

Amendment To and Extension of Lease Agreement

This Amendment to and Extension of Lease Agreement, made and entered into at Milwaukee, Wisconsin as of this _____ day of _____, 2015, by and between Kinder Morgan/Milwaukee Bulk Terminals, Inc., a Wisconsin Corporation, (hereinafter referred to as the “Tenant”), and the City of Milwaukee, a Wisconsin municipal corporation, by and through its Board of Harbor Commissioners (hereinafter collectively referred to as the “City”).

Whereas, the City and the Tenant have entered into a Lease Agreement dated November 1, 2013 (hereinafter referred to as the “Lease Agreement”) for the lease of approximately 8.610 acres located on the South Harbor Tract including Terminals 4 and 4A, consisting of approximately 104,000 square feet (hereinafter referred to as the “Property”) and;

Whereas the Lease Agreement provided for a term of seven (7) years commencing November 1, 2013 and terminating December 31, 2020; and

Whereas the City and Tenant have agreed to extend the term of the Lease Agreement as further specified in this Amendment to and Extension of Lease Agreement.

Now, Therefore, in consideration of the mutual covenants and conditions set forth herein, the City and the Tenant agree to amend the Lease Agreement dated November 1, 2013, as follows:

1. Term.

A) An initial term (“Initial Term”) expiring on December 31, 2023.

B) An Extension Term (“Extension Term”) for a period of five (5) years, commencing on January 1, 2024, and ending on December 31, 2028. The Extension Term shall take effect immediately upon expiration of the Initial Term, unless Tenant shall deliver to the City a written notice of termination of this Amendment to and Extension of Lease Agreement at least six months prior to the expiration date of the Initial Term as specified in subparagraph (a) above.

C) Except as otherwise provided for in this Amendment to and Extension of Lease Agreement, all other terms and conditions of the Lease Agreement dated November 1, 2013 shall remain unchanged and continue in full force and effect.

In Witness Whereof, the parties hereto have caused this Amendment to and Extension of Lease Agreement to be executed by the proper respective officers at Milwaukee, Wisconsin and their corporate seals to be affixed hereto on the day and year first above written.

IN THE PRESENCE OF:

CITY OF MILWAUKEE

Tom Barrett, Mayor

Jim Owczarski, City Clerk

COUNTERSIGNED:

Martin Matson, Comptroller

BOARD OF HARBOR COMMISSIONERS

Timothy K. Hoelter, President

Lawrence Sullivan, Interim Secretary

KINDER MORGAN/MILWAUKEE BULK TERMINALS, INC.

James Hill, General Manager

STATE OF _____
_____ **COUNTY**

Personally came before me this _____ day of _____, 20_____,
James Hill, the General Manager, who by its authority and on its behalf executed the foregoing
instrument and acknowledged the same.

NOTARY PUBLIC, State of Wisconsin
My Commission Expires _____

APPROVED as to Form and Execution this
_____ day of _____, 20____

Assistant City Attorney

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12/11/14

PLEASE NOTE: TENANTS MUST COMPLETE THE FOLLOWING:

(Note: Someone other than the individual who executed this Agreement must certify the following):

CERTIFICATE RE: CORPORATION

I, _____ certify that I am the _____ of the above
(print name) (print title)

TENANT named herein; that _____, who executed this Agreement on
(print signator of tenant)

behalf of the above TENANT was then _____ of said
(official capacity of signator)

corporation, and in said capacity, duly signed said Lease for and on behalf of said corporation, being duly authorized so to do under its bylaws or is authorized so to do by action of its duly constituted board, all of which is within the scope of its corporate powers.

Dated at _____ this _____ day of _____ 20 ____
(location)

(signature)

AMENDMENT TO AND EXTENSION OF
LEASE AGREEMENT

Between

KINDER MORGAN/MILWAUKEE BULK TERMINALS, INC.

and the

BOARD OF HARBOR COMMISSIONERS/
CITY OF MILWAUKEE

Lease is for real property comprised of approximately 8.610 acres located on the South Harbor Tract of the City of Milwaukee, including Terminals 4 and 4A, consisting of approximately 104,000 square feet.

Term: An initial term expiring on December 31, 2023

Extension Term: For a period of five (5) years, commencing on January 1, 2024, and ending on December 31, 2028