

SUPPLEMENTAL TO DEED AUDIT NO. 62007

THIS SUPPLEMENTAL AGREEMENT, made this 1st day of November, 1988, by and between SOUTHERN PACIFIC TRANSPORTATION COMPANY, a Delaware corporation, herein termed "Railroad", and CITY OF NEWBERG, a municipal corporation of the State of Oregon, 414 East First Street, Newberg, Oregon 97123, herein termed "Grantee";

RECITALS:

By indenture dated October 14, 1982, Railroad granted to Grantee the right to construct, reconstruct, maintain and operate a twelve (12) inch water pipeline, hereinafter termed "structure", in, upon, along, across and beneath property and tracks of Railroad at or near Springbrook (Newberg), in the County of Yamhill, State of Oregon, in the location more particularly described in said indenture.

It is desired to amend said indenture as hereinafter set forth.

AGREEMENT:

1. Section 5 of said indenture is hereby amended to read as follows:

"5. The rights herein granted to Grantee shall lapse and become void if the construction of said structure upon said property is not commenced on or before the 30th day of August, 1989".

2. Section 9 of said indenture is hereby amended to read as follows:

"9. As part consideration, Grantee agrees to pay Railroad an amount equal to any and all assessments which may be levied by order of any authorized lawful body against the property of Railroad (and which may have been paid by Railroad) to defray any part of the cost or expense incurred in connection with the construction of said structure upon said property commenced on or before the 30th day of August, 1989".

3. Upon execution hereof, Grantee shall pay to Railroad the sum of Three Hundred Fifteen Dollars (\$315) partially to defray cost of handling.

4. Except as herein otherwise provided, all of the terms, covenants and conditions contained in said indenture dated October 14, 1982 shall be and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in duplicate as of the day and year first herein written.

SOUTHERN PACIFIC TRANSPORTATION
COMPANY

By W E Fowler
(Title) Senior Manager
Contracts and Joint Facilities

CITY OF NEWBERG

By Elmer Hall
Mayor

By Maice Romillard
Clerk