

**THE RESIDENCE DEVELOPMENT AGREEMENT FIRST AMENDMENT
BETWEEN CITY OF DULUTH
AND
MERGE, LLC**

THIS FIRST AMENDMENT to DEVELOPMENT AGREEMENT is entered into this _____ day of _____, 2023, by and between THE CITY OF DULUTH, a municipal corporation under the laws of the State of Minnesota (“City”), and MERGE, LLC, an Iowa limited liability company (hereinafter referred to as "Developer").

WHEREAS, on December 19, 2022, City and Developer entered into a Development Agreement, this agreement was recorded in the St. Louis County Office of the County Recorder on February 7, 2023 as Document No. 01461471 and in the St. Louis County Office of the Registrar of Titles on February 7, 2023 as Document No. 1065871, pursuant to which Developer as the fee owner of property located at 3401 Grand Avenue, Duluth, Minnesota has agreed to develop it into multi-family residential apartments (the “Agreement”); and

WHEREAS, the parties desire to amend the Agreement to extend certain timelines contained therein.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained the parties hereto agree as follows:

1. Except as otherwise defined in this First Amendment, terms defined in the Agreement and used herein shall have the meaning assigned to them in the Agreement.
2. Paragraph A of Article IV is hereby amended by deleting the construction commencement date of “July 31, 2023” where it appears therefrom and by substituting the date of “July 21, 2024”.
3. Paragraph A of Article IV is hereby amended by deleting the construction completion date of “December 31, 2024” where it appears therefrom and by substituting the date of “December 31, 2025”.
4. Except as provided for in this First Amendment, the terms and conditions of the Agreement remain in force and effect.

[Signature pages follow]

CITY OF DULUTH,
a Minnesota Municipal Corporation

[illegible][illegible]

Notary Public

Countersigned:

Its Auditor

[illegible]

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Josh Bailey, the City Auditor of the City of Duluth, Minnesota, a municipal corporation under the laws of the State of Minnesota.

Notary Public

Approved:

Its City Attorney

[illegible]

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Rebecca St. George, the City Attorney of the City of Duluth, Minnesota, a municipal corporation under the laws of the State of Minnesota.

Notary Public

Merge, LLC

An Iowa limited liability company

By Brent Dahlstrom

STATE OF IOWA)
) ss.
COUNTY OF BLACKHAWK)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023,
by Brent Dahlstrom, Its Manager, Merge, LLC, an Iowa limited liability company.

Notary Public