

**AMENDMENT TO CAPITAL IMPROVEMENTS AGREEMENT
(Broken Arrow Albany & Stonewood Intersection Improvements Project)**

THIS AMENDMENT TO CAPITAL IMPROVEMENTS AGREEMENT (this "Amendment") is entered into as of _____, 2020, 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 July 7, 2017; 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 1.29 of the Agreement is hereby amended by deleting it in its entirety and replacing it with the following:

"Section 1.29. "Maximum Amount of Advances" means \$593,876.02."

3. Section 18 is hereby amended by deleting "(1.38%)" from the eighth line thereof and replacing it with "(1.305%)."

4. 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.

5. 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 Craig Thurmond
Title Mayor

Tammy Ewing

Assistant City Attorney

"Board"

**BOARD OF COUNTY COMMISSIONERS OF
TULSA COUNTY**

By _____
Name Ron Peters
Title Chairman