

AMENDMENT TO TAX INCREMENT DISTRICT NO. 11 DEVELOPMENT AGREEMENT

I. THE PARTIES

- 1.01 City of Appleton, a Wisconsin municipal corporation, doing business at 100 North Appleton Street, Appleton, WI 54911-4799 ("City").
- 1.02 Merge, LLC, an Iowa Limited Liability Company, maintaining offices at 25 West Main Street, Suite 500, Madison, WI 53718 ("Developer").

II. THE RECITALS

- 2.01 The Parties entered into a development agreement on February 16, 2022 and recorded by the Outagamie County Register of Deeds on February 25, 2022 as Document No. 2262708 ("Agreement").
- 2.02 Paragraph 1.1 of the Agreement stated that Developer shall purchase the property within one year of execution of the agreement, making the purchase by date February 16, 2023.
- 2.03 Developer has requested that the purchase by date be extended to September 29, 2023 which will allow Merge to align construction with Phase 1 completion and allow time for significant pre-construction investment and coordination among architects and contractors.

III. THE AGREEMENT

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

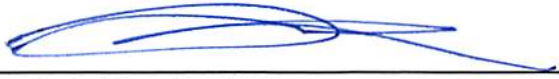
The Recitals are hereby made a part of the Agreement.

- 3.01 That Paragraph 1.1 now read as follows:

Developer shall purchase the property for \$590,000 from the City on or before September 29, 2023. Said sale of Property to Developer is contingent upon Developer fulfilling the terms and conditions of this Agreement and the City shall retain a right to repurchase the Property as more particularly set forth in Article IV.

- 3.02 Except as expressly set forth in this Amendment, all terms and conditions of the Development Agreement remain in full force and effect.

City of Appleton:

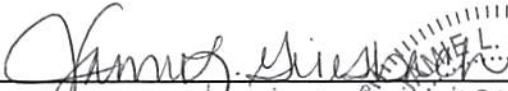

By: 
Jacob A. Woodford, Mayor

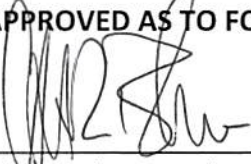
ATTEST:

By: 
Kami L. Lynch, City Clerk

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

Personally came before me this 3 day of February, 2023, Jacob A. Woodford, Mayor and Kami L. Lynch, City Clerk, of the City of Appleton respectively, to me known to be the persons who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.


Printed Name: Jamie L. Griesbach
Notary Public, State of Wisconsin
My commission expires: FEB 25 2025


APPROVED AS TO FORM:


Christopher R. Behrens, City Attorney
Revised: January 19, 2023
CityLaw: A21-0871

LEGAL DESCRIPTION OF THE PROPERTY

**PARCEL: Part of 31-2-0272-01, part of 31-2-0272-00 and all of 31-2-0272-02
Doc. #876209, #2147310 and #2150911, less proposed right-of-way**

Part of Lot 1 and all of Lot 2 of Certified Survey Map No. 2447, all of Lot 3 and part of Lot 1 and 2, in Block 27, SECOND WARD PLAT (aka APPLETON PLAT), according to the recorded Assessor's Map of the City of Appleton, located in and being a part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 0.836 Acres (36,429 sq. ft.) of land and being described by:
Commencing at the Northeast corner of said Block 27 and being the point of beginning;
Thence South $00^{\circ}03'28''$ East 152.34 feet along the East line of Block 27 and being coincident with the West line of Oneida Street to the North line of City Center Street;
Thence South $89^{\circ}53'26''$ West 185.69 feet along the South line of Lots 2 and 3 of said Block 27; and being coincident with the North line of City Center Street;
Thence North $00^{\circ}06'37''$ West 65.22 feet;
Thence South $89^{\circ}52'45''$ West 99.07 feet to the West line of Lot 1 of said Block 27;
Thence North $39^{\circ}26'31''$ East 4.05 feet;
Thence Northeasterly 10.34 feet along the arc or a curve to the left having a radius of 15.00 feet and the chord of which bears North $19^{\circ}41'32''$ East 10.14 feet;
Thence North $00^{\circ}03'28''$ West 74.48 feet to the South line of Washington Street;
Thence North $89^{\circ}53'26''$ East 278.82 feet along the South line of Washington Street and being coincident with the North line of Lot 1 and 2 of said Certified Survey Map No. 2447 to the point of beginning.