

PROJECT AGREEMENT

**BY AND BETWEEN THE CITY OF BROKEN ARROW
AND
THE OKLAHOMA DEPARTMENT OF TRANSPORTATION**

FOR THE CONSTRUCTION OF INDUSTRIAL ACCESS PROJECT

**PROJECT NO. SAP-272D(249)
J/P NO. 33585(04)
NASHVILLE ST – FROM LYNN LANE EXTENDING EAST**

AMENDMENT #1

This Supplemental and Modification Agreement, made the day and year last written below, by and between the City of Broken Arrow, hereinafter referred to as the CITY, and the Department of Transportation of the State of Oklahoma, hereinafter referred to as the Department, said parties being the same who executed the original Industrial Access Project Agreement, for the following intents and purposes and subject to the following terms and conditions, to wit:

WITNESSETH

WHEREAS, It is deemed necessary by the Department and CITY to revise the financing of the original Project Agreement;

NOW, THEREFORE: the Department and CITY, in consideration of the mutual covenants and stipulations as set forth herein, do mutually promise and agree as follows:

- A. The following paragraph is hereby replaced in its entirety from the original Industrial Access Project Agreement as specified below:

Paragraph 10:

10. Upon completion and final acceptance of the project, the DEPARTMENT agrees to reimburse the CITY for SURFACING AND RELATED CONSTRUCTION COSTS in an amount not to exceed **\$1,400,000 (One-Million-Four-Hundred-Thousand Dollars).**

- B. That the original Industrial Access Project Agreement is hereby modified as above described, said agreement in all other respects shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Director of the Department of Transportation (or his designee), pursuant to authority vested in him by the Oklahoma Transportation Commission, has hereunto subscribed his name and the CITY has executed the same pursuant to authority prescribed by law:

CITY OF BROKEN ARROW

FEI NO: _____

BY _____

MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY

City Clerk (date)

City Attorney (date)

STATE OF OKLAHOMA

DEPARTMENT OF TRANSPORTATION

APPROVED AS TO FORM AND LEGALITY

APPROVED

General Counsel (date)

Chief Engineer (date)

Recommended for Approval

Division VIII Engineer (date)