

9537

STATE OF IOWA

Doc. No. \_\_\_\_\_  
WOODBURY COUNTY, IOWA  
Filed for Record

CITY OF SIOUX CITY

NOV 12 2002

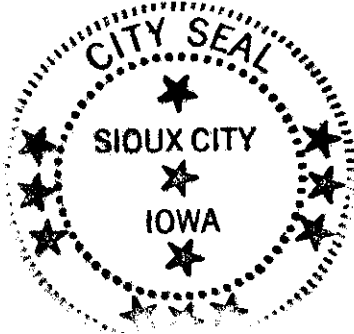
Woodbury County

Office of the City Clerk

Time 3:00 PM Fee \$ 36.00 chs  
PATRICK F. GILL, Auditor & Recorder  
By C. Murphy Designee

I, Robert K. Padmore, 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 2002-1084 adopted by the City Council of the City on the 4<sup>th</sup> day of November 2002, upon the call of yeas and nays thereof duly had and recorded.

Dated at Sioux City, Iowa this 5<sup>th</sup> day of November 2002.



(SEAL)

Robert K. Padmore  
ROBERT K. PADMORE  
CITY CLERK

RESOLUTION NO. 2002 - 001084

RESOLUTION APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN CIVIC PARTNERS AND THE CITY OF SIOUX CITY, IOWA

WHEREAS, the City of Sioux City, Iowa and Civic Partners did on November 19, 2001, enter into a Development Agreement in connection with the development of certain property in the Combined Central Sioux City – CBD Urban Renewal Area amended on June 10, 2002 and;

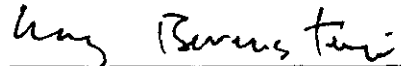
WHEREAS, Civic Partners have proposed that such Development Agreement be again amended, and;

WHEREAS, a copy of such Second Amendment to the Civic Partners Development Agreement is attached hereto and should be approved as to form and content.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the Second Amendment to Civic Partners Development Agreement between Civic Partners and the City of Sioux City, Iowa, as referred to in the preamble hereof, be and the same is hereby approved as to form and content.

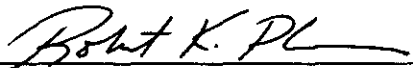
BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and they are hereby authorized and directed to execute said Second Amendment to Civic Partners Agreement for and on behalf of the City.

PASSED AND APPROVED: November 4, 2002



Craig S. Berenstein, Mayor

ATTEST:



Robert K. Padmore, City Clerk

SECOND AMENDMENT TO CIVIC PARTNERS DEVELOPMENT AGREEMENT

THIS SECOND AMENDMENT made and entered into on November 4, 2002 by and between the City of Sioux City, Iowa, (hereinafter "City") and Civic Partners Sioux City L.L.C., (hereinafter "Redeveloper").

WHEREAS, City and Redeveloper have, pursuant to Resolution No. 2001-1027 passed and approved November 19, 2001, entered into a Development Agreement for the redevelopment of a portion of the Combined Central Sioux City -CBD Urban Renewal Area; and

WHEREAS, City and Redeveloper propose to amend said Development Agreement.

NOW, THEREOFRE, 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 of the Development Agreement shall be amended by adding a new subparagraph (k) thereto to read as follows:

(k) Legal Description of Phases and Parcels. The Project shall consist of three Phases, each of which shall contain one or more parcels of land as follows:

(1) Phase I: Phase I of the Project shall contain the following described property: See attached Plat of Survey.

(2) Phase II: Phase II of the Project shall contain the following described property: Lots 1 - 6, Block 22, Middle Sioux City and the vacated North/South and East/West alleys (including the intersection of said alleys) lying in said Block 22, Middle Sioux City AND Jennings Street abutting Lots 1 - 6, Block 22, Middle Sioux City EXCEPT those areas which have been identified in Phase I or which may be identified as being needed for future public right-of-way or other public purpose. The exact area of Phase II to be determine and identified on a Plat of Survey at a later date. Said survey to be agreed upon by both the City and the Developer.

(3) Phase III: Phase III of the Project shall contain the following described property: Lots 7 - 12, Block 22, Middle Sioux City and the vacated East/West alley abutting Lot 10 and the vacated North/South alley abutting Lots 10 - 12, Block 22, Middle Sioux City EXCEPT those areas which have been identified in Phase II or which may be identified as being needed for future public right-of-way or other public purpose. The exact area of Phase III to be determined and identified on a Plat of Survey at a later date. Said survey to be agreed upon by both the City and Developer.

2. In all other respects, the Development Agreement entered into by the parties on November 19, 2001, as amended June 10, 2002, be and the same is hereby ratified, confirmed and approved.

CITY OF SIOUX CITY, IOWA

CIVIC PARTNERS SIOUX CITY L.L.C.

