

**FOURTH AMENDMENT TO
AMENDED AND RESTATED CITY MARKET SITE LEASE**

240901

This FOURTH AMENDMENT TO AMENDED AND RESTATED CITY MARKET SITE LEASE (the “Fourth Amendment”) dated as of _____, 2024, by and between the City of Kansas City, Missouri, a constitutionally chartered municipal corporation in the State of Missouri (“City”) and the Planned Industrial Expansion Authority of Kansas City, Missouri, a statutory public corporate and politic organized and existing under and by virtue of the laws of the State of Missouri (“PIEA”), amend and supplement the Amended and Restated City Market Site Lease, dated as of September 1, 1998 (“Amended Site Lease”).

WHEREAS, City and PIEA, pursuant to Ordinance No. 64313, as amended, entered into a City Market Site Lease, dated September 1, 1989 (“Original Site Lease”) with respect to certain buildings, structures, and improvements known as the Market Site on which a market has been operated pursuant to Missouri law; and

WHEREAS, the City and PIEA amended the Original Site Lease on September 1, 1998 by the Amended and Restated City Market Site Lease; and

WHEREAS, the City and PIEA entered into the First Amendment in connection with the issuance of City’s Taxable Special Obligation Refunding Series 2010C Bonds, which are no longer outstanding; and

WHEREAS, the City transferred certain properties within the Market Site to Port KC for development, as identified in the Second Amendment to Amended and Restated City Market Site Lease dated February 1, 2022 (“Second Amendment”) and the Third Amendment to Amended and Restated City Market Site Lease dated October 5, 2023 (“Third Amendment”); and

WHEREAS, the Term set forth in the Amended and Restated City Market Site Lease ends on April 15, 2025 at midnight; and

WHEREAS, the City and PIEA have the joint desire to further develop at the Market Site beyond April 15, 2025; and

WHEREAS, the City and PIEA seek to extend the Term set forth in the Amended Site Lease for an additional six years to support such future development; and

NOW THEREFORE, in consideration of the premises and the mutual covenants and agreements herein set forth, the City and PIEA agree to amend the Amended Site Lease as follows:

Section 1. Term Extended; Section 3.1. “April 15, 2025” as stated in Section 3.1 of the Amended Site Lease is hereby changed to “April 15, 2031.”

Section 2. Sections not Amended. All other sections not specifically and expressly modified herein shall remain in full force and effect.

Section 3. Counterparts. This Fourth Amendment may be executed in any number of counterparts, each of which shall be deemed an original and all of which counterparts together shall constitute one agreement with the same effect as if the parties had signed the same signature page. This Fourth Amendment may be executed by electronic signatures which shall be binding on the parties hereto as if they were originals.

Section 4. Governing Law and Venue. This Fourth Amendment shall be governed by and construed in accordance with the laws of the State of Missouri without giving effect to its choice of law principles, and any disputes arising hereunder shall be remediated in the courts of the State of Missouri.

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IN WITNESS WHEREOF, the Parties have hereunto caused this Fourth Amendment to Amended and Restated City Market Site Lease to be signed on its behalf as of the date first above written.

THE CITY OF KANSAS CITY

By: _____

Brian Platt, City Manager

Approved as to form:

Abigail Judah, Assistant City Attorney

THE PLANNED INDUSTRIAL EXPANSION
AUTHORITY OF KANSAS CITY, MISSOURI

By: _____

Name: _____

Title: _____