
**AMENDMENT TO AGREEMENT AND COVENANT CONCERNING
MAINTENANCE OF NEW PRIVATE STREET**

This Amendment to Agreement and Covenant Concerning Maintenance of New Private Street ("Amendment") is made by and between TRAILCREEK ESTATES PARTNERS, LLC successor to KNOXVILLE PLACE, LLC ("Developer") and THE CITY OF PEORIA, ILLINOIS ("City").

RECITALS

WHEREAS, Developer and City have previously entered into an Agreement and Covenant Concerning Maintenance of New Private Street dated November 13, 2002, a copy of which is attached hereto as Exhibit A and is hereinafter described as the "Private Street Agreement"; and

WHEREAS, the Private Street Agreement was entered into between the parties to facilitate the approval and development of Trailcreek Estates Condominium; and

WHEREAS, the City on July 10, 2007 by Ordinance Number 16,162 approved the amended Final Plan of Trailcreek Estates Condominium which provided for a secondary access to Crestline Drive from the private streets known as Walnutbend Drive and Applewood Lane; and

WHEREAS, Ordinance Number 16,162 provided that the Private Street Agreement be amended to accommodate secondary access to Crestline Drive; and

WHEREAS, the parties by this Amendment desire to amend the Private Street Agreement as provided in Ordinance Number 16,162.

NOW, THEREFORE, in consideration of the mutual promises and covenants provided herein the parties agree as follows.

1. Amendment

This Amendment shall amend and become part of the Private Street Agreement.

2. Secondary Access to Crestline Drive

Developer shall be allowed to connect the private streets described in the Private Street Agreement to public right-of-way known as Crestline Drive under the terms provided in this Amendment.

3. Conditions for Secondary Access

The conditions for secondary access to Crestline Drive shall be as follows.

- (a) The location of the secondary access to Crestline Drive shall be as shown on the Amended Final Plan of Trailcreek Estates Condominium as approved by City Ordinance 16,162 and as illustrated on Exhibit B attached hereto.
- (b) All expenses for the construction of the secondary access shall be paid by Developer.
- (c) Construction of the pavement shall conform to the requirements set forth in the Private Street Agreement.
- (d) Access to and from Crestline Drive shall be controlled by an electronically operated gate arm allowing access only to residents within Trailcreek Estates Condominium and emergency vehicles. The design of the electronically operated gate arm shall be approved by the City of Peoria, Illinois Permit Engineer.
- (e) Developer and the successor condominium association shall assume responsibility for the maintenance of the electronic control arm and all expenses in connection with the maintenance of the pavement connecting the private streets to Crestline Drive including that portion of the pavement which is constructed within the public right-of-way.
- (f) Any and all permits required for the construction of the Secondary Access as determined by the City of Peoria, Illinois Permit Engineer including permits for construction within the public right-of-way and storm sewer work shall be obtained and paid for by Developer.

4. Binding Effect

This Amendment shall be and become part of the Private Street Agreement and shall be binding and a covenant running with the land as provided in the Private Street Agreement.

This Amendment is approved this _____ day of _____, 2015.

Trailcreek Estates Partners, LLC, successor to
Knoxville Place, LLC

By: _____
Developer

City of Peoria

By: _____