Please review the following provisions and the responses:

an update to the UAA campus master plan, the University will pursue Board of Regents consideration of amendment to the campus master plan on an expedited basis in cooperation with the successful proposer. Board disapproval of the amendment results in the successful proposer's inability to proceed, termination under section 9 will be applicable.

D. What position does UAA take on whether the UAA Master Parking Plan requires updating in order for a rezone to B3? UAA does not anticipate that a rezone will require a change to the UAA Master Parking Plan.

E. If the rezone effort takes longer than one (1) year through no fault of Lessee, what is the basis for Lessee having a termination right? See Lease at Section 9(a). The termination right being unilateral to Lessee, particularly if there is no abatement to rent during this period. If the University as Lessor determines that the Lessee has failed to exercise due diligence in pursuing the rezone effort, the University reserves the right to terminate. The University has an interest in having the revenue stream from the Lease start up within a reasonable period. The University understands that despite due diligence there may be unforeseen delays in a rezone effort for reasons beyond the control of the successful proposer. The University expects to be kept informed of the status of the effort and of the reasons for any delays.

F. In the event of termination under Section 9 of the Lease will the RFP deposit and the additional security deposit under the Lease be returned to Lessee? If the successful proposer acts in good faith in terminating under Section 9 of the Lease, the RFP deposit and additional security deposit will be returned to the Lessee.

x   If the selected proposer and the University are unable to finalize the lease despite good faith negotiations during the lease negotiation period, is the University still seeking to retain the deposit as liquidated damages? Yes, the University reserves the right to retain the deposit as liquidated damages. If the University is convinced of the good faith negotiations of the successful proposer, the University may propose modifying dionif(c)8.9(c)8.9(c)8(s)-2(e)0.5(1.3(e)-1.5(c)-)9.1(t)0.7(uh)0.5(e U)6()su11.3(e)04.1(e)0.5uropty repoo9(c)8