

**AMENDMENT ONE
TO SWITCHING SERVICES AGREEMENT
BETWEEN BURLINGTON JUNCTION RAILWAY, INC. AND CITY OF ROCHELLE, ILLINOIS**

This Amendment One ("Amendment") to Switching Service Agreement ("Agreement between Burlington Junction Railway, Inc. ("BJRY") and City of Rochelle, Illinois ("City") is entered into and effective as of April 15, 2020.

RECITALS

Whereas, the City has notified BJRY, in accordance with the Agreement, that the City does not want to extend the current Agreement for an additional five (5) years; and

Whereas, the City and BJRY intend to enter into a new agreement covering both switching services included in the current Agreement and other additional services; and

Whereas, the City and BJRY will need additional time to finalize such new agreement;

Now, therefore, for good and valuable consideration, including the interest of the parties in providing undisturbed rail switching services to customers located on City's rail lines, the parties agree to amend the Agreement as follows:

1. The Recitals set forth above are incorporated into this Amendment One.
2. Section 6. Term and Termination. Is hereby amended to extend the Initial Term, set to expire at 11:59 pm on April 14, 2020, by ninety (90) days to expire instead at 11:59 pm on July 14, 2020.
3. The parties acknowledge that the City has (1) opened up the Rochelle Transload Center ("RTC") and (2) authorized BJRY to serve RTC under separate transload agreements with RTC customers. Notwithstanding such agreements between BJRY and RTC customers, the terms and conditions of this Agreement shall continue to apply to as between BJRY and City until the parties execute a new agreement or specifically agree otherwise in writing.
4. Except as otherwise stated here, all terms and conditions of the Agreement shall apply to this Amendment One.

In Witness Whereof, the parties execute this Amendment One on the 31st day of March, 2020 to be effective 12:01am April 1, 2020.

BURLINGTON JUNCTION RAILWAY, INC.

By: Craw Holly

Its: Treasurer

CITY OF ROCHELLE

By: _____

Its: _____