

**THIRD AMENDMENT
TO CAPITAL IMPROVEMENTS AGREEMENT
(Jenks Trail System Extension)**

THIS THIRD AMENDMENT TO CAPITAL IMPROVEMENTS AGREEMENT (this "Amendment") is entered into as of _____, 2018, by and between the BOARD OF COUNTY COMMISSIONERS OF TULSA COUNTY, OKLAHOMA (the "Board") and the CITY OF JENKS, 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 September 21, 2015, as amended by Amendment to Capital Improvements Agreement dated August 23, 2016; as amended by Second Amendment to Capital Improvements Agreement dated as of May 15, 2017; (such Capital Improvements Agreement as amended being hereinafter referred to as the "Agreement") 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 and restated in its entirety as follows:

"1.29. "Maximum Amount of Advances" means \$457,064.63."

3. Section 18 of the Agreement is hereby amended by deleting from the seventh line thereof "(2.66%)" and inserting thereat "(1.004%)."

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:

City Clerk

APPROVED AS TO FORM:

City Attorney

“Contracting Party”

CITY OF JENKS, OKLAHOMA

By _____
Name _____
Title _____

“Board”

**BOARD OF COUNTY COMMISSIONERS OF
TULSA COUNTY**

By _____
Name _____
Title _____ Chairman