

RESOLUTION NO. 2022 - ____

**RESOLUTION AUTHORIZING AMENDMENT TO
REAL ESTATE PURCHASE AGREEMENT**

WHEREAS, the City of West Burlington Iowa, and BK Land, LLC entered into a Real Estate Purchase Agreement, dated March 26, 2020, and filed July 14, 2020, as part of Instrument No. 2020-003501, Recorder's Office, Des Moines County, Iowa, whereby BK Land, LLC, was required to dedicate certain land to the City by filing a Final Plat in the Recorder's Office, Des Moines County, Iowa, within six (6) months of closing, in exchange for real estate conveyed to BK Land, LLC, by the City; and

WHEREAS, closing occurred prior to July 14, 2020, but BK Land, LLC, has yet to effectuate the above-referenced dedication; and

WHEREAS, Paragraph 1 of the Purchase Agreement provides the six (6) month deadline for BK Land, LLC, to make the dedication is subject to such reasonable extension(s) the City and BK Land, LLC, may agree upon to avoid unavoidable delays; and

WHEREAS, there is attached to this resolution a proposed First Amendment to the above-referenced Real Estate Purchase Agreement to effectuate a reasonable extension of an additional six (6) months for BK Land, LLC to make the dedication, subject to no more than two (2) extensions of three (3) months each at the City's discretion for good cause shown; and

WHEREAS, the resulting delay in the dedication promises to result in no prejudice to the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST BURLINGTON IOWA, AS FOLLOWS:

SECTION 1: *Authorization and Approval:* The attached First Amendment to Real Estate Purchase Agreement between the City of West Burlington and BK Land, LLC, is hereby authorized and approved.

SECTION 2: *Execution:* The Mayor and City Clerk are hereby authorized and directed to execute the attached First Amendment to Real Estate Purchase Agreement.

SECTION 3. *Authority to Grant Extensions:* The City Administrator is hereby authorized and empowered to grant such extensions pursuant to the terms of the First Amendment to Real Estate Purchase Agreement as the City Administrator deems necessary or advisable within the City Administrator's exercise of reasonable discretion.

SECTION 4: *When Effective.* This Resolution shall be effective upon its passage and approval as provided by law.

PASSED AND APPROVED this _____ day of _____ 2022.

CITY OF WEST BURLINGTON, IOWA

By: Ron Teater, Mayor

ATTEST:

Kelly D. Fry, City Clerk