

AMENDMENT TO AGREEMENT BETWEEN EMPIRE ALLIANCE PROPERTIES,  
LLC AND THE CITY OF DURHAM FOR BUILDING IMPROVEMENT  
INCENTIVES FOR ECONOMIC DEVELOPMENT ACTIVITIES

This contract amendment ("Amendment") is dated and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, between Empire Alliance Properties, LLC (hereinafter, the "Company") and City of Durham ("City").

The City and the Company entered into a contract titled "Agreement Between Empire Alliance Properties, LLC and the City of Durham for Building Improvement Incentives for Economic Development Activities," dated January 18, 2011. That contract is referred to as the "Original Contract." The Original Contract referenced a completion date of no later than one year following the "Approval Date." The City Council approved the Original Contract on January 18, 2011. As required by the Original Contract, the Company began work prior to nine months from the Approval date, but the Company will be unable to complete the required work by January 18, 2012 due to factors relating to rental market demand, requiring a redesign of the ground floor retail space. The Original Contract is hereby amended as follows:

1. In Section 2(a), *Prerequisites to Payments*, after "Qualifying Capital Investment", delete the phrase, "within one year of the Approval Date, for a project begun no later than 9 months following the Approval Date" and insert "no later than March 31, 2012."

IN WITNESS THEREOF, the City and the Company have caused this contract amendment to be executed under seal themselves or by their respective duly authorized agents or officers.

CITY OF DURHAM

ATTEST:

\_\_\_\_\_

By: \_\_\_\_\_

Preaudit Certificate, if required:

*Amendment to Agreement Empire Alliance Properties, LLC and the City of Durham for Building Improvement Incentives for Economic Development Activities*

EMPIRE ALLIANCE  
PROPERTIES

By: \_\_\_\_\_  
Manager

State of \_\_\_\_\_

ACKNOWLEDGMENT BY EMPIRE  
ALLIANCE PROPERTIES, LLC

County of \_\_\_\_\_

I, a notary public in and for said county and state, certify that \_\_\_\_\_ personally (1) appeared before me this day, (2) stated that he or she is a manager of Empire Alliance Properties, LLC a limited liability company organized and existing under the laws of the State of North Carolina, (3) acknowledged that the foregoing contract or agreement with the City of Durham carries on the company's business in the usual way, and (4) acknowledged the due execution of the contract on behalf of the company. This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires:

\_\_\_\_\_  
\_\_\_\_\_

Notary Public