

**FIRST AMENDMENT TO
DEP AGREEMENT NO. T2B16
CITY OF ORLANDO – PARK OF THE AMERICAS RECREATIONAL TRAIL
Non-Motorized Diverse Use**

THIS FIRST AMENDMENT TO DEP AGREEMENT NO. T2B16 (“First Amendment”) affects the Park of the Americas Recreational Trail Project and is made and entered into between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (the “DEPARTMENT”) and the CITY OF ORLANDO (the “GRANTEE”).

RECITALS:

WHEREAS, on or about May 15, 2014, the Department and Grantee entered into a Florida Recreational Trails Program Project Agreement No. T12B16 (the “Agreement”) for the recreational trail project known as the Park of the Americas Recreational Trail ("Project").

WHEREAS, the Agreement collectively includes Attachments A, B, C, and D, and such Agreement and its Attachments are incorporated herein by reference.

WHEREAS, Grantee has requested revisions to the Agreement, to provide consistency between the Project Elements, the Work Plan deliverable tasks and deliverable dates.

WHEREAS, the Department and the Grantee have confirmed that such revisions are within the parameters of the Agreement.

WHEREAS, Paragraph 3 of the Agreement also requires that revisions to Attachment A be reduced to writing in an amendment to the Agreement.

WHEREAS, the Department is willing to revise the Agreement, all as more particularly set forth in this First Amendment.

NOW THEREFORE, in consideration of the foregoing Recitals, the Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties mutually agree as follows:

1. Recitals. The Recitals set forth hereinabove are true and correct and are incorporated herein by reference.

2. Amendments to the Agreement. The Agreement is hereby revised and/or modified as follows:

a.) Attachment A is hereby deleted in its entirety, and the Attachment A annexed to this First Amendment, entitled “Recreational Trails Program Project Work

Plan” (Revised 4/7/15), is hereby substituted in lieu thereof. From and after the date of this First Amendment, the phrase “Attachment A” shall mean the Attachment A annexed to this First Amendment.

b.) Paragraph 5 is hereby modified as follows (deletions are shown as stricken and additions are underlined):

The following shall be considered the Project Elements, which may be modified by the Department upon a showing of good cause and that the spirit and intent of the Project is maintained: construct +/- 3,000 linear feet, 12-foot wide, ~~asphalt~~ concrete trail, with ~~four~~ benches, ~~four~~—waste receptacles, ~~four~~ exercise stations and related support facilities.

c.) Paragraphs 26 and 40 are hereby revised to update the name and address of the Department’s Grant Manager, for the purpose of the Agreement, to: Robin Birdsong (or her successor), Recreational Trails Program, Office of Operations, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 585, Tallahassee, FL 32399-3000.

3. Ratification. Except as modified by this First Amendment and its Attachment A, the Agreement is hereby ratified and confirmed and remains in full force and effect. In the event of a conflict between the Agreement and this First Amendment, this First Amendment shall control.

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IN WITNESS WHEREOF, the parties have caused this First Amendment to be duly executed as of the day and year last written below.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

CITY OF ORLANDO

By:_____

Director (or Designee)

Office of Operations

By:_____

Printed Name:_____

Title:_____

Date:_____

Date:_____

Address:
1206 West Columbia Street
Orlando, Florida 32805

DEP Grant Manager

Approved as to form and legality:

DEP Attorney

GRANTEE'S ATTORNEY (if required)

*For agreements with governmental boards/commissions: If someone other than the Chairman signs this agreement, a resolution, statement, or other document authorizing that person to sign on behalf of the Grantee must accompany this agreement.

LIST OF ATTACHMENTS/EXHIBITS INCLUDED AS PART OF THIS FIRST AMENDMENT:

<u>Specify Type</u>	<u>Letter/Number</u>	<u>Description</u>
Attachment	A	Recreational Trails Program Project Grant Work Plan City of Orlando – Park of the Americas Recreational Trail RTP Project # T12B16 (Revised 4/7/15) (3 pages)