

WHEN RECORDED RETURN TO:

Debra M. Arend
Interim City Clerk
410 West First Street
Ankeny, IA 50021-1557

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

PARTIAL RELEASE OF AGREEMENTS

The undersigned, the present holder of the Agreements hereinafter described, for valuable consideration, receipt of which is hereby acknowledged, does hereby acknowledge that the following described real estate, now owned by McCoskey, Limited Partnership, situated in Polk County, Iowa, to wit:

N 1/2 NE 1/4 LYING W OF SE CROSSWINDS DR LESS RD
SEC 7-79-23; and

-EX COM NE COR SEC 7 THN W ALNG N LN 478.64F S
50.01F TO POB THN S 1264.58F TO S LN OF NE 1/4 NE
1/4 THN W 34.45F N 1264.66F TO S LN OF ROW THN E
34.45F TO POB- & EX E 478.5F- N 1/2 NE 1/4 LYG E
OF SE CROSSWINDS DR LESS RD SEC 7-79-23

Also more particularly described as:

The North 1/2 of the Northeast 1/4 of Section 7, Township 79 North, Range 23 West of the 5th P.M., now included in and forming a part of the City of Ankeny, Polk County, Iowa, except the East 478.5 feet thereof; EXCEPT Parcel 'I' being a part of the NE 1/4 of the NE 1/4 of Section 7, Township 79 North, Range 23 West of the 5th P.M. filed July 2, 2015 in the Office of the Recorder in and for Polk County, Iowa in Book 15642, Page 947 and except that part conveyed to the City of Ankeny, Iowa, by Warranty Deed recorded in Book 14345 Page 426 in the Office of the Recorder of Polk County, Iowa (the "Released Property")

is hereby released from any and all obligations, including any liens created therein, of (i) the Reimbursement Agreement, executed with the City of Ankeny, Iowa, dated January 2, 2007, and recorded on January 12, 2007 in the Polk County Recorder's Office, State of Iowa, in Book 12031, Page 139; and (ii) the Crosswinds Business Park-Public/Private Development Agreement, dated February 20, 2012, and recorded on January 24, 2013 in the Polk County Recorder's Office, State of Iowa, in Book 14627, Page 862 (together with the above-referenced Reimbursement Agreement, the "Agreements"), specifically reserving and retaining all rights against and for all of the remaining property embraced in the Agreements.

It is also agreed that in recognition of the satisfaction of the obligations set forth in the Agreements with respect to the Released Property, as evidenced by this Partial Release, the Released Property shall not be responsible for the construction of, or be assessed for the costs of, streets that have been proposed in the Crosswinds Business Park Neighborhood Plan #4 presented to the City of Ankeny Planning and Zoning Commission on January 22, 2019, including modifications and alternate proposals for such streets, without the express written consent of the property owner.

Dated the **18th** day of **February**, 2019.

CITY OF ANKENY, IOWA

By: _____
Mayor

Attest:

By: _____
City Clerk

STATE OF IOWA, COUNTY OF POLK, ss:

On the **18th** day of **February**, 2019, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared **GARY LORENZ** and **DEBRA M. AREND**, 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 that said instrument was signed and contained in the Resolution adopted by the City Council of Ankeny, Iowa, on the **18th** day of **February**, 2019, and the said **GARY LORENZ** and **DEBRA M. AREND** 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.

Notary Public in and for the State of Iowa