

**FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BROKEN
ARROW, THE MUSCOGEE (CREEK) NATION and ELDERHEART, INC. d/b/a
MISSION 22 FOR VETERANS PARK MEMORIAL**

This FIRST AMENDMENT TO THE AGREEMENT is effective as of the 2nd day of March, 2021, (the "Effective Date"), is made by and between the City Of Broken Arrow, Oklahoma, an Oklahoma municipal corporation ("the City"), the Muscogee (Creek) Nation, a sovereign nation ("the Nation"), and Elderheart, Inc., an Oregon non-profit organization doing business as Mission 22 ("Mission 22").

WITNESSETH:

WHEREAS, the City, the Nation and Mission 22 currently have in force an Agreement for the construction of a memorial to U.S. veterans who have fallen in the battle against veteran suicide "Memorial", attached at Exhibit "1";

WHEREAS, the original estimated cost for the construction of the memorial has increased \$120,000, from \$378,000 to \$498,000, due to the increased cost to procure granite for the Memorial;

WHEREAS, on February 18, 2021 the City approved and authorized the execution of a construction contract for the procurement of granite for the memorial in the amount of \$224,112.00 and authorized execution of Budget Amendment Number 27 recognizing the revenues from the contributions made by the Nation and Mission 22 under the Agreement;

WHEREAS, the City and Mission 22 desire to cost share the \$120,00 cost of the increased price to procure materials for the Memorial, with the City paying an additional \$60,000.00 and Mission 22 paying an additional \$60,000.00;

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions herein contained and the mutual benefits that will inure to each of the parties herein, the parties hereby covenant and agree as follows:

1. The City shall expend an additional \$60,000.00 for the purchase of materials for the construction of the Memorial;
2. Mission 22 shall donate an additional \$60,000.00 to the City for purchase of materials for the construction of the Memorial;
3. All other terms and conditions of the Agreement remain in force and effect.

IN WITNESS WHEREOF, the parties have caused this First Amendment to the Agreement to be executed by its duly authorized officials as of the date first above written.

APPROVED AS TO FORM: CITY OF BROKEN ARROW, OKLAHOMA

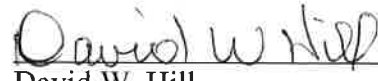


Trevor Dennis
City Attorney

Michael L. Spurgeon,
City Manager

APPROVED AS TO FORM: MUSCOGEE (CREEK) NATION


Jesse Allen
Secretary of Interior Affairs


David W. Hill
Principal Chief

APPROVED AS TO FORM: ELDERHEART, INC., d/b/a MISSION 22


Magnus Johnson
President