

**PLANNING OPTION AGREEMENT – SECOND TERM EXTENSION**

Merge, LLC (the “Developer”), an Iowa limited liability company d/b/a Merge Urban Development Group, with a business office of 604 Clay Street, Cedar Falls, IA 50613 and the City of Appleton (the “City”) having its office as 100 North Appleton Street, Appleton, WI 54911; and, Developer and the City (hereinafter collectively “Parties”) AGREE AS FOLLOWS:

1. Parties previously entered into an Agreement, attached hereto, granting Developer’s requested planning option to allow time to complete all due diligence necessary to determine the physical and financial feasibility of constructing a mixed-use development with rental units and light- retail space; and
2. The Agreement, and rights conveyed therein, terminated on November 30, 2020 and a First Term Extension, attached hereto, extended the Agreement, which is set to expire on May 31, 2021, unless further extended in accordance with the Extended Term option contained within the Agreement.
3. The Parties mutually agree that the Agreement’s termination date shall be extended to November 30, 2021, in accordance with the Extended Term option contained within the Agreement.
4. In order to secure extension, the Developer agrees to pay an additional non-refundable payment of \$5,000 to the City as provided in Section 2 of the Agreement.
5. All other terms, conditions and the like of the Agreement shall remain unchanged.

**IN WITNESS WHEREOF**, the undersigned parties have executed this Term Extension Agreement dated this \_\_\_\_\_ day of May, 2021.

**MERGE, LLC**

Witness: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CITY OF APPLETON**

Witness: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

By: \_\_\_\_\_  
Jacob A. Woodford, Mayor

Witness: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

By: \_\_\_\_\_  
Kami Lynch, City Clerk