

WHEN RECORDED, RETURN TO:

Elizabeth Burke, City Clerk
City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001

FOURTH AMENDMENT TO LEASE

The City of Flagstaff, a political subdivision of the state of Arizona ("City" or "Landlord") and Nestle Purina Petcare Company, a Missouri corporation ("Purina" or "Tenant") enter into this Third Amendment to Lease effective August 16, 2016.

RECITALS:

- A. The City and Purina have entered a lease of the property where the Purina pet manufacturing facilities are located. The substantive terms of the Lease are set forth in the 2003 Development Agreement, as amended by the 2008 First Amendment to Lease in 2008, respectively recorded in Instrument Nos. 3207666 and 3491226, Official Records of the Coconino County, Arizona ("Lease").
- B. The Lease term was extended from an expiration date of October 15, 2015 to October 15, 2016, as approved in Second and Third Amendments to the Lease, respectively recorded in Instrument recorded in Instrument Nos. ____ and ____, Official Records of the Coconino County, Arizona
- C. The recitals set forth in City of Flagstaff Ordinance No. 2016-32, on file with the City Clerk, are incorporated herein by reference to reflect the history and purpose of the Development Agreement and underlying Lease, as amended.

AGREEMENT

NOW THEREFORE, IN CONSIDERATION FOR THE MUTUAL PROMISES CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

- 1. Leased Property. The Leased Property under the Lease consists of the land legally described in Exhibit _____, which has been amended and restated herein to take into account different transactions (additions and deletions) to the leasehold called for in the Development Agreement as amended.
- 2. Extension Period. The Lease is hereby extended from October 15, 2016 until October 15, 2017. The Development Agreement will also expire on the latter date.
- 3. Effect. All other terms and conditions of the Lease shall remain in effect.

TENANT: NESTLE PURINA PETCARE COMPANY

By:_____

Its:_____

LANDLORD: CITY OF FLAGSTAFF

By: Mayor Nabours

Attest:

By: Elizabeth Burke, City Clerk

Approved as to form:

By:_____

City Attorney's Office

Attachment: Map and Legal description

S:\Legal\Civil Matters\2014\2014-626 Purina Scrubbers Air Quality\Third Amendment- to Lease 8-2-16.docx