

FIRST AMENDMENT TO AGREEMENT NO. 18-3608
BETWEEN THE CITY OF LOS ANGELES AND
BNSF RAILWAY COMPANY

THIS FIRST AMENDMENT ("Amendment") to Agreement No. 18-3608 ("Agreement") is made and entered into by and between the CITY OF LOS ANGELES, a municipal corporation ("City"), acting by and through its Board of Harbor Commissioners ("Board"), and BNSF RAILWAY COMPANY, a Delaware corporation ("BNSF"). Defined terms used herein shall have the meanings set forth in the Agreement.

WHEREAS, the Agreement set forth the agreement between the Parties for BNSF to pay the costs of preparation of the Revised EIR for the SCIG Project, to comply with the Writ of Mandate.

WHEREAS, the Agreement's term was three (3) years, commencing on October 30, 2018, and expiring on October 29, 2021.

WHEREAS, the Parties desire to extend the term by adding two (2) additional years, for a total of five (5) years, to expire on October 29, 2023.

1. The first sentence of Agreement Section 4.A. is amended to read as follows, with deletion in strikeout and addition underlined:

"4. TERM AND TERMINATION

A The effective date of this Agreement ("Effective Date") shall be the date of its execution by the Executive Director following authorization of the Board and compliance with Section 245 of City's Charter. The term of this Agreement shall commence upon the Effective Date and, unless terminated earlier as provided herein, shall continue until ~~five (5) years~~ have lapsed from the Effective Date."

2. Except as amended herein, all remaining terms and conditions of the Agreement shall remain unmodified and in full force and effect.

3. Subject to the provisions of Charter Section 373, the effective date of this Amendment shall be the date of its execution by the Executive Director upon authorization of the Board and City Council. Consultant is aware that pursuant to Charter Section 373 and Administrative Code Section 10.5, this Amendment requires approval by City Council prior to becoming effective.

IN WITNESS THEREOF, the parties hereto have executed this Amendment to Agreement No. 18-3608 on the date to the left of their signatures.

THE CITY OF LOS ANGELES, by its
Board of Harbor Commissioners

Dated: _____

By _____
EUGENE D. SEROKA
Executive Director

Attest _____
AMBER M. KLESGES
Board Secretary

Dated: 9/21/21

BNSF RAILWAY COMPANY

By: [Signature]
Regis Nohrn EVP-Law
(Print/type name and title)

Attest: [Signature]
Debra Hancock Assistant Secretary
(Print/type name and title)

APPROVED AS TO FORM AND LEGALITY

_____, 2021
MICHAEL N. FEUER, City Attorney
Janna B. Sidley, General Counsel

By _____
JOY M. CROSE, Assistant General Counsel