

**SECOND AMENDMENT TO CAPITAL IMPROVEMENTS AGREEMENT
(Broken Arrow Conference Center 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, dated March 3, 2015; and an Amendment to Capital Improvements Agreement dated September 25, 2017 (collectively, the "Agreement").

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 E is hereby deleted and replaced with the following:

"On August 5, 2020 the Vision Authority, pursuant to the Resolution adopted a resolution (the "Vision Authority Resolution") wherein it approved the funding from Excess Sales Tax of Seven Million Sixty-Five Thousand Three Hundred Thirty-Four and 64/100ths Dollars (\$7,065,334.64) for the construction of capital improvements described within Exhibit "A" attached hereto (the "Improvements" on real property described within Exhibit "B" attached hereto (the "Land"). (The Improvements and the Land being hereinafter collectively referred to as the "Project")."

3. Section 1.29 is hereby deleted and replaced with the following:

"1.29. "Maximum Amount of Advances" means \$7,065,334.64."

4. Section 18 is hereby amended by deleting "(15.63%)" in the eighth line and replacing it with "(15.53%)."

5. 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.

6. 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 10/14/2020

City Attorney

"Board"

**BOARD OF COUNTY COMMISSIONERS OF
TULSA COUNTY**

By _____
Name Ron Peters
Title Chairman