

2020-017099

2020 Mar 12 8:37 AM

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
MICHAEL B BROWN
RECORDER

Prepared by and After recording return to:

Invenergy Solar Project Development LLC
One South Wacker Drive, Suite 1800
Chicago, Illinois 60606
ATTN: Land Administrator

16
→

FIRST AMENDMENT TO WIND LEASE AND EASEMENT AGREEMENT

THIS FIRST AMENDMENT TO SOLAR LEASE AND EASEMENT AGREEMENT (this "Amendment") is made, dated as of Feb 17, 2020, by and between **Van Kalker Family Limited Partnership**, an Illinois Limited Partnership (together with its transferees, successors and assigns, "Owner"), and **Invenergy Solar Project Development LLC**, a Delaware limited liability company (together with its transferees, successors and assigns, "Grantee"), and in connection herewith, Owner and Grantee agree, covenant and contract as set forth in this Amendment.



WITNESSETH:

WHEREAS, Grantee and Owner are parties to that certain Solar Lease and Easement Agreement dated September 19, 2019, as evidenced by that certain Memorandum of Solar Lease and Easement Agreement recorded December 19, 2019 as Instrument #2019-087837 in the official records of Lake County, Indiana (collectively, the "Agreement").

WHEREAS, Grantee and Owner desire to amend the Agreement on the terms and conditions as provided below.

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, Grantee and Owner hereby agree that the Agreement shall be amended as follows:

1. **Recitals.** The foregoing recitals are hereby incorporated herein by this reference.
2. **Legal Description.** Exhibit A to the Agreement is hereby deleted in its entirety and replaced with the legal description set forth on Exhibit A hereto.
3. **Exhibit C.** The following Section 3 is added to Exhibit C of the Agreement:
 - a. **No-Build Area.** Grantee shall not construct Solar Facilities within the 200 ft strip of land along State Route 2, also known as East 181st Avenue, as further depicted on the attached Exhibit A-1 map ("**No-Build Strip**"). For avoidance of doubt, Owner may subdivide the No-Build Strip into a separate parcel and sell it.
 - b. **Undeveloped Property Maintenance.** At Owner's option, Grantee shall use reasonable efforts to maintain (to the same standards used in the maintenance of the portions of the Property where Solar Facilities have been located) all

FILED

MAR 11 2020

**JOHN E. PETALAS
LAKE COUNTY AUDITOR**

020984

25. E
10/1035
B

Undeveloped Arable Land (as defined below) within 120 feet of the portions of the Property where the Solar Facilities have been located. This maintenance requirement shall also apply to any Undeveloped Arable Land that is no longer accessible by farming machinery due to the siting of Solar Facilities. "Undeveloped Arable Land" shall be defined as those portions of the Undeveloped Property which were farmed each of the preceding two years, including land allowed to lay fallow for agricultural purposes. All Undeveloped Arable Land shall be paid at the Undeveloped Property rate specified in Exhibit B, regardless of whether it is being farmed or not.

