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.

IV. MISCELLANEOUS

- 4.01 In the event that any part of this Amendment is found to be illegal, that part shall be stricken, and the Amendment interpreted as if that part did not exist.
- 4.02 This Amendment may be executed in counterparts, either by original signature or verified electronic signature, each of which shall be deemed an original, but such counterparts shall together constitute but one and the same agreement. The headings in this Agreement are inserted for convenience of reference only and shall not constitute a part hereof.
- 4.03 This Agreement may be supplemented or amended only by written instrument executed by the parties affected by such supplement or amendment.

IN WITNESS WHEREOF, the parties have caused the forgoing instrument to be executed on the day and year of the last signature below.

Merge LLC

By:	
Pront Dahletrom	Managar

Brent Dahlstrom, Manager

STATE OF FOWA	
0.1	: SS.
Black Hawk COUNTY)

Personally came, before me this 23 day of _______, 2023, Brent Dahlstrom, Member of the LLC, 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.



My commission is/expires: July 29, 2025

SIGNATURES CONTINUE ON THE FOLLOWING PAGE

City of Appleton:

	Dy.
	Jacob A. Woodford, Mayor
ATTEST:	
By: Kami L. Lynch, City Cler	k
STATE OF WISCONSIN) : ss.
OUTAGAMIE COUNTY)
Woodford, Mayor and Kami	efore me this 3 day of February, 2023, Jacob A. L. Lynch, City Clerk, of the City of Appleton respectively, to me known cuted the foregoing instrument and acknowledged the same in the es therein intended.
	Printed Name: Jamie L. GRESTATA
	Notary Public, State of Wisconsin
	My commission is/expires:
APPROVED AS TO FORM:	WISCONSTITUTION WISCONSTITUTION

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 ¼ of the Southwest ¼ 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 Bock 27 and being the point of beginning; Thence South 00°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°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°06'37" West 65.22 feet;

Thence South 89°52'45" West 99.07 feet to the West line of Lot 1 of said Block 27;

Thence North 39°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°41'32" East 10.14 feet;

Thence North 00°03'28" West 74.48 feet to the South line of Washington Street;

Thence North 89°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.