

WHEN RECORDED RETURN TO:

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Preparer Information: Amy S. Beattie, 6701 Westown Parkway, Suite 100, West Des Moines, Iowa 50266 (515) 274-1450

Amendment to Development Agreement with MOELLER ENGINEERING, LLC

This Amendment to Development Agreement is made and entered into this 5th day of December, 2016, by and between the City of Ankeny, Iowa, and Moeller Engineering, LLC.

WHEREAS, the City of Ankeny, Iowa (hereinafter “City”), entered into a Development Agreement (the “Agreement”) with MOELLER ENGINEERING, LLC (hereinafter “Company”), approved by Agreement on April 18, 2016; and

WHEREAS, the City and Company agreed to an Economic Development Project (the “Project”) to be undertaken by the Company in the building located at 802 SE Shurfine Drive, Ankeny, Iowa; and

WHEREAS, under the terms of the Agreement, the Company proposed to lease, renovate, and occupy existing office space at 802 SE Shurfine Drive with the Company committing to the creation of 7 new jobs over three years; and

WHEREAS, due to renovation estimates exceeding budget, the Company is now proposing to lease office space at 2401 SE Tones Drive, Suite 1, Ankeny, Iowa, while continuing to commit to the creation of seven (7) new full-time jobs; and

WHEREAS, the Project is eligible for benefits in accordance with the Local Business Investment Policy adopted by the City by Resolution No. 2014-156 which benefits consist of incentives providing loans and grants (hereinafter “City Contribution”) to support targeted industry job creation; and

WHEREAS, the City has determined that the Project is consistent with the economic development objectives of the City and is in the best interest of the City. The City further finds that the use of City funds is in accord with the provisions of the applicable laws under which the Project will be undertaken, including, but not limited to *Iowa Code* Chapters 15A and 403.

NOW, THEREFORE, the City and Company, in consideration of the promises and mutual obligations set forth in the Agreement, agree to amend the Agreement and covenant as follows:

1. **“Property”, previously defined as 802 SE Shurfine Drive, Ankeny, Iowa, 50023 is now defined as the following:**
 2. 2401 SE Tones Drive, Suite #1, Ankeny, Iowa 50021
3. This Amendment to the Agreement and all related instruments shall be interpreted in accordance with the law of the State of Iowa and action relating to this Agreement shall only be commenced in the Iowa District Court for Polk County or the United States District Court for the Southern District of Iowa.
4. This Amendment to the Agreement, the Agreement, the Declaration and the Exhibits herein referenced, shall constitute the entire agreement between the City and the Company concerning its subject matter and supersedes all other written and oral agreements, discussions, and negotiations. The term of this Amendment and the Agreement may not be amended except in writing by agreement of the City and Company.
5. This Amendment to the Agreement shall be binding upon the Company and all successors-in-interest and shall run with the land.
6. This Amendment to the Agreement shall take effect immediately upon execution by the parties.
7. In all other respects, the Agreement between the parties dated April 18, 2016 shall remain in full force and affect.

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

CITY OF ANKENY, IOWA

By: _____
Gary Lorenz, Mayor

I, Pamela DeMouth, City Clerk of the City of Ankeny, Iowa, do hereby certify that the within and foregoing Amendment to the Development Agreement was duly approved and accepted by the City Council of said City of Ankeny by Resolution #2016-_____, passed on the 5th day of December 2016 and this certificate is made pursuant to authority contained in said Resolution.

Signed this 5th day of December, 2016.

City Clerk of the City of Ankeny, Iowa

STATE OF IOWA, COUNTY OF POLK, ss:

On the 5th day of December, 2016, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Gary Lorenz and Pamela DeMouth, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of Ankeny, Iowa, a municipal corporation; that the seal affixed to the above and foregoing instrument is the corporate seal of said municipal corporation, and the said Gary Lorenz and Pamela DeMouth acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of said municipal corporation, by it and by them voluntarily executed.

[Stamp or Seal]

Notary Public in and for the State of Iowa

MOELLER ENGINEERING, LLC
an Iowa limited liability company

By: _____

STATE OF IOWA, COUNTY OF POLK, ss:

On this ____ day of December, 2016, before me, a Notary Public in and for the said State, personally appeared Arthur Moeller, to me personally known, who, being by me duly sworn, did say that that person is President & Chief Executive of said limited liability company; that said instrument was signed on behalf of the said limited liability company by authority of its Officers and the said Arthur Moeller acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it voluntarily executed.

Notary Public in and for said State of Iowa