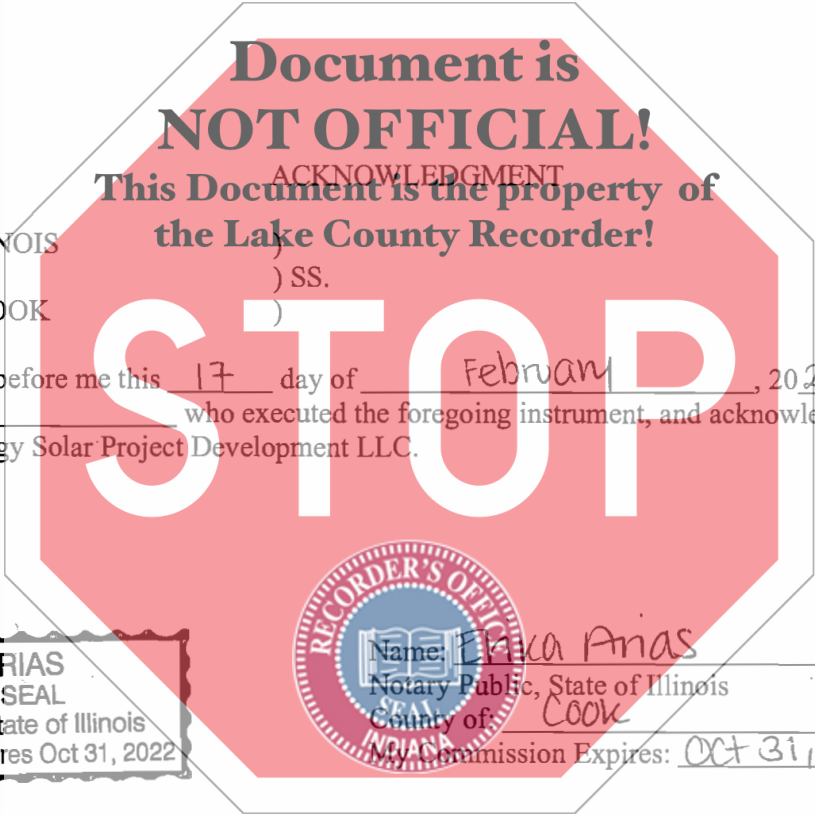
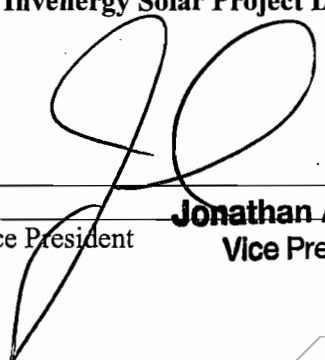
4. **Ratification.** Except as set forth in this Amendment, all of the terms, covenants, and conditions of the Agreement and all the rights and obligations of Owner and Grantee thereunder, shall remain in full force and effect, and are not otherwise altered, amended, revised, or changed.
5. **Counterparts.** This Amendment may be executed in counterparts, each of which shall be an original and all of which counterparts taken together shall constitute one and the same agreement.



IN WITNESS WHEREOF, the parties hereto having due authorization on behalf of their respective entities have executed this Amendment as of the day and year set forth above.

Grantee: Invenergy Solar Project Development LLC

By: _____
Name: **Jonathan A. Saxon**
Title: Vice President **Vice President**



STATE OF ILLINOIS)
COUNTY OF COOK)

Personally came before me this 17 day of February, 2020, Jonathan A. Saxon who executed the foregoing instrument, and acknowledged the same on behalf of Invenergy Solar Project Development LLC.

(SEAL)

ERIKA ARIAS
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires Oct 31, 2022

RECORDER'S OFFICE
Name: Erika Arias
Notary Public, State of Illinois
County of: COOK
My Commission Expires: Oct 31, 2022

Exhibit A
Legal Description

Property located in Lake County, Illinois

<u>Parcel Number</u>	<u>County</u>	<u>Town/Range</u>	<u>Section</u>	<u>Acreage</u>
45-24-12-100-001.000-012	Lake	32N/8W	12	317.647
45-21-19-300-009.000-012	Lake	33N/7W	19	145.67
			Total	463.317

Legal Descriptions

That part of the Northwest Quarter of Section 7, Township 32 North, Range 7 West of the Second Principal Meridian, in Lake County, Indiana, lying West of the existing center line of paved road known as Range Line Road (Clay Street), bounded and described as follows: Commencing at the point of intersection of the center line of Brown Ditch and the West line of the Northwest Quarter of said Section 7; thence North 2 degrees 01 minute 03 seconds West on the West line of said Northwest Quarter of Section 7, a distance of 330.0 feet to a point of beginning, said point of beginning being more particularly described as a point 1318.14 feet South of the (as measured on the West line of said Northwest Quarter of Section 7) Northwest corner of said Northwest Quarter of Section 7; thence continuing North 2 degrees 01 minute 03 seconds West on the West line of the Northwest Quarter of said Section 7, a distance of 1318.14 feet to the Northwest corner of said Section 7; thence Easterly on the North line of said Section, a distance of 72.60 feet to a point in the center line of an existing 22.0 feet black top road (known as Range Line Road) as located on February 26, 1996; thence South 2 degrees 30 minutes 30 seconds East on the center line of said existing 22 foot black top road, a distance of 1318.58 feet to a point on a line drawn North 89 degrees 59 minutes 14 seconds East from the point of beginning, (said line drawn North 89 degrees 59 minutes 14 seconds East being a line drawn parallel to the North line of Section 12, Township 32 North, Range 8 West of the Second Principal Meridian; thence South 89 degrees 59 minutes 14 seconds West a distance of 83.91 feet to the point of beginning), in Lake County, Indiana.

