

FIRST AMENDMENT TO SOLAR FACILITY GROUND LEASE
(EAST)

THIS FIRST AMENDMENT TO SOLAR FACILITY GROUND LEASE (this “**First Amendment**”) is made as of _____, 2021 by and between City of Urbana, Illinois, a municipal corporation and body politic and Champaign Urbana Solid Waste Disposal System (together, “**Landlord**”), and Solar Star Urbana Landfill East, LLC, a Delaware limited liability company (“**Tenant**”).

RECITALS

A. Landlord and Tenant are parties to that certain Solar Facility Ground Lease, dated as of April 15, 2020 (as the same may be hereafter amended or modified, the “**Lease**”), pursuant to which Landlord has leased to Tenant and Tenant has leased from Landlord that certain real property described in Exhibit A attached hereto (collectively, the “**Land**”), together with any easements, rights-of-way, and other rights and benefits of Landlord relating or appurtenant to such Land, including the radiant energy emitted from the sun upon, over and across such Land (“**Solar Energy**”), (all of the foregoing, collectively, the “**Property**”).

B. Landlord and Tenant now desire to amend the Lease on the terms and conditions contained herein.

NOW, THEREFORE, for and in consideration of the foregoing premises, the Lease and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant hereby represent and acknowledge the following:

1. Recitals and Defined Terms. The recitals set forth hereinabove are fully incorporated into this First Amendment. All capitalized and other terms used but not otherwise defined in this First Amendment shall have the same meaning as set forth in the Lease.

2. Amendment. Exhibit A of the Lease is hereby amended by deleting in their entirety the legal description and the depiction of the non-exclusive access and utility easement and replacing it with the legal description and the depiction of the non-exclusive access and utility easement attached hereto as Exhibit A.

3. Miscellaneous. Except as specifically provided herein, the terms and provisions of the Memorandum are reaffirmed and continue in full force and effect. This First Amendment shall be binding upon the heirs, administrators, successors and assigns (as the case may be) of the parties hereto. The laws of the State of Illinois shall govern the interpretation and enforcement of this First Amendment. The headings contained in this First Amendment are for reference purposes only and shall not in any way affect the meaning or interpretation of this First Amendment or any provision hereof. This First Amendment may be executed in one or more counterparts, all of which will be considered one and the same agreement, and each of which will be deemed an original.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, Landlord and Tenant have executed this First Amendment as of the date first above written.

LANDLORD:

TENANT:

City of Urbana, Illinois

Solar Star Urbana Landfill East, LLC,
a Delaware limited liability company

By: _____
Name: Diane Wolfe Marlin
Title: Mayor

By: Nexamp Capital, LLC
a Delaware limited liability company
Its: Sole Member

APPROVED AS TO FORM:

By: _____
Name: John T. Murphy
Title: Senior Vice President

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

Champaign Urbana Solid Waste Disposal System
By its members:

City of Urbana, Illinois

City of Champaign, Illinois

By: _____
Name: Carol J. Mitten
Title: City Administrator

By: _____
Name: Dorothy Ann David
Title: City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

ATTEST:

ATTEST:

