

## ***FIRST AMENDMENT***

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**THIS IS A FIRST AMENDMENT TO THE AGREEMENT** dated the \_\_\_\_\_ day  
of \_\_\_\_\_, 2021, between:

**CITY OF POMPANO BEACH**, a municipal corporation of the State  
of Florida, whose address is 100 West Atlantic Boulevard, Pompano  
Beach, Florida 33060, (hereinafter referred to as "CITY"),

and

**BRIGHTLINE TRAINS FLORIDA LLC**, a Delaware limited  
liability company organized and existing under and by virtue of the  
laws of the State of Florida, (hereinafter referred to as  
"BRIGHTLINE").

**WHEREAS**, the parties entered into a Grant Participation and Reimbursement Agreement  
for Construction of Supplemental Safety Improvements at Selected Railroad Crossings in the City  
of Pompano Beach on November 6, 2020, ("Original Agreement"); and

**WHEREAS**, the CITY and the BRIGHTLINE have agreed to amend the Original  
Agreement to substitute Exhibit "A" to the Original Agreement.

### **WITNESSETH:**

**IN CONSIDERATION** of the mutual terms, conditions, promises, covenants and  
payments herein set forth CITY and CONTRACTOR agree as follows:

1. Each "WHEREAS" clause set forth above is true and correct and herein  
incorporated by this reference.
2. The original Agreement executed on November 6, 2020, shall remain in full force  
and effect except as specifically amended hereinbelow.

3. The attached Exhibit "A" is hereby substituted for, and in all references replaces, that Exhibit "A" which was attached to, referenced and made a part of the Original Agreement.

4. All other terms and conditions of the said agreement shall remain in full force and effect as provided by the original agreement and any previous amendments and renewals thereto, unless earlier terminated pursuant to the provisions of the agreement.

5. That no other amendment to the terms of the said agreement shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

6. The provisions of this Amendment shall be binding upon and inure to the benefit of the parties and their respective successors and permitted assigns.

**IN WITNESS OF THE FOREGOING**, the parties have set their hands and seals the day and year first above written.

**"CITY":**

CITY OF POMPANO BEACH

By: \_\_\_\_\_  
REX HARDIN, MAYOR

By: \_\_\_\_\_  
GREGORY P. HARRISON, CITY MANAGER

Attest:

\_\_\_\_\_  
ASCELETA HAMMOND, CITY CLERK

(SEAL)


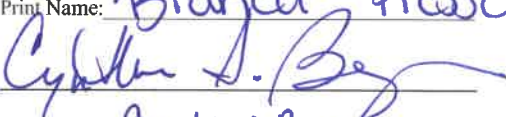
APPROVED AS TO FORM:

\_\_\_\_\_  
MARK E. BERMAN, CITY ATTORNEY

**"BRIGHTLINE":**

Witnesses:

BRIGHTLINE TRAINS FLORIDA LLC  
a Delaware limited liability company

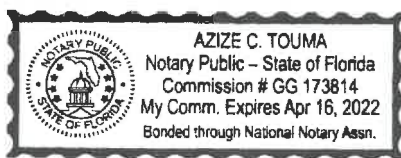
  
Print Name: Bianca Pressoir  
  
Print Name: Cynthia Bergmann

By:   
PATRICK GODDARD, President

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 15 day of October, 2021, by PATRICK GODDARD, President of BRIGHTLINE TRAINS FLORIDA LLC, a Delaware limited liability company, on behalf of the company. He is personally known to me or who has produced \_\_\_\_\_  
\_\_\_\_\_ (type of identification) as identification.

NOTARY'S SEAL:



  
NOTARY PUBLIC, STATE OF FLORIDA

Azize C. Touma  
(Name of Acknowledger Typed, Printed or Stamped)

CG 173814  
Commission Number

MEB/jrm  
10/7/21  
l:agr/manager/2022-05

**EXHIBIT A****I. PROJECT:****Type of Crossing Improvement:**

- 7 delineators & striping
- 1 active sign
- 2 exit gates

**II. BREAKDOWN BY CROSSING:**

City	Crossing	Edge Markings and Striping	Centerline Delineators	100' Raised Median West Side	Exit Gates (Both Sides)	Exit Gates (SE)	Exit Gates (NW)	Active Signs	Blended Total (incl. PM + Design)
Pompano Beach	[272516U] MP 329.00; NE 48th St.; Pompano Beach	X			X				\$ 849,197.48
Pompano Beach	[272518H] MP 330.31; NE 33rd St.; Pompano Beach	X			X				\$ 726,460.16
Pompano Beach	[272519P] MP 331.1; Copans Rd.; Pompano Beach	X							\$ 24,204.40
Pompano Beach	[272528N] MP 332.77; NE 6th St.; Pompano Beach	X						X	\$ 156,454.38
Pompano Beach	[272531W] MP 332.97; NE 3rd St. (Hammondville Rd.); Pompano Beach	X	X						\$ 28,199.52
Pompano Beach	[272534S] MP 333.31; SW 2nd St.; Pompano Beach	X							\$ 19,434.08
Pompano Beach	[272535Y] MP 333.79; SW 6th St.; Pompano Beach	X	X						\$ 29,933.52

\* Estimate based on current level of design. Maximum city participation will not exceed \$366,776.71

**Total \$ 1,833,883.54**

**III. TOTAL PROJECT COST: \$1,833,883.53**