

FIRST AMENDMENT TO
DEVELOPER'S AGREEMENT

Document Number

Recording Area

Name and Return Address:

B&L Development
1280 Serena Lane
Burlington, WI 53105

See Attached Exhibits
Parcel Identification Number

This Document was drafted by:

Peter Turke
Turke & Strauss LLP
613 Williamson Street, Suite 201
Madison, WI 53703

FIRST AMENDMENT TO DEVELOPER'S AGREEMENT

This First Amendment to Developer's Agreement (this "Amendment") is made and entered into this ____ day of February, 2024 by and between the Town of Burlington, a Wisconsin municipal corporation located in Racine County, Wisconsin (hereinafter referred to as "Town") and B&L Development LLC, a Wisconsin limited liability company (hereafter referred to as "Developer").

RECITALS

WHEREAS, Developer owns lands known as Tax Key Nos. 002-03-19-22-020-200 and 002-03-19-22-023-020, collectively consisting of approximately 52.09 acres, hereinafter referred to as the "Land", constituting a part of the Town, more particularly described in the legal description attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, Developer desires to develop the Land in two phases as follows: Phase 1 consisting of Lots 1 – 40 and Phase 2 consisting of Lots 41 – 66; and

WHEREAS, Town and Developer entered into a Developer's Agreement dated December 11, 2023 and recorded in the office of the Register of Deeds of Racine County on December 14, 2023 as Document # 2667946 (the "Developer's Agreement") pertaining to the public improvements and applicable requirements for Phase 1 of the development of the Land; and

WHEREAS, Developer desires to commence Phase 2 of the development of the Land;

WHEREAS, the Developer and the Town desire to enter into this Amendment in order to subject all of the Land to the Developer's Agreement.

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

AGREEMENTS

1. As used throughout the Agreement, the term "Development" shall hereinafter be defined to include all of the Land (both Phase 1 and Phase 2 of the Development).
2. Except as set forth in this Amendment, all other provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Developer has caused this Amendment to be executed on the date and year first written above.

B&L DEVELOPMENT LLC
By:

Signed and sworn to before me on this
_____ day of _____, 202__.

Chris Conigliaro, Member

Notary Public, State of Wisconsin

My commission expires: _____

IN WITNESS WHEREOF, the Town has caused this Amendment to be executed on the date and year first written above.

TOWN OF BURLINGTON
By:

Signed and sworn to before me on this
_____ day of _____, 202__.

Town Chairman

Notary Public, State of Wisconsin

My commission expires: _____

ATTEST:

Town Clerk

EXHIBIT A

Legal Description of the Land

Parcel 1:

Lot 2 of Certified Survey Map No. 3347 recorded in the office of the Register of Deeds for Racine County, Wisconsin on May 13, 2019 as Document No. 2519993, being a redivision of Lot 2 of Certified Survey Map No. 2769 as recorded in the office of the Register of Deeds for Racine County, Wisconsin as Document No. 2076005 on March 13, 2006 and being located in part of Government Lots 6 and 7 and part of the Southeast $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 22, Township 3 North, Range 19 East of the Fourth Principal Meridian in the Township of Burlington, County of Racine, and State of Wisconsin.

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Parcel 2:

Lands being part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ part of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and part of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 22, Town 3 North, Range 19 East, Town of Burlington, Racine County, Wisconsin and being more particularly described as follows: Commencing at the South $\frac{1}{4}$ corner of said Section 22; thence North 02 degrees 03 minutes 14 seconds West 576.88 feet along the West line of said Southeast $\frac{1}{4}$ to the point of beginning; thence continuing along said West line North 02 degrees 03 minutes 14 seconds West 749.74 feet to the North line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; thence North 88 degrees 07 minutes 28 seconds East 1,314.11 feet along said North line to the West line of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; thence North 02 degrees 01 minutes 57 seconds West 652.88 feet along said West line to the Southerly right-of-way line of C.T.H. "A"; thence along the Southerly right-of-way line of C.T.H. "A" the following courses; 1) North 69 degrees 37 minutes 42 seconds East 25.96 feet; 2) North 20 degrees 22 minutes 18 seconds West 35.00 feet; 3) North 69 degrees 37 minutes 42 seconds East 100.00 feet; 4) South 20 degrees 22 minutes 18 seconds East 10.00 feet; 5) North 69 degrees 37 minutes 42 seconds East 100.00 feet; 6) North 20 degrees 22 minutes 18 seconds West 10.00 feet; 7) North 69 degrees 37 minutes 42 seconds East 183.00 feet; thence South 20 degrees 22 minutes 18 seconds East 307.14 feet to the beginning of a curve; thence Southeasterly 43.83 feet along a curve to the right, having a radius of 366.00 feet and a chord which bears South 16 degrees 56 minutes 28 seconds East 43.80 feet, through a central angle of 06 degrees 51 minutes 39 seconds; thence North 82 degrees 28 minutes 45 seconds East 218.36 feet; thence South 02 degrees 00 minutes 39 seconds East 1,571.14 feet; thence North 82 degrees 32 minutes 26 seconds West 116.29 feet; thence South 02 degrees 03 minutes 14 seconds East 200 +/- feet to the centerline of Ketterhagen Road; thence North 73 degrees 11 minutes 21 seconds West 244.85 feet along said centerline; thence

North 02 degrees 03 minutes 14 seconds West 200.00 feet; thence North 73 degrees 11 minutes 21 seconds West 358.15 feet; thence North 85 degrees 49 minutes 21 seconds West 941.85 feet; thence South 02 degrees 03 minutes 14 seconds East 200.00 feet to said centerline of Ketterhagen Road; thence North 85 degrees 49 minutes 21 seconds West 66.00 feet along said centerline; thence North 02 degrees 03 minutes 14 seconds West 200.00 feet; thence North 85 degrees 49 minutes 21 seconds West 333.46 feet to the point of beginning. Excepting therefrom lands conveyed for highway purposes. Further excepting therefrom lands described in Trustee's Deed recorded as Document No. 2486399. Further excepting therefrom lands described in Trustee's Deed recorded as Document No. 2505884. Said land being in the Town of Burlington, County of Racine and State of Wisconsin.

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