

**FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE FOREST PRESERVE DISTRICT  
OF DUPAGE COUNTY AND THE WHEATON PARK DISTRICT FOR  
THE LEASE OF A PORTION OF THE LUCENT EAST PARCEL**

This First Amendment ("Amendment") is made and entered into this 19 day of February, 2019, by and between the Forest Preserve District of DuPage County, a body politic and corporate ("District") and the Wheaton Park District, an Illinois park district and unit of local government ("Park District"), and amends, in certain respects, that certain Lease Agreement Between the Forest Preserve District of DuPage County and the Wheaton Park District for the Lease of a Portion of the Lucent East Parcel entered into on November 5, 2013 ("Agreement"). Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Agreement.

**RECITALS**

WHEREAS, District and Park District are parties to an Agreement regarding the lease of certain portions of District property commonly referred to as the Lucent East Parcel; and

WHEREAS, District and Park District wish to amend the Agreement to expand the Park District's ability to sublease or sublicense all or portions of the Leased Premises to third-parties; and

WHEREAS, District and Park District have determined that it is in their respective best interests to amend the Agreement on the terms and subject to the conditions set forth below.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the parties agree to the following:

1. Incorporation of Recitals. The foregoing recitals are incorporated herein by reference as though fully set forth in this Section 1.
2. Transfers or Sub-leases. The first two sentences of Section 3.06 of the Agreement, entitled "Transfers or Sub-leases" are stricken and replaced with the following (note, new text is underlined for ease of reference):

The Wheaton Park District shall have the right to sub-lease or sub-license (hereinafter "sub-lease", and where appropriate "sub-leasee") all or a portion of the Leased Premises to third-parties pursuant to the Wheaton Park District's Outdoor Athletic Area Policy, a copy of which is attached hereto and incorporated herein and made a part hereof as Exhibit C. The Wheaton Park District shall also have the right to sub-lease or sub-license all or a portion of the Leased Premises to third-party groups for special events and activities that are not athletic in nature, but which fall within and are governed by the terms, conditions, and limitations set forth in the Wheaton Park District's General Use Ordinance, a copy of which is attached hereto and incorporated herein and made a part hereof as Exhibit D. All sub-leases or sub-licenses shall be in writing and shall state that in addition to the Wheaton Park District's Outdoor Athletic Area Policy and the Wheaton Park District's General Use Ordinance, the third-party's

use of the Leased Premises shall be subject to all rules, regulations and ordinances of the Forest Preserve District of DuPage County.

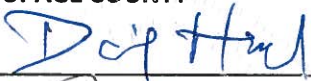
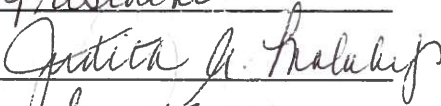
3. Exhibit D. The Agreement shall be further amended by adding the Wheaton Park District General Use Ordinance as Exhibit D.

4. Counterparts. This Amendment may be executed in counterparts, each of which shall be an original but all of which taken together shall constitute but one and the same instrument. In the event any signature is delivered by facsimile or by e-mail delivery of a scanned .pdf file, such signature shall create a valid and binding obligation of the party with the same force and effect as if the facsimile or scanned .pdf signature page were an original thereof.

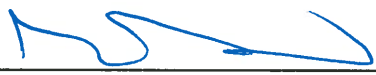
5. Entire Agreement; Modification. All other terms and conditions contained in the Agreement remain unchanged. The Agreement and this Amendment contain all of the terms and conditions agreed on by the parties with respect to the subject matter hereof, and no other alleged communications or agreements between the parties, written or otherwise, shall vary the terms hereof. Any modification of the Agreement or this Amendment must be in writing and signed by all parties.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date set forth below.

**FOREST RESERVE DISTRICT  
OF DUPAGE COUNTY**

By:   
Its: President  
Attest:   
Its: Secretary  
Date: February 19, 2019

**WHEATON PARK DISTRICT**

By:   
Its: Executive Director  
Attest: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: March 7, 2019