

FIRST AMENDMENT TO AGREEMENT CONCERNING PAYMENT FOR MUNICIPAL SERVICES

(Eagle Crest South)

This First Amendment to Agreement Concerning Payment for Municipal Services is entered into as of the 13th day of April, 2018 (the "Amendment"), by and between the **City of La Crosse**, a Wisconsin municipal corporation (the "City"), and **Bethany Lutheran Homes, Inc.** (the "**Bethany Lutheran**"), a Wisconsin non-stock corporation.

RECITALS

WHEREAS, the above parties entered into an Agreement Concerning Payment for Municipal Services dated November 19, 2013, which was recorded with the Register of Deed for La Crosse County on November 20, 2013 as Document Number 1632434 (the "Agreement"); and

WHEREAS, Bethany Lutheran desires to expand its operation at Eagle Crest South; and

WHEREAS, the parties agree to amend the legal description (**Exhibit 2**) for the Agreement to include additional property for the expansion of the Eagle Crest South facility.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein exchanged, and other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, it is hereby agreed as follows:

1. **Exhibit 2** of the Agreement is hereby amended and replaced with the attached **Exhibit 2** herein.
2. **Other provisions.** Except as described herein, all other terms, conditions, covenants and promises of the Agreement Concerning Payment for Municipal Services recorded with the La Crosse County Register of Deeds on November 20, 2013 as Document No. 1632434 shall remain unchanged and in full force and effect.
3. **Reading of Agreement.** Each person signing this Amendment on behalf of any Party acknowledges that the person has read this Agreement, that the person understands the terms and conditions of the agreement, that the person (if other than an attorney for the party) has been advised by legal counsel concerning this Amendment, and that the person freely and voluntarily signs this Agreement.
4. **Authorization to Sign.** Each person signing this Amendment on behalf of any Party represents and warrants that the person holds the position indicated beneath the person's signature and that

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO:

Stephen F. Matty
City Attorney, City of La Crosse
400 La Crosse Street
La Crosse, Wisconsin 54601

P.I.N.

the person has the requisite corporate or other authority to sign this Amendment on behalf of the Party. Each Party represents that entry into this Amendment is not in contravention of any agreement or undertaking to which the Party is bound.

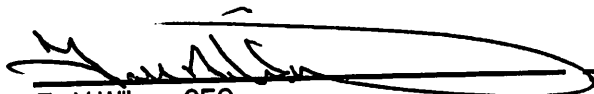
5. **Recording.** The City may record this Amendment with the Register of Deeds for La Crosse County and may record this document again, from time to time, in the City's sole discretion.

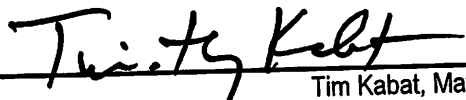
6. **Execution.** Bethany Lutheran shall sign, execute and deliver this Amendment to the City not later than four (4) business days after adoption by the City's Common Council. After Bethany Lutheran has signed, executed and delivered the Amendment, the City shall sign and execute the Amendment as approved by the City's Common Council. Bethany Lutheran's failure to sign, execute and cause this Amendment to be received by the City within said time period shall render the Amendment null and void, unless otherwise authorized by the City.

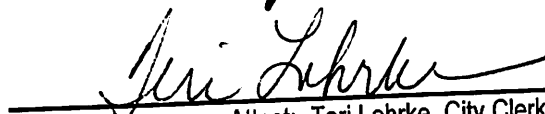
IN WITNESS WHEREOF, the parties have executed this Amendment by their duly authorized representatives as of the date first set forth above.

BETHANY LUTHERAN HOMES, INC.:

CITY OF LA CROSSE, WISCONSIN

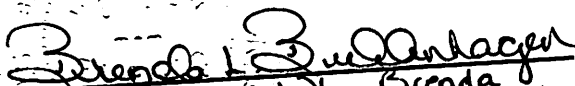

Todd Wilson, CEO


Tim Kabat, Mayor


Attest: Teri Lehrke, City Clerk

Subscribed and sworn before me
this 15th day of April, 2018.

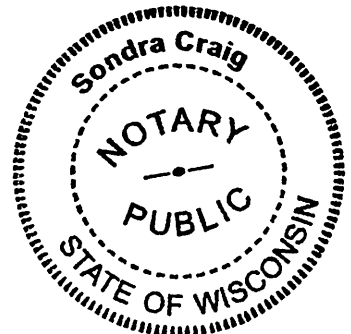
Subscribed and sworn before me
this 13th day of April, 2018.


Notary Public, State of WI Brenda L. Buddenhagen
My Commission: 11-2-18


Notary Public, State of Wisconsin
My Commission: 11/11/2021 Sondra Craig

Exhibit 2: Revised Legal Description

This instrument drafted by:
Stephen F. Matty, City Attorney
City of La Crosse
400 La Crosse Street
La Crosse, WI 54601



Legal Description of Leased Premises

The entirety of the Leased Premises shall also be known as:

Lot 2 of Certified Survey Map recorded in Volume 17, Page 93, as Document Number 1706929, being a redivision of Lots 1 and 2 of Certified Survey Map recorded in Volume 15, Page 122 and 122A, as Document Number 1616523 in part of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 8, Township 15 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin.