



AGENDA INFORMATION
TIFFIN CITY COUNCIL COMMUNICATION

DATE:	May 15, 2026
AGENDA ITEM:	Resolution No. 2026-039 – Approving Developer’s Agreement for Park Place City Center – Part One, Phase Four
ACTION:	Motion

Background

Andersen Development Inc., through MMS Consultants, has submitted a Developer’s Agreement for Park Place City Center – Part One, Phase Four, which is part of an approved Planned Development Overlay (OPD) Site District.

This phase of development is consistent with prior approvals for Park Place City Center, including Ordinance No. 2024-512, which established the OPD zoning framework for the site.

The Developer’s Agreement outlines the obligations of the developer and the City, including infrastructure requirements, site improvements, and other conditions associated with the approved development.

The Developer’s Agreement is currently under review and final revisions are being completed by the City Attorney.

An updated version of the agreement is expected prior to the May 19, 2026 City Council meeting and will be provided in the final agenda packet or as a supplemental document.

Recommendation

Staff recommends approval of Resolution No. 2026-039, approving the Developer’s Agreement for Park Place City Center – Part One, Phase Four, subject to final review and revisions by the City Attorney.

ATTACHMENTS: Resolution, Developer’s Agreement

RESOLUTION NO. 2026-039

A RESOLUTION APPROVING A DEVELOPER'S AGREEMENT WITH ANDERSEN DEVELOPMENT INC. FOR PARK PLACE CITY CENTER – PART ONE, PHASE FOUR, A PLANNED DEVELOPMENT OVERLAY (OPD) SITE DISTRICT, TIFFIN, IOWA

Whereas, MMS Consultants, Inc., on behalf of Andersen Development Inc., has filed with the City of Tiffin a Planned Development Overlay (OPD) Site District for Park Place City Center Part One, Phase Four, in the City of Tiffin, Iowa, legally described on attached Exhibit "A", hereby incorporated, and;

Whereas, Ordinance 2024-512 was approved by City Council on July 16, 2024, approving the Planned Development Overlay (OPD) Site District for Park Place City Center Part One – Phase 4, Lot 8, and;

Whereas, the Developer's Agreement will include any and all particulars to the approved Planned Development Overlay (OPD) Site District for Park Place City Center Part One – Phase Four.

Now, therefore be it resolved by the City Council of the City of Tiffin, Iowa, that the Developer's Agreement is approved and the Mayor and City Clerk are hereby authorized to execute said Agreement.

On the 19th day of May, 2026, at a regular meeting of the Tiffin City Council, Tiffin, Iowa, Councilperson _____ introduced **RESOLUTION NO. 2026-039, A RESOLUTION APPROVING A DEVELOPER'S AGREEMENT WITH ANDERSEN DEVELOPMENT INC. FOR PARK PLACE CITY CENTER – PART ONE, PHASE FOUR, A PLANNED DEVELOPMENT OVERLAY (OPD) SITE DISTRICT, TIFFIN, IOWA** and made a motion for approval. Motion seconded by Councilperson _____.

Ayes:

Nays:

Whereupon _____ Council members were present and voted approval and Mayor Kasperek declared that **RESOLUTION NO. 2026-0390, A RESOLUTION APPROVING A DEVELOPER'S AGREEMENT WITH ANDERSEN DEVELOPMENT INC. FOR PARK PLACE CITY CENTER – PART ONE, PHASE FOUR, A PLANNED DEVELOPMENT OVERLAY (OPD) SITE DISTRICT, TIFFIN, IOWA** to be adopted and signified his approval of the same by affixing his signature thereto.

Passed by the City Council on the 19th day of May, 2026.

City of Tiffin

Steven L. Berner, Mayor

ATTEST: _____
Abigail Hora, City Clerk

Prepared by/ Return to: Matthew J. Hektoen, Simmons Perrine, PLC, 115 Third Street SE, Suite 1200, Cedar Rapids, Iowa 52401, (319) 366-7641

**PLANNED DEVELOPMENT OVERLAY (OPD) SITE DISTRICT AGREEMENT
PARK PLACE CITY CENTER – PART ONE, PHASE FOUR**

THIS AGREEMENT, made by and between the CITY OF TIFFIN, IOWA, a municipal corporation, hereinafter referred to as "City," and ANDERSEN DEVELOPMENT INC., an Iowa corporation hereinafter referred to as the "Subdivider."

