

**EXHIBIT D**

**SECOND AMENDMENT TO AGREEMENT**

Between

**BROWARD COUNTY**

and the

**CITY OF HOLLYWOOD**

for

**YOUNG CIRCLE ARTSPARK**

**(COUNTY RLI # 071701-RB)**

This Second Amendment to Agreement ("Second Amendment") is made and entered into by and between Broward County, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

and

City of Hollywood, Florida, a municipal corporation of the state of Florida, hereinafter referred to as "CITY."

WHEREAS, the Broward County electorate passed the 2000 Broward County Safe Parks and Land Preservation Bond Issue, which included Five Million Dollars (\$5,000,000) for the design and construction of one or more Cultural Centers located in a regional park within the boundaries of Broward County; and

WHEREAS, the City of Hollywood was selected by Broward County based on its proposal to finance, develop, and operate a Cultural Center (an "ArtsPark") in Young Circle Park in Hollywood's city limits; and

WHEREAS, pursuant to the passage by the Broward County electorate of the 2000 Broward County Safe Parks and Land Preservation Bond Issue, the CITY agreed to accept and to utilize Five Million Dollars (\$5,000,000) from the COUNTY for the design and construction of an ArtsPark in Young Circle Park located within the City of Hollywood's city limits; and

WHEREAS, on December 16, 2002, the COUNTY and the CITY entered into an original Agreement for the aforementioned ArtsPark ("Agreement"); and

Broward County/City of Hollywood

Young Circle ArtsPark

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WHEREAS, the CITY further agreed in the Agreement to spend additional monies to operate the ArtsPark for the life of the 2000 Broward County Safe Parks and Land Preservation Bond Issue; and

WHEREAS, the Board of County Commissioners determined that at the time of the Agreement that the proposed expenditures would serve a county and public purpose and was authorized by the 2000 Broward County Safe Parks and Land Preservation Bond Program; and

WHEREAS, the COUNTY and the CITY entered into a First Amendment on April 12, 2005, to extend the time frame for the CITY to complete construction of the Young Circle ArtsPark and begin operation to December 16, 2007; and

WHEREAS, the parties now desire to enter into this Second Amendment to extend the time from December 16, 2007, to December 16, 2010; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY and CITY agree to amend the parties' Agreement as follows:

1. The COUNTY and the CITY hereby amend "ARTICLE 4, TERM AND TIME OF PERFORMANCE," specifically Section 4.2 as follows:
  - 4.2 CITY shall begin operating the ArtsPark and providing Cultural Activities within ninety (90) days of completion of construction but no later than ~~December 16, 2007~~ December 16, 2010. Completion of construction shall occur when the Contract Administrator receives the certified statement required by Section III B of Exhibit A.
2. The parties agree that the recitals set forth above in this Second Amendment are true and correct and are hereby incorporated herein by reference in accordance with the provisions in Article 1, "Recitals," of the parties' Agreement.
3. The parties agree that the preparation of this Second Amendment is a joint effort of both parties in accordance with the provisions of Section 11.14 of the parties' Agreement.
4. The parties agree that multiple copies of this Second Amendment may be executed by the parties, each of which shall be deemed to be an original in accordance with Section 11.20 of the parties' Agreement.

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5. The parties agree that this Second Amendment shall be effective upon complete execution by both parties. Except as otherwise specifically amended, the terms and conditions contained in the parties' original Agreement dated December 16, 2002, including its attached exhibits, and the parties' First Amendment dated April 12, 2005, not otherwise consistent with this Second Amendment shall remain in full force and effect. This Second Amendment shall be deemed part of the parties' Agreement.

(The remainder of this page is intentionally left blank.)

*Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored text are additions.*

SECOND AMENDMENT TO AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF HOLLYWOOD FOR YOUNG CIRCLE ARTSPARK - COUNTY RLI # 071701-RB


IN WITNESS WHEREOF, the parties hereto have made and executed this Second Amendment to Agreement: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice-Mayor, authorized to execute same, and the City of Hollywood, signing by and through its Mayor, duly authorized to execute same.

COUNTY

BROWARD COUNTY, by and through its Board of County Commissioners

ATTEST

*In witness whereof*  
Broward County Administrator, as  
Ex-officio Clerk of the Board of County Commissioners  
Board of County Commissioners



*Lisa Wecker*  
Vice Mayor

13<sup>th</sup> day of November, 2007

Approved as to form by  
Office of the County Attorney  
JEFFREY J. NEWTON, County Attorney  
Broward County, Florida  
Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-7641

Insurance requirements  
approved by Broward County  
Risk Management Division

By *Meber*  
Signature (Date)

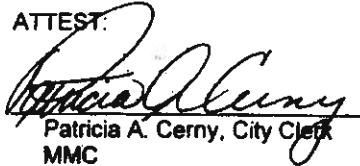
By *Andrea S. Froome* (10-22-07)  
ANDREA S. FROOME (Date)  
Assistant County Attorney

SECOND AMENDMENT TO AGREEMENT BETWEEN BROWARD COUNTY AND  
THE CITY OF HOLLYWOOD FOR YOUNG CIRCLE ARTSPARK - COUNTY  
RLI # 071701-RB

CITY

CITY OF HOLLYWOOD, a municipal  
corporation of the State of Florida

ATTEST:

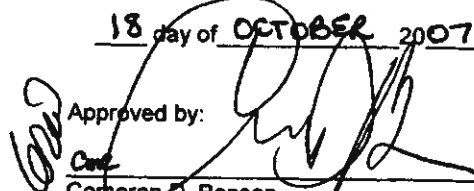
  
Patricia A. Cerny, City Clerk  
MMC

By   
Mara Giuliani, Mayor

Approved as to form and legality  
for the use and reliance of the  
City of Hollywood, Florida, only:

18 day of OCTOBER 2007

Approved by:

  
Cameron D. Benson,  
City Manager, or his designee,  
Director of Parks, Recreation  
and Cultural Arts

By   
ALAN FALLIK  
INTERIM CITY ATTORNEY

ASF:dp  
Hollywoodartspark.am2  
09/25/07  
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