

**FIRST AMENDMENT TO THE  
LPG TRANSPORTATION SYSTEM LICENSE ISSUED TO PLAINS LPG  
SERVICES, L.P., BY CITY OF EL MIRAGE**

This **FIRST AMENDMENT** ("Amendment No. 1") to the **LPG TRANSPORTATION SYSTEM LICENSE ISSUED TO PLAINS LPG SERVICES, L.P.**, ("License") is hereby made and entered into this 17<sup>th</sup> day of August, 2021, by and between The **CITY OF EL MIRAGE, ARIZONA**, an Arizona municipal corporation ("Licensor" or "City"), and **PLAINS LPG SERVICES, L.P.**, a Delaware limited partnership authorized to transact business in the State of Arizona ("Licensee"), collectively ("the Parties").

**RECITALS**

**WHEREAS**, the City/Licensor and Licensee entered into the LPG Transportation System License on June 25, 2009 (the "Effective Date"); and,

**WHEREAS**, the parties desire to amend Section 7. Term of License, to extend the term an additional 10 years, and remove the CPI Adjustment payment to include an annual fee payment.

**AMENDMENT**

**NOW, THEREFORE**, in consideration of the mutual promises and obligations set forth herein, the Parties, hereby agree to amend the License as follows:

1. Section 7. Term of License.

The License granted herein shall continue and exist for a period of ~~20~~30 years from the effective date unless sooner canceled as provided in Section 10 below. The effective date shall be the date on which the last party execute the License. ~~Beginning on the second year of the License and annually thereafter for so long as this License is in effect, Licensee agrees to pay Licensor the annual fee, as established in Section 6 above, increased by the "CPI Adjustment" based on the Consumer Price Index, All Urban Customers, All Items, U.S. City Average, Not Seasonally Adjusted (Series ID #CUUROOOSAO;1982-84 = 100) (the "Consumer Price Index" or the "CPI"), published by the United States Department of Labor, Bureau of Labor Statistics, or any successor or substitute index published as a replacement of the CPI by an United States governmental agency. If a substitute or successor index is unavailable, the parties shall agree to use other comparable statistics to calculate the CPI Adjustment. The "CPI Adjustment" hereunder is a fraction, the numerator of which is the Consumer Price Index for the month of June immediately preceding the year in which the adjustment in the annual fee is to take place, and the denominator of which is the Consumer Price Index for the month of June immediately preceding the year used in the numerator, adjusted to the nearest one tenth of a percent. Commencing on June 25, 2021, the annual fee shall be \$6,200.00, and shall increase by two and one-half percent (2.5%) annually thereafter.~~

2. Except as specifically amended, all remaining terms and conditions of said License shall remain the same and continue in full force and effect.

**IN WITNESS WHEREOF**, the Parties have executed this Amendment No. 1 as of the date first above written.

**CITY OF EL MIRAGE, ARIZONA,  
a municipal corporation**

**PLAINS LPG SERVICES, L.P.,**  
By: Plains LPG Services GP LLC,  
Its General Partner

\_\_\_\_\_  
By: J. Crystal Dyches  
Its: City Manager

By: \_\_\_\_\_  
George N. Polydoros, Jr.  
Vice President

ATTEST:

\_\_\_\_\_  
By: Sharon Antes  
Its: City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Justin Pierce, City Attorney