

**FIRST AMENDMENT TO KWIK TRIP DEVELOPMENT  
AGREEMENT: Dairy and Freezer-Bakery Expansion Projects**

This First Amendment to the Kwik Trip Development Agreement: Dairy and Freezer – Bakery Expansion Project is made by and among the **City of La Crosse**, Wisconsin, a Wisconsin Municipal Corporation with offices located at 400 La Crosse Street, La Crosse, Wisconsin 54601 (the “**City**”), the **Redevelopment Authority of the City of La Crosse**, Wisconsin, a Wisconsin public body corporate with offices located at 400 La Crosse Street, La Crosse, Wisconsin (“**Authority**”) and **Kwik Trip, Inc.** a Wisconsin corporation with offices located at 1626 Oak Street, La Crosse, Wisconsin 54602 (“**Developer**”).

WITNESSETH:

WHEREAS, on June 25, 2012, the parties entered into the Kwik Trip Development Agreement: Dairy and Freezer-Bakery Expansion, which agreement was recorded with the La Crosse County Register of Deeds on July 3, 2012 as Document No.: 1600043, and

WHEREAS, a correction is needed in the legal description included within said Development Agreement.

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, the parties hereto agree as follows:

1. Section 1.1 is amended to replace Exhibit A with the new Exhibit A-2.
2. Other Provisions. Except as described herein, all other terms, conditions, covenants and promises of the Kwik Trip Development Agreement: Dairy and Freezer-Bakery Expansion Project, and all exhibits thereto shall remain unchanged and in full force and effect.
3. Execution of Amendment. Developer shall execute and deliver this First Amendment to the city on or before the close of regular City Hall business hours forty-five (45) days after its full adoption by the City and/or Authority, whichever occurs later. Developer’s failure to sign, execute and cause this First Amendment to be received by the City within said time period shall render the First Amendment null and void, unless otherwise authorized by the City and Authority. After Developer has signed, executed and delivered the First Amendment, the City and Authority shall sign and execute the First Amendment.
4. Authority to sign. The person signing this First Amendment on behalf of Developer certifies and attests that its respective Article of Organization, Articles of Incorporation, By Laws, member’s Agreement, Charter, Partnership Agreement, Corporate or other resolutions and/or other related documents to give full and complete authority to bind the Developer, on whose behalf of the person is executing this First Amendment. Developer assumes full responsibility and holds the City and Authority harmless for any and all payments made or any other actions taken by the City and/or Authority in reliance upon the above representation.

This space is reserved for recording data

Return to

City Attorney  
400 La Crosse St  
La Crosse WI 54601

Parcel Identification Number/Tax Key Number

Further, Developer agrees to indemnify the City and Authority against any and all claims, demands, losses, costs, damages or expenses suffered or incurred by the City and/or Authority resulting from or arising out of any such payment or other action, including reasonable attorney fees and legal expenses.

IN WITNESS WHEREOF, the parties to this First Amendment have caused this instrument to be signed and sealed by duly authorized representatives of Developer and the City this \_\_\_\_ day of \_\_\_\_\_, 2015.

KWIK TRIP, INC.

CITY OF LA CROSSE

BY: \_\_\_\_\_  
Donald P. Zietlow, President and CEO

BY: \_\_\_\_\_  
Timothy Kabat, Mayor

BY: \_\_\_\_\_  
Steven D. Zietlow, Vice President

BY: \_\_\_\_\_  
Teri Lehrke, City Clerk

Subscribed and sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_, 2015.

Subscribed and sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission: \_\_\_\_\_

CITY OF LA CROSSE REDEVELOPMENT AUTHORITY

BY: \_\_\_\_\_  
Chair

BY: \_\_\_\_\_  
Executive Director

Draft by:

City Attorney's Office  
400 La Crosse Street  
La Crosse WI 54601  
(608) 789-7511