SECTION 1. REQUEST FOR OPD APPROVAL

The Subdivider has requested that the City approve the Planned Development Overlay – Site District (the "OPD"), to include those diagrams attached hereto as Exhibit "B" and incorporated herein by reference, for the proposed subdivision to be known as Park Place City Center – Part One, Phase Four, Tiffin, Iowa (referred to herein as the "plat") for an OPD area for the following described real estate situated in Tiffin, Johnson County, Iowa (the "Site"), to wit:

See Exhibit "A"

As part of this request, the Subdivider acknowledges DERS, LLC, an Iowa limited liability company ("Owner 1"), and TAT, LLC, an Iowa limited liability company ("Owner 2" and together with Owner 1, "Owner") own the real estate described on Exhibit A.

SECTION 2. CONDITIONS OF OPD APPROVAL AND RIGHT TO PROCEED

A. The City shall approve the OPD with respect to the Site upon the conditions that:

1. The Subdivider agrees that all terms and conditions of the Planned Development Overlay Concept District (OPD) and Subdivider's Agreement for Park Place City Center recorded in Book 5926, Page 602 on July 8, 2019 in the Records of the Johnson County Recorder, executed by the City and the Subdivider, as amended, is fully incorporated herein and applies to the real estate described in Section 1 and remains a lien against the property described in Section 1.

2. The Site shall be developed according to the OPD as approved by the City and according to the plans and specifications as approved by the City. There shall be no variance from the approved OPD plan, or from the construction plans and specifications, unless approved in writing by the City.

SECTION 3. TIME OF PERFORMANCE

Construction of the public improvements must commence within two (2) years from the date of City approval of OPD Site District, or the approval of the OPD Site District shall be null and void without any action by the City Council.

In the event that the Subdivider fails to commence installation of the required public improvements within the above-referenced time, authorization to proceed with the development shall cease, and the Subdivider shall be required to seek reauthorization and approval of this Agreement. Subdivider may, however, request an extension of time from the City. If an extension is granted, it may be conditioned upon updating any security posted by the Subdivider or requiring the Subdivider to provide security to reflect cost increases and extended completion date.

SECTION 4. SUCCESSORS AND ASSIGNS

This Agreement shall be a covenant running with the land and inure to the benefit of and be binding upon the parties, their successors and assigns.

[SIGNATURES ON FOLLOWING PAGE]

[Signature Page to Planned Development Overlay – Site District Agreement]

The City and the Subdivider have caused this Agreement to be signed, in their names and on their behalf by their duly authorized officers, all as of the day and date written above.

CITY OF TIFFIN, IOWA

Attest:

By: _____
Tim Kasparek, Mayor

Ashley Platz, City Clerk

STATE OF IOWA, JOHNSON COUNTY) ss:

On this ____ day of _____, 2026, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Tim Kasparek and Ashley Platz, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Tiffin, Iowa, a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the municipal corporation; and that the instrument was signed and sealed on behalf of the municipal corporation by the authority of its City Council, as contained in Resolution No. _____ of the City Council on the ____ day of _____, 2026; and that Tim Kasparek and Ashley Platz acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it and by them voluntarily executed.

Notary Public in and for the State of Iowa
My Commission Expires: _____

ANDERSEN DEVELOPMENT INC.

By: _____
SCOTT A. ANDERSEN, President

STATE OF IOWA, JOHNSON COUNTY) ss:

This instrument was acknowledged before me on this ____ day of _____, 2026
by Scott A. Andersen as President of Andersen Development Inc.