By: [Signature] Craig S. Berenstein, Mayor

By: [Signature] Managing Member

ATTEST: [Signature] Robert K. Padmore, City Clerk

ATTEST: [Signature]

Date: 11-04-02

Date: [Signature]

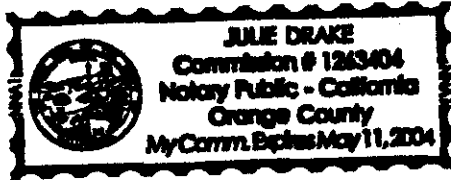
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }  
County of Orange } ss.

On October 17, 2002 before me, Julie Drake, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")  
personally appeared Steven P. Semingson  
Name(s) of Signer(s)

personally known to me  
 ~~proved to me on the basis of satisfactory evidence~~

to be the person  whose name  is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity , and that by his/~~her/their~~ signature  on the instrument the person , or the entity upon behalf of which the person  acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Julie Drake

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Second Amendment to Civic Partners Development Agmt.

Document Date: October 17, 2002 Number of Pages: 1

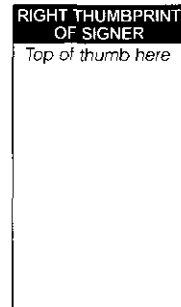
Signer(s) Other Than Named Above: Craig S. Berenstein, Mayor & City Clerk

Capacity(ies) Claimed by Signer

Signer's Name: Steven P. Semingson

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: Managing Member

Signer Is Representing: Civic Partners Sioux City L.L.C.



STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2002, before me, the undersigned a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ and \_\_\_\_\_, to me personally known, who being by me duly sworn, did say that they are the \_\_\_\_\_ and \_\_\_\_\_ respectively, of said corporation executing the within and foregoing instrument, that  
(no seal has been procured by the said) corporation, that said instrument was  
(the seal affixed thereto is the seal of said)  
signed (and sealed) on behalf of said corporation by authority of its Board of Directors; and that the said \_\_\_\_\_ and \_\_\_\_\_ as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by them voluntarily executed.

(SEAL) \_\_\_\_\_  
NOTARY PUBLIC in and for said COUNTY and STATE

STATE OF IOWA )  
 ) ss.  
COUNTY OF WOODBURY)

On this 4<sup>th</sup> day of November, 2002, before me, a Notary Public duly commissioned and qualified in and for said County and State, personally appeared Craig S. Berenstein, 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.

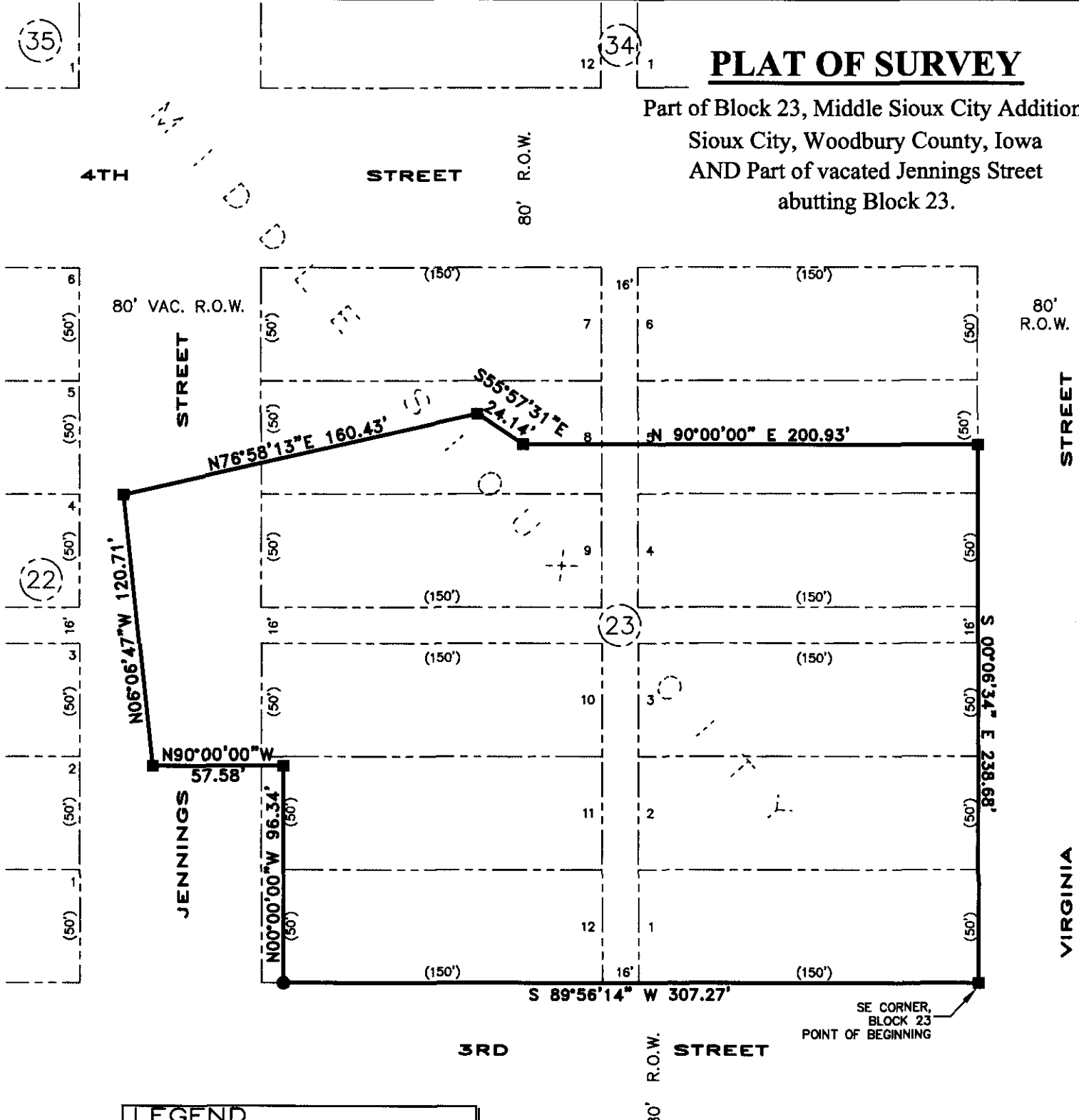
IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal at Sioux City, Iowa, the day and year last above written.

