

WHEN RECORDED RETURN TO:

Amy S. Beattie
6701 Westown Parkway, Suite 100
West Des Moines, Iowa 50266

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

**Amendment To
Tax Increment Development Agreement with Kreg Enterprises, Inc.**

This Amendment to Tax Increment Development Agreement is made and entered into this ____ day of _____, 2019, by and between the City of Ankeny, Iowa, and Kreg Enterprises, Inc.

Whereas, the City of Ankeny, Iowa (hereinafter “City”), entered into a Tax Increment Development Agreement (the “Agreement”) with Kreg Enterprises, Inc. (hereinafter “Company”) by Agreement approved on December 17, 2018; and

Whereas, the City and Company agreed to an Urban Renewal Project to be undertaken by the Company on property locally known as approx. 25 acres located west of SE 77th Street and SE Crosswinds Drive adjacent to Interstate 35 in the Crosswinds Business Park, Ankeny, Iowa and legally described on the attached **Exhibit “A”** (hereinafter “Project Area”). The Project Area is located within the 1989 Ankeny Economic Development Area Urban Renewal Project established by Resolution #23-89 passed on March 20, 1989 (hereinafter “Urban Renewal Area”) and the Urban Renewal Plan established by Ordinance #1039 passed on May 15, 1989 (hereinafter “Ordinance”), and included in the Urban Renewal Plan approved by Resolution No. 62-89, adopted April 17, 1989, and the following amendments: Resolution No. 32-94, adopted February 7, 1994, the City approved and adopted Amendment No. 1 to the Plan; Resolution No. 2003-195, adopted May 19, 2003, the City approved and adopted Amendment No. 2 to the Plan; Resolution No. 2003-356, adopted November 17, 2003, the City approved and adopted Amendment No. 3 to the Plan; Resolution No. 2005-408, adopted September 6, 2005, the City approved and adopted Amendment No. 4 to the Plan; Resolution No. 2012-376, adopted September 17, 2012, the City approved and adopted Amendment No. 5 to the Plan; Resolution No. 2015-183, adopted April 6, 2015, the City approved and adopted Amendment No. 6 to the Plan; and Resolution No. 2017-132, adopted March 6, 2017, the City approved and adopted Amendment No. 7 to the Plan; Resolution No. 2018-148, adopted March 19, 2018, the City

approved and adopted Amendment No. 8 to the Plan; and Resolution No. 2018-257, adopted May 21, 2018, the City approved and adopted Amendment No. 9 to the Plan; and Resolution No. 2019-088, adopted March 4, 2019, the City approved and adopted Amendment No. 10 to the Plan; and

Whereas, the City has adopted an Ordinance under which tax incremental revenues are divided with a portion going into the Urban Renewal Tax Increment Fund of the City, pursuant to *Iowa Code* §403.12 and §403.19; and

Whereas, under the terms of the Agreement, the Company proposed an Urban Renewal Project that would construct an approximately 250,000 square foot office and manufacturing facility to be located within the Project Area, with the Company committing to commencing construction, defined as footings in the ground, within eighteen (18) months of approval of the Agreement; and

Whereas, the Company has acquired the Project Area and is currently working on a formal site plan for an approximately 175,000 square foot facility with construction now expected to begin in Spring 2020; and

Whereas, the Company has requested an additional six (6) months to commence construction, defined as footings in the ground, as outlined in the Agreement.

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. Article I, Paragraph 1.2 is hereby replaced with the following:

1.2 The constructed project shall consist of an approximately One Hundred Seventy-Five Thousand (175,000) square foot manufacturing, warehousing, distribution, and office facility and associated site and public infrastructure improvements.

2. Article I, Paragraph 1.3 is hereby replaced with the following:

1.3 The Project shall be commenced, defined as footings in the ground, within twenty-four (24) months of approval of this Agreement by the City.

3. This Amendment to the Agreement shall take effect immediately upon execution by the parties.

4. In all other respects, the Agreement between the parties dated December 17, 2018 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, Denise L. Hoy, 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 and Roll Call No. _____, passed on the _____ day of December 2019 and this certificate is made pursuant to authority contained in said Resolution.

Signed this _____ day of December, 2019.

City Clerk of the City of Ankeny, Iowa

STATE OF IOWA, COUNTY OF POLK, ss:

On the _____ day of December, 2019, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Gary Lorenz and Denise L. Hoy, 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 Denise L. Hoy 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

KREG ENTERPRISES, INC.
an Iowa S-corporation

By: _____
Todd Sommerfeld
President & CEO

Signature Date: _____

STATE OF IOWA, COUNTY OF POLK, ss

On this ____ day of December, 2019, before me, the undersigned, a Notary Public in and for the state of Iowa, personally appeared Todd Sommerfeld, to me personally known, who being by me duly sworn did say that he is the President and Chief Executive Officer, Kreg Enterprises, Inc., an Iowa corporation, that the instrument to which this is attached was signed on behalf of said corporation by authority of its Board of Directors; and that the said Todd Sommerfeld 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.

Notary Public in and for the
State of Iowa

Exhibit "A"

A PART OF THE SOUTH 54 1/4 ACRES OF THE NORTHWEST FRACTIONAL 1/2 AND A PART OF THE NORTH 1/2 OF THE SOUTHWEST FRACTIONAL 1/4, ALL IN SECTION 7, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF ANKENY, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 7; THENCE SOUTH 00° 18' 14" EAST ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST FRACTIONAL 1/4, A DISTANCE OF 101.97 FEET; THENCE NORTH 88° 59' 32" WEST, 1348.00 FEET TO THE PRESENTLY ESTABLISHED EAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35; THENCE NORTH 07° 59' 56" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 158.37 FEET; THENCE NORTH 17° 51' 58" EAST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, 217.97 FEET; THENCE NORTH 46° 12' 46" EAST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, 271.45 FEET; THENCE NORTH 07° 23' 49" WEST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, 367.67 FEET TO THE NORTH LINE OF SAID SOUTH 54 1/4 ACRES OF THE NORTHWEST FRACTIONAL 1/2; THENCE SOUTH 88° 59' 32" EAST ALONG SAID NORTH LINE, 1150.20 FEET TO THE EAST LINE OF SAID SOUTH 54 1/4 ACRES OF THE NORTHWEST FRACTIONAL 1/4; THENCE SOUTH 00° 15' 50" EAST ALONG SAID EAST LINE, 818.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 25.97 ACRES (1,131,187 S.F.).

Or more recently described as:

LOT 1 CROSSWINDS BUSINESS PARK PLAT 1