FIRST AMENDMENT TO OPTION AND PURCHASE AGREEMENT

THIS First Amendment to Option and Purchase Agreement ("Amendment") is dated as of \(\frac{10}{30}\), 2015 between The Detweiller Playground ("Seller") and The City of Peoria, Illinois ("Purchaser").

WHEREAS, Seller and Purchaser entered into an Option and Purchase Agreement dated August 10, 2015 ("Agreement");

WHEREAS, the parties desire to amend the Agreement as set forth in this Amendment;

NOW, THEREFORE, the parties agree as follows:

1. Section 13 of the Agreement is deleted in its entirety and the following is substituted in lieu thereof:

   13. **Peoria Boat Club.** Purchaser agrees that the Peoria Boat Club shall be entitled to remain in possession of that portion of the Real Property covered by the Boat Club Lease until December 31, 2016, as the Boat Club Lease has been amended by an Amendment to Lease Agreement dated on or about October 21, 2015.

2. The following new Section 1.2 shall be added to the Agreement, immediately following Section 1.1:

   1.2 **Extension.** Upon written notice to Seller and an additional Option Payment of Eight Thousand Five Hundred and 00/100 Dollars ($8,500.00), the Option Term shall be extended for an additional six (6) months.

3. In the event that the Closing Date occurs prior to the expiration or earlier termination of the Boat Club Lease, Seller shall assign the Boat Club Lease to Purchaser and Seller shall have no further responsibility for the Boat Club Lease. Notwithstanding the foregoing, or anything contained in the Agreement to the contrary, Seller shall be entitled to all rent payable under the Boat Club Lease, regardless of whether or not the Boat Club Lease has expired or otherwise been terminated as of the Closing Date, and there shall be no prorated rent paid to Purchaser at Closing.

4. Upon written notice from Seller to Purchaser that the condition set forth in Section 3(b) of the Agreement, regarding Seller's authority to sell the Real Property, has been satisfied, or waived by Purchaser, Purchaser shall direct the Title Insurer to pay the Option Payment directly to Seller. In such case, the Option Payment shall still be credited against the Purchase Price at Closing.

5. Except as specifically amended herein, the Agreement shall continue in full force and effect in accordance with its original terms. Reference to this specific Amendment need not be made in any note, document, letter, certificate, the Agreement itself, or any communication issued or made pursuant to or with respect to the Agreement, any reference to the Agreement
being sufficient to refer to the Agreement as amended hereby. All terms used herein which are defined in the Agreement shall have the same meaning herein as in the Agreement. In the event of any conflict between the terms of the Agreement and the terms of this Amendment, this Amendment shall control.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed as of the day and year first above written.

THE CITY OF PEORIA, ILLINOIS

By: 

Its: City Manager

THE DETWEILLER PLAYGROUND

By: 

Its: