

**FIRST AMENDMENT TO  
DEVELOPER'S AGREEMENT – CONTRACT FOR UTILITY IMPROVEMENTS**

This First Amendment to the Developer's Agreement Contract for Utility Improvements (this "Amendment") is entered into effective as of March 14, 2019 (the "Effective Date"), by and between Enterprise Business Park 4, LLC, a Wisconsin limited liability company ("Developer"), and the Racine Water Utility, Racine County, Wisconsin (the "Utility").

WHEREAS, the Parties entered into that certain Developer's Agreement – Contract for Utility Improvements (the "Original Agreement") effective as of July 3, 2017;

WHEREAS, effective as of the Effective Date, Ashley Enterprise, LLC ("Former Developer") assigned its rights and obligations to the Original Agreement to Developer and Developer agreed to assume such rights and obligations; and

WHEREAS, the Parties wish to amend the Original Agreement upon and subject to the terms and conditions set forth herein.

NOW, THEREFORE, the parties hereto agree as follows:

1. The Agreement is hereby amended as follows:
  - a. In all cases, "Ashley Enterprise, LLC" shall be replaced with "Enterprise Business Park 4, LLC".
2. The terms and conditions of this Amendment shall amend, supersede, replace, govern, and control over any conflicting or inconsistent terms and conditions in the Original Agreement, but except as modified in this Amendment, all other terms and conditions of the Original Agreement shall remain unmodified and in full force and effect and are hereby ratified and affirmed by each of the undersigned parties. Unless otherwise defined or stated in this Amendment, all capitalized terms shall have the same meanings as provided in the Original Agreement.
3. This Amendment may be executed in counterparts, each of which shall be deemed an original; and such counterparts when taken together shall constitute but one agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

**ENTERPRISE BUSINESS PARK 4, LLC,**  
a Wisconsin limited liability company  
By: Ashley Holdings II, LLC,  
an Illinois limited liability company  
By: Halsey Holdings II, LLC, a Florida  
limited liability company, its Member

By:   
Paul Rubacha  
Voting Member

**CITY OF RACINE**

By: \_\_\_\_\_  
Mayor, Cory D. Mason IV

Attest: \_\_\_\_\_  
Tara Coolidge  
City Clerk

Approved as to Form: \_\_\_\_\_  
City Attorney

(OTHER SIGNATURES)

\_\_\_\_\_  
Racine Water Utility  
\_\_\_\_\_, General Manager