

**BK: 2019 PG: 3227**  
**Recorded: 10/9/2019 at 8:37:58.0 AM**  
**Pages 2**  
**County Recording Fee: \$19.00**  
**Iowa E-Filing Fee: \$3.35**  
**Combined Fee: \$22.35**  
**Revenue Tax:**  
**LISA SMITH RECORDER**  
**Madison County, Iowa**

Prepared by/Return to: R.J.Scieszinski, 4200 Mills Civic Pkwy, W. Des Moines, IA 50265 515-222-3614

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**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES  
RELEASING LOT 2 OF OSMIUM WEST PLAT 1 FROM THE DEVELOPMENT AND  
MINIMUM ASSESSMENT AGREEMENTS BETWEEN THE CITY OF WEST DES  
MOINES AND MICROSOFT CORPORATION FOR PROJECT OSMIUM**

**WHEREAS**, on or about November 14, 2016 the City of West Des Moines and Microsoft Corporation entered in to a Development Agreement as evidenced by a Memorandum of Agreement filed in Book 2016, Page 3961 in the Office of the Madison County, Iowa Recorder, as amended and shown in Book 2019, Page 258 in the Office of the Madison County, Iowa Recorder; and

**WHEREAS**, in conjunction with the Development Agreement, the parties executed a Minimum Assessment Agreement, dated on or about November 14, 2016 and filed in Book 2016, Page 3962 in the Office of the Madison County, Iowa Recorder; and

**WHEREAS**, the Development and Minimum Assessment Agreements included Lot 2 of OSMIUM WEST PLAT 1, an official plat of the City of West Des Moines, Madison County, Iowa, which is owned by MidAmerican Energy Company and on which electric utility substation is located and operated;

**WHEREAS**, as provided by Iowa code, as a utility, the property tax paid by MidAmerican Energy Company is centrally assessed by the State of Iowa and not assessed by Madison County, Iowa as contemplated by the Development and Minimum Assessment Agreements; and

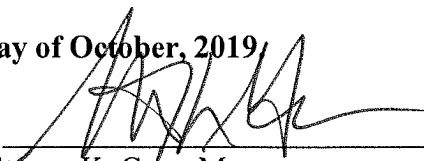
**WHEREAS**, for the purpose of taxation, Lot 2 of OSMIUM WEST PLAT 1, an official plat of the City of West Des Moines, Madison County, Iowa should be released from the Development Agreement and Minimum Assessment Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT:**

19-10-07-12

1. Lot 2 of OSMIUM WEST PLAT 1, an official plat in the City of West Des Moines, Madison County, Iowa is released for the purpose of taxation from both the *Development Agreement between the City of West Des Moines and Microsoft Corporation for Project Osmium* as evidenced by the Memorandum of Agreement filed in Book 2016, Page 3961 in the Office of the Madison County, Iowa Recorder (as amended and shown in Book 2019, Page 258 in the Office of the Madison County, Iowa Recorder) and the Minimum Assessment Agreement dated on or about November 14, 2016 and filed of record in Book 2016, Page 3962 in the Office of the Madison County, Iowa Recorder.
2. No other property is released and from and no other changes are made to the Development Agreement or Minimum Assessment Agreement.
3. This Resolution shall be filed in the Office of the Madison County, Iowa Recorder.

**PASSED AND APPROVED on this 7<sup>th</sup> day of October, 2019**

  
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 Steven K. Gaer, Mayor

ATTEST:

  
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 Ryan T. Jacobson, City Clerk

COUNCIL ACTION	YEAS	NAYS	ABST.	ABSENT
TREVILLYAN	✓			
MICKELSON				✓
TRIMBLE	✓			
HARDMAN	✓			
SANDAGER	✓			
MOTION BY <u>Sandager</u>				
SECOND BY: <u>Hardman</u>				
ROLL CALL # <u>19-465</u>				