Notary Public in and for the State of Iowa
My Commission Expires: _____

EXHIBIT A

Legal Description

DESCRIPTION - PARK PLACE CITY CENTER - PART ONE, PHASE FOUR

Commencing at the Southeast Corner of the Northeast Quarter of the Southwest Quarter of Section 22, Township 80 North, Range 7 West, of the Fifth Principal Meridian, Tiffin, Johnson County, Iowa; Thence N01°21'28"W, along the East Line of said Northeast Quarter of the Southwest Quarter, and the North Line of Park Place City Center - Part Two, Phase One, in accordance with the Plat thereof Recorded in Plat Book 62 at Page 258 of the Records of the Johnson County Recorder's Office, 180.44 feet; Thence S88°38'36"W, along said North Line, 430.30 feet, to the Northwest Corner thereof, the Northeast Corner of Park Place City Center - Part One, Phase Three, in accordance with the Plat thereof Recorded in Plat Book 64 at Page 13 of the Records of the Johnson County Recorder's Office, and the Point of Beginning; Thence S88°38'36"W, along the North Line of said Park Place City Center - Part One, Phase Three, a distance of 447.55 feet; Thence N01°21'24"W, along said North Line, 47.17 feet; Thence S88°38'36"W, along said North Line, 78.00 feet, to the Northwest Corner thereof; Thence Northwesterly, 110.00 feet, along a 347.06 foot radius curve, concave Southwesterly, whose 109.54 foot chord bears N10°26'11"W; Thence Northwesterly, 143.56 feet, along a 452.94 foot radius curve, concave Northeasterly, whose 142.96 foot chord bears N10°26'11"W; Thence N01°21'24"W, 265.97 feet; Thence Northwesterly, 3.93 feet, along a 161.00 foot radius curve, concave Southwesterly, whose 3.93 foot chord bears N02°03'23"W; Thence N02°45'22"W, 58.62 feet, to the Southwest Corner of Park Place City Center Part Two, Phase Five, in accordance with the Plat thereof Recorded in Plat Book 63 at Page 396 of the Records of the Johnson County Recorder's Office; Thence N88°44'02"E, along the South Line of said Park Place City Center Part Two, Phase Five, a distance of 566.87 feet, to a Point on the West Line of Park Place City Center Part Two, Phase Four, in accordance with the Plat thereof Recorded in Plat Book 63 at Page 192 of the Records of the Johnson County Recorder's Office; Thence S01°21'24"E, along said West Line, 624.11 feet, to the Southwest Corner thereof, and the Point of Beginning.

EXHIBIT B

Supporting Diagrams/Plans/Schematics

Prepared by/ Return to: Matthew J. Hektoen, Simmons Perrine, PLC, 115 Third Street SE, Suite 1200, Cedar Rapids, Iowa 52401, (319) 366-7641

**PLANNED DEVELOPMENT OVERLAY (OPD) SITE DISTRICT AGREEMENT
PARK PLACE CITY CENTER – PART ONE, PHASE FOUR**

THIS AGREEMENT, made by and between the CITY OF TIFFIN, IOWA, a municipal corporation, hereinafter referred to as "City," and ANDERSEN DEVELOPMENT INC., an Iowa corporation hereinafter referred to as the "Subdivider."

SECTION 1. REQUEST FOR OPD APPROVAL

The Subdivider has requested that the City approve the Planned Development Overlay – Site District (the "OPD"), to include those diagrams attached hereto as Exhibit "B" and incorporated herein by reference, for the proposed subdivision to be known as Park Place City Center – Part One, Phase Four, Tiffin, Iowa (referred to herein as the "plat") for an OPD area for the following described real estate situated in Tiffin, Johnson County, Iowa (the "Site"), to wit:

See Exhibit "A"

As part of this request, the Subdivider acknowledges DERS, LLC, an Iowa limited liability company ("Owner 1"), and TAT, LLC, an Iowa limited liability company ("Owner 2" and together with Owner 1, "Owner") own the real estate described on Exhibit A.

SECTION 2. CONDITIONS OF OPD APPROVAL AND RIGHT TO PROCEED

A. The City shall approve the OPD with respect to the Site upon the conditions that:

1. The Subdivider agrees that all terms and conditions of the Planned Development Overlay Concept District (OPD) and Subdivider's Agreement for Park Place City Center recorded in Book 5926, Page 602 on July 8, 2019 in the Records of the Johnson County Recorder, executed by the City and the Subdivider, is fully incorporated herein and applies to the real estate described in Section 1 and remains a lien against the property described in Section 1.

2. The Site shall be developed according to the OPD as approved by the City and according to the plans and specifications as approved by the City. There shall be no variance from the approved OPD plan, or from the construction plans and specifications, unless approved in writing by the City.

SECTION 3. TIME OF PERFORMANCE

Construction of the public improvements must commence within two (2) years from the date of City approval of OPD Site District, or the approval of the OPD Site District shall be null and void without any action by the City Council.

In the event that the Subdivider fails to commence installation of the required public improvements within the above-referenced time, authorization to proceed with the development shall cease, and the Subdivider shall be required to seek reauthorization and approval of this Agreement. Subdivider may, however, request an extension of time from the City. If an extension is granted, it may be conditioned upon updating any security posted by the Subdivider or requiring the Subdivider to provide security to reflect cost increases and extended completion date.

