

AMENDMENT NO. 1

**AMENDMENT TO AN EXISTING AGREEMENT WITH KINDER MORGAN
INCREASING THE COMPENSATION FOR FINAL DESIGN AND CONSTRUCTION
SUPPORT; AND AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF
AN AMOUNT NOT TO EXCEED \$110,000**

The parties to this Amendment do mutually agree and promise as follows:

1. Parties. The parties to this Amendment are the Redevelopment Agency of the City of Hercules (Agency) and the following named Contractor:

**Kinder Morgan LP
1100 Town and Country Rd.
Orange, CA 92868**

2. Purpose. This Amendment No. 1 is being entered into to amend an existing contract between the Agency and Contractor which was approved by the Agency on July 22, 2008 by Resolution No. 08-063. Said Agreement shall hereinafter be referred to as the "Original Agreement" and is incorporated herein by reference.

3. Original Agreement Provisions. The parties hereto agree to continue to abide by those terms and conditions of the Original Agreement, which are unaffected by this Amendment.

4. Amendment Provisions. This Amendment No. 1 is subject to the provisions attached hereto as Exhibit A, which are incorporated herein by reference, and which control over any conflicting provisions of the Original Agreement.

5. Signatures. These signatures attest the parties' agreement hereto:

Redevelopment Agency of the City
of Hercules

Contractor:

By _____

By _____

Charles Long
Title: Acting Executive Director

Title: _____

Date: _____

Date: _____

Form approved:

By _____
Alfred Cabral, Agency Counsel