

**FIRST AMENDMENT TO THE
CHART DEVELOPMENT AGREEMENT**

This First Amendment to the Chart Development Agreement: West Bay Addition Project (hereafter "Amendment") 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 ("**City**"), and **Chart Energy & Chemicals, Inc.** a Delaware corporation with offices located at 2191 Ward Avenue, La Crosse, Wisconsin 54601, referred to herein as ("**Developer**").

WITNESSETH:

Whereas, the parties entered into a Development Agreement in August, 2013 and recorded with the La Crosse County Register of Deeds on September 20, 2013, and

Whereas, the Development Agreement provided for redevelopment including adding an addition to the manufacturing building, as well as the potential reimbursement of certain development incentives of the Developer, and

Whereas, the parties mutually agree that the development agreement should be terminated.

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 8.13 is hereby amended to read as follows:

8.13. Termination. Except for Section 2.10 (Indemnity), 2.13 (Record Retention), and 8.5 (Survival), which shall survive the termination of this Agreement, this Agreement and all obligations hereunder, shall terminate on September 1, 2022. This Agreement may also be terminated as provided in Article IV (Conditions Precedent to City), Article V (Conditions Precedent to Developer Obligations), and Section 8.9 (Conflict of Interest) hereto.

2. **Execution of Amendment.** Developer shall sign, execute and deliver this Amendment to the City on or before the close of regular City Hall business hours forty-five (45) days after its final adoption by the City. Developer'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. After Developer has signed, executed and delivered the Amendment, the City shall sign and execute the Amendment.

5. **Authority to Sign.** The person signing this Amendment on behalf of Developer certifies and attests that its respective Articles of Organization, Articles of Incorporation, By Laws, Member's Agreement, Charter, Partnership Agreement, Corporate or other Resolutions and/or other related documents give full and complete authority to bind Developer, on whose behalf the person is executing this Amendment. Developer assumes full responsibility and holds the City harmless for any and all payments made or any other actions taken by the City in reliance upon the above representation.

This space is reserved for recording data

Return to

City Attorney
400 La Crosse Street
La Crosse WI 54601

Parcel Identification Number/Tax Key Number

IN WITNESS WHEREOF, the parties to this Amendment have caused this instrument to be signed and sealed by duly authorized representatives of Developer and the City this ___ day of _____, 2022.

DEVELOPER: Chart Energy & Chemicals, Inc.

BY: _____

STATE OF WISCONSIN)
) ss.
LA CROSSE COUNTY)

Personally came before me this ___ day of ____, 2022, the above-named _____, the _____ of the Developer 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 LA CROSSE, WISCONSIN: (SEAL)

Mitch Reynolds, Mayor

Nikki Elsen, City Clerk

STATE OF WISCONSIN)
) ss.
LA CROSSE COUNTY)

Personally came before me this _____ day of ____, 2022, the above named Mitch Reynolds, Mayor, and Nikki Elsen, City Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same,

Notary Public - State of Wisconsin
My Commission _____

This Document Was Drafted By:
Stephen F. Matty, City Attorney
City of La Crosse
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La Crosse, Wisconsin 54601
608.789.7511