

AMENDMENT NO. 6 TO AMENDED
AND RESTATED LEASE AGREEMENT
BETWEEN THE
CITY OF SUPERIOR, WISCONSIN
AND
SAILBOATS, INC.

This Amendment is made and entered into effective April 8, 2021, by and between THE CITY OF SUPERIOR, WISCONSIN (hereinafter referred to as the "City") and SAILBOATS, INC., a Minnesota corporation (hereinafter referred to as "Sailboats, Inc.").

RECITALS

WHEREAS, the City, as lessor, and Sailboats, Inc., as lessee, entered into an Amended and Restated Lease Agreement dated April 20, 2005 (hereinafter "the 2005 Lease"), for the lease of real property relating to the Barker's Island Marina; and

WHEREAS, the City and Sailboats, Inc. entered into an Amendment to Amended and Restated Lease Agreement dated May 5, 2010 (hereinafter "the First Amendment") Amendment No.2 dated August 1, 2015, Amendment No. 3 dated July 25, 2017, Amendment No. 4 dated May 28, 2020, and Amendment No. 5 dated October 21, 2020 (hereinafter "the Fifth Amendment" and, along with the 2005 Lease, the First Amendment, the Second Amendment, and the Third Amendment, and the Fourth Amendment hereinafter referred to collectively as "the Original Lease"); and

WHEREAS, the City and Sailboats, Inc. desire to modify certain other provisions of the Original Lease, as hereinafter provided.

X. COORDINATION OF BARKER'S ISLAND DEVELOPMENT

- A) *Concerns with operation, development, coordination, beautification and maintenance of the Leased Property, piers, buildings and improvements, the Barker's Island motel-restaurant-convention center and the public areas and facilities lying southeasterly of the causeway leading to Barker's Island will be submitted to the Barker's Island Review Committee for recommendation to the City. The Review Committee's goal will be to advise and coordinate projects (both by the Sailboat's Inc. and City lead) sharing a common goal of maximizing operational success for a City owned facility, managed contractually by a private company.*

- B) *The Review Committee may also hear complaints by Sailboats, Inc., the public and other boat owners. The Review Committee shall consist of the Sailboats, Inc., a representative of the motel owner, two citizens selected by the Mayor of the City of Superior, the Mayor of the City of Superior or their appointee, President of the City of Superior's Common Council or their appointee from the Common Council, the City of Superior's Planning, Economic Development and Port Director or their appointee, the City of Superior's Parks, Recreation and Forestry Director or their appointee, the City of Superior's Director of Public Works or their appointee, and the City of Superior's Finance Director or their appointee. Any proceedings by the Committee shall be on notice, on record, and shall otherwise comply with public meeting law requirements. No dispute will be brought to the Review Committee before Sailboats, Inc. has had the opportunity to settle the dispute.*

IN WITNESS WHEREOF, the City and Sailboats, Inc. have caused this Amendment No.6 to Amended and Restated Lease Agreement to be duly executed as of the date first above written.

CITY OF SUPERIOR

DocuSigned by:

Jim Paine

City Clerk

DocuSigned by:

Shannon Pettit

Deputy City Clerk

DocuSigned by:

Frog Prett

City Attorney

DocuSigned by:

Ashley Puetz

Finance Director

SAILBOATS, INC.

DocuSigned by:

4/19/2021

By: *Eric Thomas*

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President

Its: _____

Approved by the Superior City Council on: April 7, 2021