

AMENDMENT TO RIDER TO PLAT OF EASEMENT

RETURN TO:

City of Rochelle
Attention: City Manager
420 N. 6th Street
Rochelle, Illinois, 61068

This Amendment to the Rider to Plat of Easement (“Amendment”) is entered into between entered into as of the ___ day of August, 2018, between the CITY OF ROCHELLE, an Illinois municipal corporation (“City”), and PROGRESSIVE PARK ROCHELLE, LLC, an Illinois limited liability company (“Progressive Park”). City and Progressive Park are collectively referred to as the “Parties”.

RECITALS

WHEREAS, the City and DP INDUSTRIAL, LLC, previously entered into a Rider to Plat of Easement on November 6, 2003, which was recorded as Document No. 0320593 in the Office of the Ogle County Recorder on November 19, 2003 (“Rider”); and

WHEREAS, the Rider to Plat governs the terms and conditions of the easements depicted on the Plat of Easement, which was recorded as Document No. 0320592 in the Office of the Ogle County Recorder on November 19, 2003

WHEREAS, ProLogis Land, LLC, is the successor in interest to DP Industrial, LLC; and

WHEREAS, Progressive Park, is the successor in interest to ProLogis Land, LLC; and

WHEREAS, by this Amendment, the Parties desire to amend the Rider to modify the rights of the Grantee in the Utility Easement Area.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Grantee shall have the right to construct underground and/or above-ground water, sewer, electric, and any other City of Rochelle utility facilities within the Utility

Easement Area, the right to maintain, make all necessary repairs, and/or replace said underground and above-ground utility facilities, as may be reasonable and proper, together with the right of ingress and egress for the purpose of constructing, maintaining, repairing, and/or replacing said utility facilities, together with the right to construct, maintain, repair, and/or replace the necessary appurtenances for said utility facilities below, over, along, upon and through the Utility Easement Area;

2. Any Notice to the Rider and this Amendment to Grantor shall be sent to:


Progressive Park, LLC
515 Lincoln Highway
Rochelle, Illinois 61068

3. All other terms and conditions of the Rider shall remain in full force and effect.

IN WITNESS WHEREOF, this amended Rider to Plat of Easement is executed this ____ day of August, 2018.

GRANTOR

PROGRESSIVE PARK ROCHELLE, LLC
an Illinois limited liability company

By: 
Tim Bruns, member and authorized agent

GRANTEE:

CITY OF ROCHELLE,

By: _____
Name: _____
Title: _____

STATE OF ILLINOIS)
) ss.
COUNTY OF OGLE)

I, the undersigned, a Notary Public in and for the County and State Aforesaid, do hereby certify that _____, personally known to me to be _____ of THE CITY OF ROCHELLE, ILLINOIS, and personally known to me to be same person whose name is subscribed to the foregoing instrument, appeared before me this day in erson and acknowledged that he signed and delivered such instrument, in his capacity as _____ of THE CITY OF ROCHELLE, ILLINOIS, as his free and voluntary act and s the free and voluntary act and deed of such corporation, for the uses and purposes therein set forth.

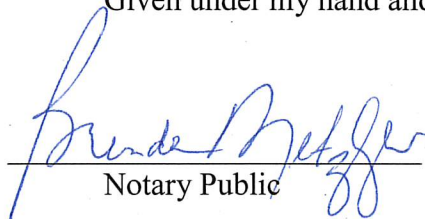
Given under my hand and official seal this ____ day of _____, 2018.

Notary Public

STATE OF ILLINOIS)
) ss.
COUNTY OF OGLE)

I, the undersigned, a Notary Public in and for the County and State Aforesaid, do hereby certify that **TIM BRUNS** personally known to me to be MEMBER of PROGRESSIVE PARK ROCHELLE, LLC and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered such instrument, in his capacity as MEMBER of such corporation, as his free and voluntary act and as the free and voluntary act and deed of such corporation, for the uses and purposes therein set forth.

Given under my hand and official seal this 21ST day of AUGUST, 2018.



Notary Public

