

**FIRST AMENDMENT TO
CITY OF MANITOWOC
DEVELOPMENT AGREEMENT WITH
LAKESIDE FOODS, INC.**

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (“Amendment”) is made as of the ____ day of _____, 2019, by and between the CITY OF MANITOWOC, WISCONSIN (the “City”) and LAKESIDE FOODS, INC. (the “Developer”).

WITNESSETH

WHEREAS, the City and the Developer entered into a Development Agreement dated as of June 19, 2018 (the “2018 Development Agreement”) pertaining to the construction and equipping of an approximately 118,000 square foot building addition (the “2018 Project”) on properties located at 1601 and 1615 South 30th Street, City of Manitowoc, Manitowoc County, Wisconsin; and

WHEREAS, the Developer and the City also entered into a Development Agreement dated as of _____, 2019 (the “2019 Development Agreement”) pursuant to which the Developer will cause the construction of a 137,225 square foot freezer on a parcel of land being subdivided from the properties included subject to the 2018 Development Agreement; and

WHEREAS, the City and the Developer wish to amend the 2018 Development Agreement in order to remove from its coverage the property which is the subject of the 2019 Development Agreement.

NOW THEREFORE, BE IT RESOLVED, that the City and the Developer, for good and valuable consideration, hereby agree as follows:

1. Capitalized terms used herein within definition have the meanings ascribed to them in the 2018 Development Agreement.
2. Exhibit A to the 2018 Development Agreement is deleted and replaced with Exhibit A attached hereto. Any lands outside of those described on Exhibit A are hereby released from the 2018 Development Agreement.
3. All other terms and conditions of the 2018 Development Agreement remain in full force and effect.

IN WITNESS WHEREOF, the City and the Developer have executed this Amendment as of the date first written above.

LAKESIDE FOODS, INC.

By: _____
Glen Tellock, President and Chief Executive Officer

By: _____
Denise Kitzerow, Chief Financial Officer

STATE OF WISCONSIN }
 }SS
MANITOWOC COUNTY }

Personally came before me this ____ day of _____, 2019, the above-named Glen Tellock and Denise Kitzerow, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission: _____

CITY OF MANITOWOC

By: _____
Justin M. Nickels, Mayor

Attest: By: _____
Deborah Neuser, City Clerk

STATE OF WISCONSIN }
 }SS
MANITOWOC COUNTY }

Personally came before me this ____ day of _____, 2019, the above-named Justin M. Nickels and Deborah Neuser, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission: _____

Exhibit A

Lot One (1) of Certified Survey Map recorded in Volume 34, Page 73, as Document No. 1207877, being all of Tracts 2A and 2B, Volume 7 of CSMs, Page 589, Tract 1, Volume 11 of CSMs, Page 697, and part of the Southeast $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, all located in part of the Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$, and Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 36, Township 19 North, Range 23 East, City of Manitowoc, Manitowoc County, Wisconsin.

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