

R FEE \$ 25.00 RMA \$ 1.00
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ORIGINAL
2016-17747

RECORDER MARK BRANDENBURG
POTTAWATTAMIE COUNTY, IA
FILE TIME: 12/22/2016 3:40:30 PM
REC: 25.00AUD: T TAX:
RMA: 1.00ECM: 1.00

Type of Document: MEMORANDUM OF AGREEMENT FOR PRIVATE
DEVELOPMENT BETWEEN THE CITY OF COUNCIL
BLUFFS AND RIVER'S EDGE APARTMENTS, L.L.C.

Return Document to: Brenda Carrico
City of Council Bluffs
403 Willow Avenue
Council Bluffs, IA 51503

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

Taxpayer Information: N/A

GRANTORS: N/A

GRANTEES: N/A

LEGAL DESCRIPTION: See first page of Memorandum of Agreement for Private
Development.

01305396-1\10342-129

EXHIBIT D

MEMORANDUM OF AGREEMENT FOR PRIVATE DEVELOPMENT

WHEREAS, the City of Council Bluffs, Iowa (the "City"), and River's Edge Apartments, L.L.C., an Iowa Limited liability company ("Developer") did on or about the 20th day of December, 2016, 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 Playland Park Urban Renewal Plan (the "Plan"), to develop and operate certain real property located within the City and within the Playland Park Urban Renewal Area.

The "Development Property" is described as follows (each a "Parcel"):

Block 6 of River's Edge Subdivision further described as:

Parcel Number 7544 28 356 006 (Pottawattamie County)

AND

Lot 1, Block 2 of River's Edge Subdivision Replat Two further described as:

Parcel Number 7544 28 358 001 (Pottawattamie County)

AND

Lot 1, Block 3 of River's Edge Subdivision further described as:

Parcel Number 7544 28 358 002 (Pottawattamie County)

WHEREAS, the term of the Agreement commenced on the 20th day of December, 2016 and terminates as to each Parcel twenty one (21) years after the full assessment of the Minimum Improvements on such Parcel, 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, Council Bluffs, Iowa.

IN WITNESS WHEREOF, the City and Developer have executed this Memorandum of Agreement for Private Development on the 20th day of December, 2016.

[signatures to follow on next pages]

(SEAL)

CITY OF COUNCIL BLUFFS, IOWA

By: Matt Walsh
Matt Walsh, Mayor

ATTEST:

By: Marcy Worden
Marcy Worden, City Clerk
Joely Quakenbush, Deputy

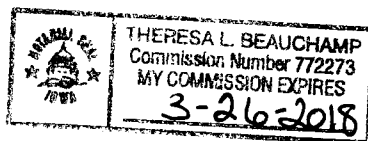
STATE OF IOWA

)
) SS
)

COUNTY OF POTTAWATTAMIE

On this 20 day of December, 2016, before me a Notary Public in and for said State, personally appeared Matt Walsh and Marcy Worden, to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Council Bluffs, 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.

Theresa L. Beauchamp
Notary Public in and for the State of Iowa



RIVER'S EDGE APARTMENTS, L.L.C.

By: Howard Kooper
Howard Kooper, Manager

STATE OF Nebraska)
COUNTY OF Douglas) SS

On this 7 day of November, 2016, before me the undersigned, a Notary Public in and for said State, personally appeared Howard Kooper, to me personally known, who, being by me duly sworn, did say that he is the Manager of River's Edge Apartments, L.L.C., and that said instrument was signed on behalf of said limited liability company; and that the said Howard Kooper as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company, by him voluntarily executed.

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