

FOURTH AMENDMENT TO HAROLD E. LeMAY MUSEUM OPTION AGREEMENT

This FOURTH AMENDMENT TO OPTION AGREEMENT ("Fourth Amendment") is hereby made and entered into this ____ day of _____ 2025, by and between the **CITY OF TACOMA**, a Washington First Class Charter City ("City") and the **HAROLD E. LeMAY MUSEUM**, a Washington Nonprofit corporation ("Museum") in consideration of the mutual covenants contained herein.

WHEREAS, the City and the Museum entered into an Option Agreement dated August 13, 2002 ("Original Agreement"), which was amended by the First Amended Option Agreement dated June 27, 2006 ("First Amendment") and the Second Amended Development and Option Agreement dated November 14, 2007 ("Second Amendment") and the Third Amended Option Agreement dated May 5, 2010 ("Third Amendment"), and

WHEREAS, for their mutual benefit and to facilitate the development of a state of the art robotics education facility in partnership with the Tacoma School District No. 10, the parties desire to reduce the time for notice to exercise the Option to one-hundred twenty (120) days.

NOW THEREFORE, the parties agree to amend the first sentence of Paragraph 5, and adding a new Section "D" to Paragraph 5 of the Original Agreement as follows:

5. Exercise of Option. The Museum may exercise the Option to acquire the property by giving notice of its intent to exercise the option for the second phase on or before the date one-hundred twenty (120) days prior to the Closing Date.

D. From the date of Closing until such time as Commencement of Construction on the Robotics Lab, the Tacoma Venues and Events Department shall retain operational control and derive all revenues from the Option Property. For purposes of this Agreement Commencement of Construction shall mean the date on which permits necessary for initiating site preparation and/or physical construction work on the Robotics Lab are issued, and a notice to proceed is issued to contractors.

Except for this amendment, all other terms of the Option Agreement and all Amendments and Exhibits shall remain in full force and effect.

EFFECTIVE DATE: This agreement is effective on the date last signed by a party.

MUSEUM:

CITY:

By:

By:

Date: _____

Date: _____