SECTION 4. SUCCESSORS AND ASSIGNS

This Agreement shall be a covenant running with the land and inure to the benefit of and be binding upon the parties, their successors and assigns.

[SIGNATURES ON FOLLOWING PAGE]

[Signature Page to Planned Development Overlay – Site District Agreement]

The City and the Subdivider have caused this Agreement to be signed, in their names and on their behalf by their duly authorized officers, all as of the day and date written above.

CITY OF TIFFIN, IOWA

Attest:

By: _____
Tim Kasperek, Mayor

Abigail Hora, City Clerk

STATE OF IOWA, JOHNSON COUNTY) ss:

On this ____ day of _____, 2026, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Tim Kasperek and Abigail Hora, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Tiffin, Iowa, a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the municipal corporation; and that the instrument was signed and sealed on behalf of the municipal corporation by the authority of its City Council, as contained in Resolution No. _____ of the City Council on the ____ day of _____, 2026; and that Tim Kasperek and Abigail Hora acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it and by them voluntarily executed.

Notary Public in and for the State of Iowa
My Commission Expires: _____

ANDERSEN DEVELOPMENT INC.

By: _____
SCOTT A. ANDERSEN, President

STATE OF IOWA, JOHNSON COUNTY) ss:

This instrument was acknowledged before me on this _____ day of _____, 2026
by Scott A. Andersen as President of Andersen Development Inc.

Notary Public in and for the State of Iowa
My Commission Expires: _____

EXHIBIT A

Legal Description

DESCRIPTION - PARK PLACE CITY CENTER - PART ONE, PHASE FOUR

Commencing at the Southeast Corner of the Northeast Quarter of the Southwest Quarter of Section 22, Township 80 North, Range 7 West, of the Fifth Principal Meridian, Tiffin, Johnson County, Iowa; Thence N01°21'28"W, along the East Line of said Northeast Quarter of the Southwest Quarter, and the North Line of Park Place City Center - Part Two, Phase One, in accordance with the Plat thereof Recorded in Plat Book 62 at Page 258 of the Records of the Johnson County Recorder's Office, 180.44 feet; Thence S88°38'36"W, along said North Line, 430.30 feet, to the Northwest Corner thereof, the Northeast Corner of Park Place City Center - Part One, Phase Three, in accordance with the Plat thereof Recorded in Plat Book 64 at Page 13 of the Records of the Johnson County Recorder's Office, and the Point of Beginning; Thence S88°38'36"W, along the North Line of said Park Place City Center - Part One, Phase Three, a distance of 447.55 feet; Thence N01°21'24"W, along said North Line, 47.17 feet; Thence S88°38'36"W, along said North Line, 78.00 feet, to the Northwest Corner thereof; Thence Northwesterly, 110.00 feet, along a 347.06 foot radius curve, concave Southwesterly, whose 109.54 foot chord bears N10°26'11"W; Thence Northwesterly, 143.56 feet, along a 452.94 foot radius curve, concave Northeasterly, whose 142.96 foot chord bears N10°26'11"W; Thence N01°21'24"W, 265.97 feet; Thence Northwesterly, 3.93 feet, along a 161.00 foot radius curve, concave Southwesterly, whose 3.93 foot chord bears N02°03'23"W; Thence N02°45'22"W, 58.62 feet, to the Southwest Corner of Park Place City Center Part Two, Phase Five, in accordance with the Plat thereof Recorded in Plat Book 63 at Page 396 of the Records of the Johnson County Recorder's Office, Thence N88°44'02"E, along the South Line of said Park Place City Center Part Two, Phase Five, a distance of 566.87 feet, to a Point on the West Line of Park Place City Center Part Two, Phase Four, in accordance with the Plat thereof Recorded in Plat Book 63 at Page 192 of the Records of the Johnson County Recorder's Office; Thence S01°21'24"E, along said West Line, 624.11 feet, to the Southwest Corner thereof, and the Point of Beginning. [INSERT LEGAL DESCRIPTION FOR PARK PLACE CITY CENTER — PART ONE, PHASE FOUR, TIFFIN, JOHNSON COUNTY, IOWA, AS SHOWN ON THE FINAL PLAT.]

EXHIBIT B

Supporting Diagrams/Plans/Schematics