And,

All of Section 12, Township 32 North, Range 8 West of the 2nd Principal Meridian, in Lake County, Indiana (except that portion taken for Interstate Highway I-65), and excepting therefrom the following described parcels:

FINAL

Part of the East 1/2 of the Northeast 1/4 of Section 12, Township 32 North, Range 8 West of the 2nd Principal Meridian, described as follows: Beginning at the intersection of the center line of Range Line Road ~~LA~~ described in Commissioner's Record Book 23, page 48, in Lake County, Indiana, and the center line of Brown Ditch; thence North along the center line of said described Range Line Road, a distance of 330.00 feet; thence North 87 degrees 59 minutes 11 seconds West along a line parallel to the North line of said Section 12, a distance of 340.04; thence South along a line parallel to said center line of Range Line Road, a distance of 439.10 feet to the center line of Brown Ditch; thence North 74 degrees 02 minutes 45 seconds East along the center line of Brown Ditch to the place of beginning.

Part of the East Half of the Northeast 1/4 of Section 12, Township 32 North, Range 8 West of the 2nd P.M. described as follows: Beginning at the Northeast corner of said Section; thence South along the East of said Section a distance of 1741.16 feet to the true point of beginning; thence South along the East line of said Section 220 feet thence S 87 degrees 12 minutes 35 seconds W a distance of 217.63 feet; thence North along a line parallel with and 217.37 feet West of the East line of said Section a distance of 220.00 feet; thence N 87 degrees 12 minutes 35 seconds E a distance of 217.63 feet to the true point of beginning, containing 1.099 acres, more or less, in Lake County, Indiana.

Part of the East Half of the Northeast Quarter of Section 12, Township 32 North, Range 8 West of the Second Principal Meridian described as follows: Beginning at the Northeast corner of said Section; thence South along the East line of said Section a distance of 1961.16 feet to the true point of beginning; thence South along the East line of said Section a distance of 185.27 feet; thence North 87 degrees 12 minutes 35 seconds West a distance of 249.25 feet; thence North along a line parallel with and 249.25 feet West of the East line of said Section a distance of 164.22 feet; thence North 87 degrees 12 minutes 35 seconds East a distance of 249.41 feet to the true point of beginning, containing one (1) acre, more or less, in Lake County, Indiana.

Also Except,

All that part of Section 12, Township 32 North, Range 8 West of the 2nd Principal Meridian, in Lake County, Indiana bounded and described as follows:

Commencing at the Northeast corner of said Section 12, thence South 02 degrees, 01 minutes, 03 seconds East, on the East line of said Section 12, a distance of 2645.96 feet to a point at the East 1/4 corner of Section 12 and the point of beginning: thence continuing South 02 degrees, 01 minutes, 03 seconds East on the East line of said Section 12, a distance of 2645.96 feet to the Southeast corner of said Section 12, thence South 89 degrees, 53 minutes, 47 seconds West on the South line of said Section 12 a distance of 5317.81 feet to the Southwest corner of said Section 12, thence North 01 degrees, 52 minutes, 22 seconds West on the West line of said Section 12, a distance of 2645.75 feet to a point, said point being on a line drawn parallel to the South line of said Section 12 and having a bearing of North 89 degrees, 53 minutes, 47 seconds East, thence North 89 degrees, 53 minutes, 47 seconds East, on the last described line, a distance of 5311.11 feet to the point of beginning, containing 322.636 acres, more or less, excepting therefrom the parcel taken for I-65, being an area of 1.396 acres, with a net area of 321.24 acres, more or less.

