

**FIRST AMENDMENT TO AN AGREEMENT FOR DEVELOPMENT INCENTIVES BY  
AND BETWEEN THE CITY OF BRIGHTON, COLORADO AND  
AMPRIUS TECHNOLOGIES, INC.**

THIS FIRST AMENDMENT (“First Amendment”) is entered into this \_\_\_ day of \_\_\_\_\_ 2024 (the “Effective Date”) by and between the City of Brighton, Colorado, a municipal corporation (the “City”) and Amprius Technologies, Inc., a Delaware corporation (the “Company”). The City and Company may be referred to herein collectively as the “Parties” and individually as a “Party.”

RECITALS

WHEREAS, the City Council of the City of Brighton, Colorado (“City Council”) approved by Resolution No. 2023-22, An Agreement for Development Incentives by and between the City of Brighton, Colorado and Amprius Technologies, Inc. (the “Agreement”); and

WHEREAS, the Agreement contemplates that the Project will open to the public by June 1, 2024; and

WHEREAS, the Company requires additional time to complete the build-out of the Project; and

WHEREAS, the Parties desire to amend the Agreement to reflect the additional time necessary to complete the build-out of the Project.

NOW, THEREFORE, in consideration of the recitals, promises, mutual covenants, and agreements herein contained, together with other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Company agree as follows:

AGREEMENT

1. Opening Date. Section 1.4 of the Agreement is hereby amended as follows:

“Opening Date” shall be the first day that the Project is open to the general public for business and shall not be later than June 1, 2025, as specified in Section 4 herein.

2. Construction of Project. Section 4 of the Agreement is hereby amended as follows:

Company shall begin construction of the Project after receiving zoning approval for Project’s permitted use, which approval is anticipated to be completed by September 30, 2023, and continuously pursue construction of the Project until completion. The Company shall open the Project to the general public for business by the Opening Date.

3. Capitalized terms not defined herein shall have the meaning ascribed to them in the Agreement.

4. All other provisions not modified or amended herein are hereby ratified in their entirety and remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

CITY OF BRIGHTON

\_\_\_\_\_  
GREGORY MILLS, Mayor

ATTEST:

\_\_\_\_\_  
NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
YASMINA GIBBONS, Deputy City Attorney

*[Acknowledgements continue on following page.]*



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

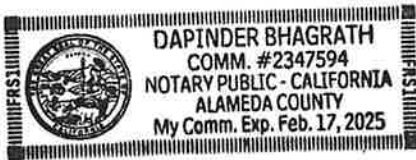
State of California )  
County of Alameda )

On Feb. 21, 2024 before me, DAPINDER BHAGRATH, NOTARY PUBLIC  
Date Here Insert Name and Title of the Officer  
personally appeared SANDRA WALLACH  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Dapinder Bhagrath  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: First Amended to an Agreement for Development Incentives.  
Document Date: 02.21.2024 Number of Pages: -3-  
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_