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

EXHIBIT A

Description of the Property

LEASED LAND LEGAL DESCRIPTION:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIPE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 10; THENCE NORTH 89 DEGREES 11 MINUTES 24 SECONDS EAST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 877.01 FEET TO A LINE BEING PARALLEL WITH AND 877.00 FEET EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 0 DEGREES 35 MINUTES 21 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 227.31 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 58 MINUTES 23 SECONDS WEST, A DISTANCE OF 20.36 FEET; THENCE NORTH 1 DEGREES 07 MINUTES 16 SECONDS WEST, A DISTANCE OF 133.01 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF AN EXISTING SOLAR PANEL LEASE AREA FROM THE CITY OF URBANA; THENCE SOUTH 89 DEGREES 24 MINUTES 39 SECONDS WEST ALONG SAID NORTH LINE EXTENSION, A DISTANCE OF 131.53 FEET; THENCE NORTH 40 DEGREES 44 MINUTES 35 SECONDS WEST, A DISTANCE OF 49.81 FEET; THENCE NORTH 1 DEGREES 01 MINUTES 37 SECONDS WEST, A DISTANCE OF 24.87 FEET; THENCE NORTH 44 DEGREES 02 MINUTES 47 SECONDS WEST, A DISTANCE OF 82.40 FEET; THENCE NORTH 15 DEGREES 23 MINUTES 05 SECONDS WEST, A DISTANCE OF 378.55 FEET; THENCE NORTH 2 DEGREES 27 MINUTES 18 SECONDS WEST, A DISTANCE OF 63.24 FEET; THENCE NORTH 88 DEGREES 54 MINUTES 12 SECONDS EAST, A DISTANCE OF 432.05 FEET; THENCE SOUTH 49 DEGREES 24 MINUTES 07 SECONDS EAST, A DISTANCE OF 389.15 FEET; THENCE SOUTH 15 DEGREES 44 MINUTES 17 SECONDS EAST, A DISTANCE OF 158.61 FEET; THENCE SOUTH 0 DEGREES 36 MINUTES 56 SECONDS EAST, A DISTANCE OF 427.85 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 24 SECONDS WEST, A DISTANCE OF 355.60 FEET; THENCE NORTH 1 DEGREES 01 MINUTES 37 SECONDS WEST, A DISTANCE OF 150.49 FEET; THENCE SOUTH 88 DEGREES 58 MINUTES 23 SECONDS WEST, A DISTANCE OF 68.96 FEET TO THE POINT OF BEGINNING, CONTAINING 449,738 SQUARE FEET, MORE OR LESS, ALL IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS.

NON-EXCLUSIVE ACCESS & UTILITY EASEMENT LEGAL DESCRIPTION:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIPE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 10; THENCE NORTH 89 DEGREES 11

MINUTES 24 SECONDS EAST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 45.39 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 48 MINUTES 36 SECONDS WEST, A DISTANCE OF 86.28 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 24 SECONDS EAST, A DISTANCE OF 497.43 FEET; THENCE NORTH 0 DEGREES 57 MINUTES 12 SECONDS EAST, A DISTANCE OF 187.50 FEET; THENCE NORTH 8 DEGREES 06 MINUTES 37 SECONDS EAST, A DISTANCE OF 76.10 FEET; THENCE NORTH 1 DEGREES 01 MINUTES 37 SECONDS WEST, A DISTANCE OF 78.63 FEET; THENCE NORTH 88 DEGREES 58 MINUTES 23 SECONDS EAST, A DISTANCE OF 26.27 FEET; THENCE NORTH 0 DEGREES 33 MINUTES 56 SECONDS WEST, A DISTANCE OF 44.04 FEET; THENCE NORTH 89 DEGREES 26 MINUTES 04 SECONDS EAST, A DISTANCE OF 61.92 FEET; THENCE SOUTH 44 DEGREES 02 MINUTES 47 SECONDS EAST, A DISTANCE OF 65.31 FEET; THENCE 1 DEGREES 01 MINUTES 37 SECONDS EAST, A DISTANCE OF 24.87 FEET; THENCE SOUTH 40 DEGREES 44 MINUTES 35 SECONDS EAST, A DISTANCE OF 49.81 FEET TO THE NORTH LINE OF LINE OF AN EXISTING SOLAR PANEL LEASE AREA FROM THE CITY OF URBANA; THENCE SOUTH 89 DEGREES 24 MINUTES 39 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF 84.03 FEET; THENCE SOUTH 1 DEGREES 30 MINUTES 29 SECONDS EAST, A DISTANCE OF 327.09 FEET; THENCE NORTH 88 DEGREES 56 MINUTES 29 SECONDS EAST, A DISTANCE OF 231.91 FEET TO A LINE PARALLEL WITH AND 877.00 FEET EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 0 DEGREES 35 MINUTES 21 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 35.00 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 89 DEGREES 11 MINUTES 24 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 831.62 FEET TO THE POINT OF BEGINNING, IN CHAMPAIGN COUNTY, ILLINOIS.