Parcel ID: 45-24-12-100-001.000-012

Document is NOT OFFICIAL!

Tract A:

The Fractional West Half of the Southwest Quarter of Section 19, Township 33 North, Range 7 West of the Second Principal Meridian in Lake County, Indiana, excepting therefrom the South 860 feet of the West 613.66 feet of said Fractional West Half of the Southwest Quarter.

Tract B:

The Southeast Quarter of the Fractional Southwest Quarter of Section 19, Township 33 North, Range 7 West of the Second Principal Meridian in Lake County, Indiana, excepting the East 165 feet thereof, and also excepting that part of the Southeast Quarter of the Fractional Southwest Quarter of said Section 19 described as follows: Beginning at the Southeast corner of said Fractional Southwest Quarter, thence South 90 degrees 00 minutes West, along the South line of said Southwest Quarter, 245.76 feet to the Southwest corner of a tract of land conveyed to Richard Kreis by Warranty Deed dated September 18, 1995 and recorded September 21, 1995 as Document No. 95056732 in the Lake County Recorder's Office; thence continuing South 90 degrees 00 minutes West along said South line 345.0 feet; thence North 00 degrees 00 minutes East, at right angles to said South line, 355.00 feet; thence North 90 degrees 00 minutes East, parallel with said South line, 345.0 feet; thence South 00 degree 00 minutes West 91.12 feet; more or less, to the Northwest corner of the aforesaid Kreis tract; thence North 90 degrees 00 minutes East, along the North line of said Kreis tract, 237.88 feet to a point on the East line of said Fractional Southwest Quarter; thence South 01 degrees 42 minutes 36 seconds East, along said East line, 264.00 feet to the Southeast corner of said Fractional Southwest Quarter and the point of beginning of this exception.

Tract C:

The East 165 feet of the Southeast 1/4 of the Fractional Southwest 1/4 of Section 19, Township 33 North, Range 7 West of the Second Principal Meridian, in Lake County, Indiana, EXCEPTING the South 264 feet thereof as measured along the East line of said Fractional Southwest Quarter.

Tract D:

The Northeast 1/4 of the Fractional Southwest 1/4 of Section 19, Township 33 North, Range 7 West of the Second Principal Meridian, in Lake County, Indiana.

Tract E:

The West 1/2 of the West 1/2 of the West 1/2 of the Southeast 1/4 of Section 19, Township 33 North, Range 7 West of the Second Principal Meridian, in Lake County, Indiana, EXCEPTING the South 264 feet thereof as measured along the West line of said Southeast Quarter.

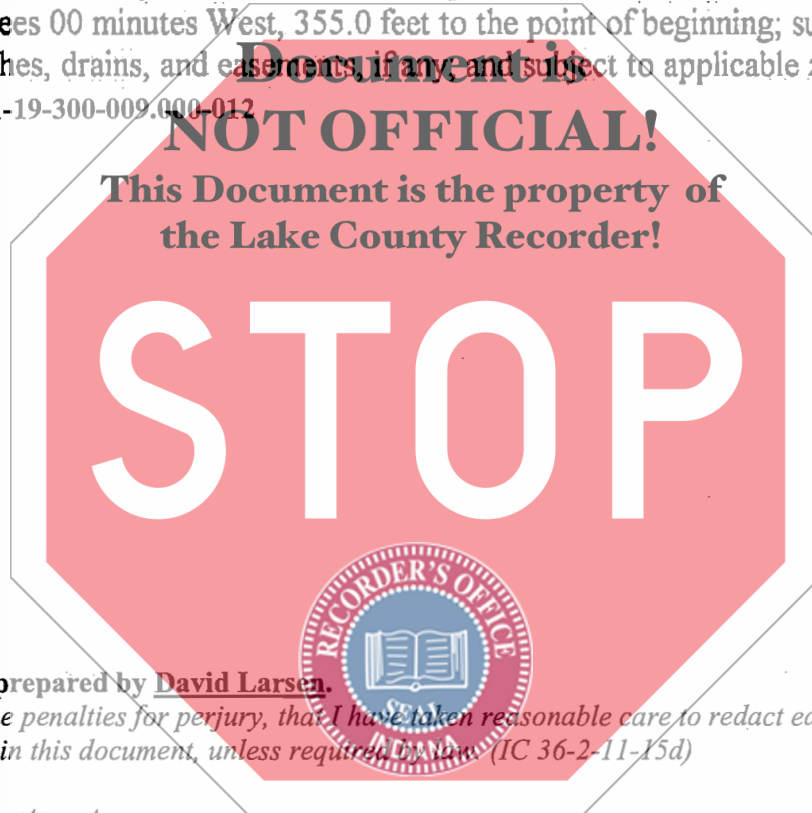
Except,

Part of the Southeast Quarter of the Fractional Southwest Quarter and the West Half of the West Half of the West Half of the Southeast Quarter of Section 19, Township 33 North, Range 7 West of the Second Principal Meridian in Lake County, Indiana, being more particularly described as follows: Commencing at the Southwest corner of the Southeast Quarter of said Section 19; thence North 90 degrees 00 minutes 00 seconds East, along the South line thereof, 334.24 feet to the Southeast corner of the West Half of the West Half of the West Half of said Southeast Quarter; thence North 01 degrees 44 minutes 57 seconds West, along the East line of said West Half of the West Half of the West Half, 264.0 feet to the Northeast corner of a tract of land conveyed to Richard Kreis by Warranty Deed dated September 18, 1995 and recorded September 21, 1995 as Document Number 95056732 in the Lake County Recorder's Office, which point is the true point of beginning hereof; thence North 90 degrees 00 minutes 00 seconds West, along the North line of said Kreis tract and parallel to the South line of said Section 19, a distance of 571.94 feet to the Northwest corner of said Kreis tract; thence North 00 degrees 00 minutes 00 seconds East, 91.12 feet to a point on a line that is parallel to and 355.0 feet (by perpendicular measure) North of the South line of said Section 19; thence North 90 degrees 00 minutes 00 seconds West, along said parallel line, 195.00 feet; thence North 00 degrees 00 minutes 00 seconds East, 180.00 feet to point on a line that is parallel to and 535.0 feet (by perpendicular measure) North of the South line of said Section 19; thence North 90 degrees 00 minutes 00 seconds East, along said parallel line, 758.66 feet to a point on the East line of the West Half of the West Half of the West Half of the Southeast Quarter of said Section 19; thence South 01 degrees 44 minutes 57 seconds East, along said East line, 271.25 feet to the point of beginning.

Except,

Part of the Southeast Quarter of the Fractional Southwest Quarter of Section 19, Township 33 North, Range 7 West of the Second Principal Meridian in Lake County, Indiana, being more particularly described as follows: commencing at the Southeast corner of said Fractional Southwest Quarter, thence South 90 degrees 00 minutes West, along the South line of said Southwest Quarter, 245.76 feet to the Southwest corner of a tract of land conveyed to Richard Kreis by Warranty Deed dated September 18, 1995 and recorded September 21, 1995 as Document No. 95056732 in the Lake County Recorder's Office, which point is the true point of beginning hereof; thence continuing South 90 degrees 00 minutes West, along said South line 345.0 feet; thence North 00 degrees 00 minutes East, at right angles from said South line, 355.0 feet; thence North 90 degrees 00 minutes East, parallel with said South line, 345.0 feet; thence South 00 degrees 00 minutes West, 355.0 feet to the point of beginning; subject to existing legal highways, ditches, drains, and easements, if any, and subject to applicable zoning regulations.

Parcel ID: 45-21-19-300-009.000-012



This document prepared by David Larsen.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. (IC 36-2-11-15d)

After recording return to:

Invenergy Solar Project Development LLC, One South Wacker Drive, Suite 1800, Chicago, Illinois 60606

ATTN: Land Administration

Exhibit A-1
Depiction of No-Build Strip

