

ATTACHMENT NO. 4

SCHEDULE OF PERFORMANCE

This Schedule of Performance sets forth outside dates for the performance of certain obligations of Developer and the City under the Agreement. The provision of any outside date shall not imply the waiver or satisfaction of any condition precedent required by the Agreement for the performance of the obligation involved. All outside dates may be extended by delays due to force majeure events or as otherwise provided for in the Agreement. All capitalized terms used but not defined in this Schedule of Performance shall have the meanings given such terms in the Agreement. In the event of an inconsistency between this Schedule of Performance and the Agreement, the Agreement shall prevail.

- | | |
|--|--|
| 1) Submit Application for SEC Design Drawing Review (§ 304) | Six (6) months prior to the scheduled Closing Date. |
| 2) Submit Application for SEC Improvement Plan Drawing Review (§ 304) | Six (6) months prior to the scheduled Closing Date. |
| 3) Finalize FAA Restrictions (§ 214) | Six (6) months prior to the scheduled Closing Date. |
| 4) Decommission and Destroy Existing Well Site (§ 702) | Ninety (90) days prior to the scheduled Closing Date. The City shall terminate all agreements relating to the Existing Well Site ninety (90) days prior to the scheduled Closing Date. |
| 5) Submit Evidence of Financing (§ 226) | Sixty (60) days prior to the scheduled Closing Date. |
| 6) Submit application to City for Hotel Site Lot Line Adjustment and Lot Merger | Six (6) months prior to scheduled Closing Date. |
| 7) City review and approval-consideration of application for Hotel Site Lot Line Adjustment and Lot Merger (§ 212) | Thirty (30) City business days prior to the scheduled Closing Date. |
| 8) Opening of Escrow (§ 210) | Thirty (30) days prior to the scheduled Closing Date. |
| 9) Developer Investigation and determination of the soil and water conditions of the Project Site (§ 223) | Not later than Thirty (30) days prior to the scheduled Closing Date. |

10) Acquisition of, and/or any Order(s) for Pre-Judgment Possession for, the Private Parcels (as applicable) Target Acquisition/Possession Date: Seven (7) days prior to the scheduled Closing Date, subject to the requirements of Part II, Section 200 through 228 of the DDA.

11) Delivery of Grant Deeds (§ 217) Target Delivery Date: Seven (7) days to the scheduled Closing Date, subject to the requirements of Part II, Section 200 through 228 of the DDA.

12) Closing Date (§§ 201, 211) Target Closing Date: [August 3, 2021], subject to extension as set forth in Section 211 of the Agreement, as may be modified by the parties.

13) Commencement of Construction (§ 307) Target Commencement Date: one (1) business day after the Closing Date, outside commencement date is six (6) months after the Closing Date, for the Improvements on the Arena Site.

[_____] months] after the Closing Date, for the Improvements on the West Parking Garage Site.

[_____] months] after the Closing Date, for the Improvements on the East Transportation Site.

14) City Completion of Construction of New Well Site Improvements (§ 702) Target Completion Date: [_____] months] after the Closing Date.

15) Completion of Construction (§ 307) Target Completion Date: thirty-six (36) months after commencement of construction of the Improvements on the Arena Site, outside completion date is forty-eight (48) months after commencement of construction of the Improvements on the Arena Site.

[_____, 2024], for the Improvements on the West Parking Garage Site.

[_____, 2024], for the Improvements on the East Transportation Site.