

**AMENDMENT TO CAPITAL IMPROVEMENTS AGREEMENT  
(Broken Arrow Creative Arts Center-Rose District)**

THIS AMENDMENT TO CAPITAL IMPROVEMENTS AGREEMENT (this "Amendment") is entered into as of April 18 2017, by and between the BOARD OF COUNTY COMMISSIONERS OF TULSA COUNTY, OKLAHOMA (the "Board") and the CITY OF BROKEN ARROW, OKLAHOMA, a municipal corporation (the "Contracting Party").

**WITNESSETH:**

WHEREAS, the Board and the Contracting Party have heretofore entered into that certain Capital Improvements Agreement (the "Agreement"), dated February 2, 2016; and

WHEREAS, the Board and the Contracting Party now desire to amend the Agreement.

NOW, THEREFORE, for and in consideration of the premises, the Board and the Contracting Party hereby agree as follows:

1. The words and terms not expressly defined herein and used herein with initial capitalization where rules of grammar do not otherwise require capitalization shall have the meanings set forth in the Agreement.

2. Recital F. on page 1 of the Agreement is hereby amended and restated in its entirety as follows:

"F. The Contracting Party has requested the Board to make, pursuant to the Resolution and the Vision Authority Resolution, disbursements of Excess Sales Tax to the Contracting Party for costs to acquire, design and construct the Project (the 'Advances')."

3. Section 1.29 of the Agreement is hereby amended and restated in its entirety as follows:

"1.29. "Maximum Amount of Advances" means \$650,000.00."

4. Section 6.6 of the Agreement is hereby amended by deleting from the third line thereof "February 1, 2017" and inserting thereat "April 1, 2018."

5. Section 18 of the Agreement is hereby amended by deleting from the eighth line thereof "(.22%)" and inserting thereat "(1.43%)."

6. The Board and the Contracting Party acknowledge and agree that the Agreement, as amended hereby, is in full force and effect and is hereby ratified and confirmed.

7. This Amendment may be executed in as many counterparts as may be required and all counterparts shall collectively constitute a single instrument. An executed copy of this Amendment delivered by facsimile shall have the effect of an original executed instrument.

EXECUTED as of the date first set out above.

ATTEST:


"Contracting Party"

\_\_\_\_\_  
City Clerk

**CITY OF BROKEN ARROW, OKLAHOMA**

APPROVED AS TO FORM:

By \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

  
\_\_\_\_\_  
City Attorney

"Board"

**BOARD OF COUNTY COMMISSIONERS OF  
TULSA COUNTY**

By \_\_\_\_\_  
Name           Ron Peters            
Title           Chairman