



FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MINOT AND BLU ON BROADWAY, LLC, FOR THE BLU ON BROADWAY DEVELOPMENT

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MINOT AND BLU ON BROADWAY, LLC, FOR THE BLU ON BROADWAY DEVELOPMENT is made and entered into effective as of 22nd day of February, 2022 (the "Amendment Effective Date"), by and between The City of Minot, ND, a municipal corporation (the "City") and Blu on Broadway, LLC, a North Dakota limited liability company ("Developer 1") and Northern Bottling Co., a North Dakota Corporation ("Developer 2"), (each a "Party" and collectively "the Parties").

WHEREAS, Developer 1 owns the property known as the Blu on Broadway, more specifically described as: Home Acres Addn, Blk 2, Lots 7 & 8 Less Hwy, located within the City of Minot corporate limits ("Property 1"); and

WHEREAS, Developer 2 owns the property to the east across 1st St. SW, more specifically described as: Home Acres Addition South 60' Of East 120' Of West 150' Of Lot 3, Block 2, located within the City of Minot corporate limits ("Property 2"); and

WHEREAS, the City and Developer 1 entered into the Development Agreement By And Between The City Of Minot And Blu On Broadway, LLC, For The Blu On Broadway Development, Ward County Document Number 3038218, (the "Agreement") on April 21, 2020; and

WHEREAS, the property subject to the Agreement is owned by Developer 1, the development is enlarging to include the property owned by Developer 2; and

WHEREAS, the Parties desire to amend the Agreement to include both Property 1 and Property 2 (hereinafter the "Property"); and

WHEREAS, the Parties desire to now remove Planning Requirement 1. in the manner reflected herein; and

WHEREAS, the City Council of the City of Minot has approved this First Amendment of the Agreement in the manner reflected herein; and

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein, the Parties, intending to be legally bound, hereby agree as the following language is hereby removed from 7. Planning Requirements of the Agreement, effective as of the Amendment Effective Date written above:

1. A minimum of 3,000 square feet of office space shall be provided on the ground floor.

This Amendment may be executed in one or more facsimile, electronic or original counterparts, each of which shall be deemed an original and both of which together shall constitute the same instrument.

All terms and provisions of the Agreement not amended hereby, either expressly or by necessary implication, shall remain in full force and effect. From and after the date of this

Blu on Broadway, LLC

[Signature]
Todd Berning
President

STATE OF NORTH DAKOTA)
) ss
COUNTY OF Ward)

On this 22 day of March, 2022, before me personally appeared Todd N. Berning known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

(seal)

[Signature]

DELORES D FALKINBURG
Notary Public
State of North Dakota
My Commission Expires February 15, 2023

Notary Public, Ward County,
North Dakota.
My Commission Expires: Feb 15, 2023

City of Minot
[Signature]

STATE OF NORTH DAKOTA)
) ss
COUNTY OF Ward)

On this 14th day of April, 2022, before me personally appeared Shaun Sipma, known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

(seal)

[Signature]

MIKAYLA MCWILLIAMS
Notary Public
State of North Dakota
My Commission Expires March 17, 2026

Notary Public, Ward County,
North Dakota.
My Commission Expires: March 17, 2026

Recorder's Office, Ward, ND 04/11/2022 02:21:45 PM
I certfiy that this instrument was filed for record this date.
Kristin Kowalczyk, County Recorder

by *Kristin Kowalczyk* 3063647



Ward County, North Dakota
Commissioner of Public Safety
1000 1st Avenue S.W.
Fargo, ND 58103
701.785.2200