(SEAL)  Diane Bailey  
NOTARY PUBLIC in and for said COUNTY and STATE

PREPARED BY: DGR & Assoc. Co., 4425 Singing Hills Blvd., Suite 300 Sioux City, IA 51106 (712) 266-1554

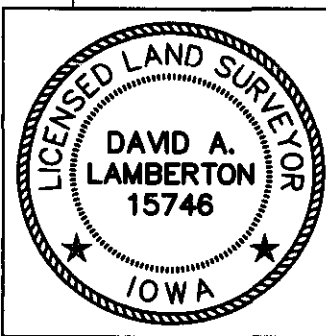
**PLAT OF SURVEY**

Part of Block 23, Middle Sioux City Addition,  
Sioux City, Woodbury County, Iowa  
AND Part of vacated Jennings Street  
abutting Block 23.



**LEGEND**  
 ● SET 1/2" x 30" REBAR  
 W/ ORANGE CAP #15746  
 ■ DRILLED & SET NAIL IN PAVEMENT  
 (50') PLATTED DIMENSION

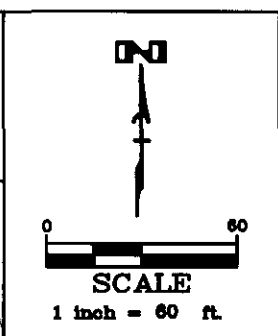
CURRENT PROPRIETOR: City of Sioux City.  
DESCRIPTION ON PAGE 2 OF 2



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision, and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

*David A. Lambertson* 9/3/02  
**DAVID A. LAMBERTSON** License No. 15746 DATE

My license renewal date is December 31, 2002  
 Pages or sheets covered by this seal: 1 & 2 of 2  
 Survey performed at the request of: City of Sioux City



**DeWild Grant Reckert & Assoc. Co.**  
 Consulting Engineers  
 4425 Singing Hills Blvd., Suite 300, Sioux City, Iowa.  
 Tel. 712-266-1554 Fax. 712-266-1707 51106

Date of Field Survey: 12/20/01  
 Drawn By: DAL Approved: DAL  
 Drawing - P:\P\251058\dwg\Cineplex Plat.dwg

Project No. 252015  
 Sheet 1 of 2

**DESCRIPTION:**

Lots One (1) through Four (4) inclusive, Lots Nine (9) and Ten (10) inclusive, portions of Lots Five (5), Eight (8), Eleven (11) and Twelve (12), the entire vacated east-west alley, and a portion of the vacated north-south alley abutting said lots, all in Block Twenty-three (23), Middle Sioux City Addition, Sioux City, Woodbury County, Iowa, also, a portion of vacated Jennings Street, described as follows and as shown on the attached Plat of Survey, by reference made a part hereof:

Beginning at the southeast corner of said Block 23; thence South 89°56'14" West along the south line of said Block 23 for a distance of 307.27 feet; thence North 00°00'00" West for a distance of 96.34 feet; thence North 90°00'00" West for a distance of 57.58 feet; thence North 06°06'47" West for a distance of 120.71 feet; thence North 76°58'13" East for a distance of 160.43 feet; thence South 55°57'31" East for a distance of 24.14 feet; thence North 90°00'00" East for a distance of 200.93 feet to the west line of Virginia Street; thence South 00°06'34" East along the west line of Virginia Street for a distance of 238.68 feet to the Point of Beginning, containing 82,030 square feet or 1.88 acres, subject to easements, if any, of record or apparent.

Basis of Bearings;

The east line of said Block 23 is assumed to bear South 00°06'34" West for the purposes of this project.

