

**FIRSTAMENDMENT TO TEMPORARY CONSTRUCTION EASEMENT**

THIS FIRSTAMENDMENT TO TEMPORARY CONSTRUCTION EASEMENT is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2022, by and between MUSKOGEE COUNTY, an Oklahoma municipal corporation ("Grantor"), and UNION PACIFIC RAILROAD COMPANY, a Delaware corporation ("Grantee"), and amends that certain Temporary Construction Easement dated the 23<sup>rd</sup> day of May, 2022, (the "Temporary Construction Easement"), granting to Grantee temporary use of certain real property located near Fort Gibson, Muskogee County, Oklahoma, and more particularly described therein (the "Property").

\* \* \* \* \*

IT IS MUTUALLY AGREED by and between Grantor and Grantee as follows:

**Section 1. Construction Period.** The Construction Period, as defined in the Temporary Construction Easement, is hereby extended twenty-eight (28) calendar days to 11:59pm central standard time on December 14, 2022. In consideration for such extension, and upon execution of this Amendment by both parties, Grantee shall pay to Grantor Four Thousand and no/100 Dollars (\$4,000.00) ("Extension Consideration").

**Section 2. Amendment Supplemental.** This Amendment is supplemental to the Temporary Construction Easement, and nothing herein contained shall be construed as amending or modifying the same, except as herein specifically provided. In the event of any conflict between the terms of this Amendment and the terms of the Temporary Construction Easement, the terms of this Amendment shall prevail. Except as expressly provided herein, all of the terms, covenants and conditions contained in the Temporary Construction Easement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to Temporary Construction Easement as of the date first above written.

**GRANTOR:**

**MUSKOGEE COUNTY**

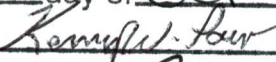

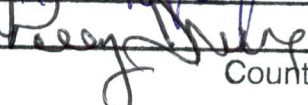
  
\_\_\_\_\_  
Ken Doke  
County Commissioner



**GRANTEE:**

**UNION PACIFIC RAILROAD COMPANY**

\_\_\_\_\_  
Kris Anderson  
Manager - Acquisitions

24 day of Oct 2022  
Chairman   
Member \_\_\_\_\_  
Member   
Attest  County Clerk