

**CANAL PARK PARKING AGREEMENT
NORTHWEST IRON LOT
FOURTH AMENDMENT**

THIS FOURTH AMENDMENT, entered into this _____ day of _____, 2019, by and between the DULUTH ECONOMIC DEVELOPMENT AUTHORITY, an economic development authority existing under the laws of the State of Minnesota, hereinafter referred to as "DEDA," and ETOR PROPERTIES LIMITED LIABILITY COMPANY, a limited liability company under the laws of the State of Minnesota, hereinafter referred to as "Owner.

WHEREAS, on March 14, 2011, DEDA and Owner entered into an agreement which provided for DEDA to lease a portion of property generally known as the Northwest Iron Lot from Owner for the purpose of providing public parking in the Canal Park area; and

WHEREAS, on January 22, 2014, the parties entered into a first amendment in order to extend the term of the agreement and revise the net income/loss percentages; and

WHEREAS, on June 26, 2017, and on June 1, 2018, the parties entered into a second amendment and third amendment, respectively, in order to further extend the term of the agreement. The agreement, first, second and third amendments are hereinafter referred to as the "Agreement"; and

WHEREAS, the parties desire to further amend the Agreement in order to extend the term of the Agreement for a period of 12 months.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The term of the Agreement is hereby extended for a period of 12 months, until December 31, 2020.

2. Except as provided for in this Fourth Amendment, all terms and provisions of the Agreement shall remain in force and effect.

[The remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, the parties hereto have signed this Fourth Amendment as of the day and year first above written.

DULUTH ECONOMIC DEVELOPMENT
AUTHORITY

ETOR PROPERTIES LIMITED
LIABILITY COMPANY

By _____
Its President

By _____
Its _____

By _____
Its Secretary

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