sec. 8 was determined to bear North 00°25'59" West by GPS measurements.

It is specifically agreed that this Deed is subject to all of the terms, provisions, covenants, conditions and restrictions (including, but not limited to, the Grantor's right to re-entry contained in Section 704 thereof) contained in a certain Development Agreement entitled "Lakeport Commons Development Agreement," executed by the Grantor and Grantee herein dated August 24, 2004 which is on file in the Office of the Clerk of the City of Sioux City, Iowa, and which is recorded in the records of the Recorder of Woodbury County, Iowa, said Development Agreement being incorporated herein by this reference; and

It is specifically agreed that this Deed is also subject to all the terms, provisions, covenants, conditions and restrictions contained in the Official Urban Renewal Plan, as revised, amended, and modified and adopted by the City of Sioux City, Iowa, for the Donner Park Urban Renewal Project which is on file in the Office of the City Clerk of the City of Sioux City, Iowa, and which is recorded

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in the records of the Recorder of Woodbury County, Iowa, said Urban Renewal Plan, as revised, amended and modified, being incorporated herein by this reference; and

It is specifically agreed that all the terms, provisions, covenants, conditions and restrictions contained in both said Urban Renewal Plan as amended and modified, and said Development Agreement, shall be and are hereby declared to be covenants running with the land, enforceable as therein set out or otherwise by the City of Sioux City, Iowa, regardless of whether or not title to all the land in the said Donner Park Urban Renewal Project area may have been transferred to private parties. Such agreements and covenants shall run in favor of the Grantor, for the entire period during which such agreements and covenants shall be in force and effect, without regard to whether the Grantor has at any time been, remains, or is an owner of any land or interest therein to or in favor of which such agreements and covenants relate.

This Deed shall not be deemed to affect or impair any of the provisions or covenants of said agreement.

This Deed is executed under and by virtue of the authority vested in the Mayor of Sioux City, Iowa, under the provisions of a certain Resolution No. 2004-0737, duly passed and approved on the 24th day of August, 2004, under the provision of which and in accordance herewith, this Deed is executed.

IN WITNESS WHEREOF, the City of Sioux City, Iowa, has caused these Presents to be signed by its Mayor and the seal of said City duly attested by the City Clerk hereunto affixed this 24th day of January, 2005.

Karen L. Van De Steeg
Karen L. Van De Steeg, Mayor

Attest: Robert K. Padmore
Robert K. Padmore, City Clerk

STATE OF IOWA)
) :ss
COUNTY OF WOODBURY)

On this 24th day of January, 2005, before me, a Notary Public duly commissioned and qualified in and for said County and State, personally appeared Karen L. Van De Steeg, Mayor of the City of Sioux City, Iowa, and Robert K. Padmore, 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 above written.

Brittany Worden
NOTARY PUBLIC IN AND FOR WOODBURY COUNTY

