

**FIRST AMENDMENT TO WHEATON PARK DISTRICT LEASE AGREEMENT WITH WHEATON-
WARRENVILLE COMMUNITY UNIT SCHOOL DISTRICT 200**

This First Amendment ("Amendment") is made and entered into the date set forth below, by and between Wheaton Park District, an Illinois park district and unit of local government ("Park District"), and the Board of Education of Wheaton-Warrenville Community Unit School District 200, ("School District"), and amends, in certain respects, that certain agreement entitled "Intergovernmental Agreement for Lease, Construction, Recreational Use and Maintenance of Synthetic Turf Field Between Wheaton-Warrenville Community School District No 200 and the Wheaton Park District" with an Effective Date of July 17, 2013 ("Agreement"). Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Agreement.

RECITALS

WHEREAS, Park District and the School District previously entered into an Agreement that governs, among other things, the use and maintenance of a synthetic turf field at Monroe Middle school building and surrounding campus; and

WHEREAS, the intergovernmental partnership created by the Agreement has been a success for both Parties and their respective residents, and, as a result, the Parties wish to amend certain dates and deadlines in the Agreement to extend the Term of the Lease set forth therein.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are 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. **Term.** Section 1 is stricken in its entirety and hereby replaced with the following:

Term and Termination. The term of this Agreement shall be forty (40) years from the Effective Date, as defined in section VIII.O ("Term"). The School District shall not have the right to terminate this Agreement prior to the expiration of the Term except as provided in Section VIII.E. At any time, the parties may agree in writing to extend the terms of this Agreement for a specified period of time, as permitted by law.

3. **Extending Term.** All references in the Agreement of 25 years shall be changed to 40 years.

4. **Park District's Extended Maintenance and Replacement of Turf Field.** Notwithstanding any language to the contrary, at all times during the 40 years extended Term of the Agreement, Park District shall continue to maintain the turf field including at Park District's

sole cost replacing the turf field every 10 to 12 years from the original Effective Date of the Agreement to the end of the extended Term. All references to a one-time replacement of the turf field in the Agreement are changed to every 10 to 12 years.

5. **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.

6. **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 upon 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.

WHEATON-WARRENVILLE COMMUNITY
UNIT SCHOOL DISTRICT

By: _____

Its: _____

Date executed: _____

WHEATON PARK DISTRICT

By:  _____

Its: Executive Director _____

Date executed: 9/18/24 _____