

**AMENDMENT TO CAPITAL IMPROVEMENTS AGREEMENT
(Broken Arrow Elm Place & New Orleans Improvements Project)**

THIS AMENDMENT TO CAPITAL IMPROVEMENTS AGREEMENT (this "Amendment") is entered into as of _____, 2023, 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 November 2, 2020; 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. Section 6.6 Date after which Advances Cease is hereby amended by deleting "July 1, 2022" from the third line thereof and replacing it with "February 1, 2024."

3. 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.

4. 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 OF BROKEN ARROW, OKLAHOMA

City Clerk

APPROVED AS TO FORM:

By _____
Name _____
Title _____

City Attorney

“Board”

**BOARD OF COUNTY COMMISSIONERS OF
TULSA COUNTY**

By _____
Name _____ Kelly Dunkerely
Title _____ Chairman