

## **FIRST AMENDMENT TO LICENSE AGREEMENT**

This first amendment to license agreement ("First Amendment") is dated December 15, 2020, and is between the COUNTY OF CONTRA COSTA, a political subdivision of the State of California (the "County"), and SFPP, L.P., a limited partnership, acting by and through Kinder Morgan Operating L.P. "D," its General Partner, acting by and through Kinder Morgan G.P., Inc., (the "Licensee").

### **RECITALS**

- A. The County and Licensee are parties to a License Agreement dated December 14, 2010 (the "Agreement"), under which the County granted a nonexclusive, revocable, license to Licensee for the purpose described in the License, including planting trees and installing and operating a Phytoremediation System.
- B. The parties desire to extend the term of the Agreement through December 31, 2030.

The parties therefore agree as follows:

### **AGREEMENT**

1. All capitalized terms not defined in this First Amendment have the meaning ascribed to them in the Agreement.
2. Section 2. Term of the Agreement is deleted in its entirety and replaced with the following:
  2. TERM: The term of this Agreement commences on the December 14, 2010, and expires on December 31, 2030.
3. Section 8. License Fee. is deleted in its entirety and replaced with the following:
  8. LICENSE FEE: As consideration for this Agreement, LICENSEE agrees to pay a nonrefundable annual fee, payable in advance and without prior demand, on December 1 of each year during the term of this Agreement. The annual fee for the first year of this Agreement is FIVE THOUSAND FIVE HUNDRED DOLLARS (\$5,500), due on December 1, 2010. The annual fee during the remainder of the of the term will be increased by an amount equal to four percent (4%) of the annual fee for the preceding year, rounded to the nearest full dollar. Set forth below is a fee schedule for the twenty-year term of this Agreement.

<u>Due Date</u>	<u>Annual Fee</u>
12/1/2010	\$5,500.00
12/1/2011	\$5,720.00
12/1/2012	\$5,950.00
12/1/2013	\$6,188.00
12/1/2014	\$6,435.00
12/1/2015	\$6,692.00
12/1/2016	\$6,960.00
12/1/2017	\$7,239.00
12/1/2018	\$7,529.00
12/1/2019	\$7,830.00
12/1/2020	\$8,143.00
12/1/2021	\$8,469.00
12/1/2022	\$8,808.00
12/1/2023	\$9,160.00
12/1/2024	\$9,526.00
12/1/2025	\$9,907.00
12/1/2026	\$10,303.00
12/1/2027	\$10,715.00
12/1/2028	\$11,144.00
12/1/2029	\$11,590.00

LICENSEE shall pay the fee when due without any deduction, setoff, or counterclaim whatsoever. If any annual fee covers a period of time less than twelve (12) months, the fee will be prorated at the rate of 1/12 of the annual fee for each full calendar month, and 1/30 of the monthly fee for each day during the partial month, for the time period covered by the payment in question.

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4. All other terms of the Agreement remain unchanged.

The County and Licensee are causing this First Amendment to be executed as of the date set forth in the introductory paragraph.

**CONTRA COSTA COUNTY**  
A political subdivision of the  
State of California

**LICENSEE**  
SFPP, L.P.,  
a Delaware limited partnership

By: \_\_\_\_\_  
Brian M. Balbas  
Public Works Director

By: Kinder Morgan Operating  
L.P. "D", its General Partner

RECOMMENDED FOR APPROVAL:

By: Kinder Morgan G.P., Inc.,  
Its General Partner

By: \_\_\_\_\_  
Margaret Eychner  
Senior Real Property Agent

By: \_\_\_\_\_

By: \_\_\_\_\_  
Jessica L. Dillingham  
Principal Real Property Agent

Name: \_\_\_\_\_

Title: \_\_\_\_\_

APPROVED AS TO FORM:  
Sharon L. Anderson,  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

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