

**AMENDMENT TO CAPITAL IMPROVEMENTS AGREEMENT
(HAIKEY CREEK FLOOD PREVENTION PROJECT)**

THIS AMENDMENT TO CAPITAL IMPROVEMENTS AGREEMENT (this "Amendment") is entered into as of _____, 2016, by and between the BOARD OF COUNTY COMMISSIONERS OF TULSA COUNTY, OKLAHOMA (the "Board") and the CITY OF BIXBY, 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 April 23, 2012 (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 6.6 of the Agreement is hereby amended and restated in its entirety as follows:

"6.6. Date after which Advances Cease. Notwithstanding anything herein to the contrary, the Board shall have no duty to make or cause the making of Advances hereunder to the Contracting Party after September 1, 2018."

3. Section 10 of the Agreement is hereby amended and restated in its entirety as follows:

"10. Completion of the Project. The Contracting Party shall complete the construction, equipping and furnishing of the Improvements in accordance with the Plans and submit to the Board a Certificate of Completion on or before September 1, 2018."

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.

“Contracting Party”

CITY OF BIXBY, OKLAHOMA, a municipal corporation

Date: _____

By _____

Name _____

Title _____

ATTEST:

City Clerk

APPROVED:

City Attorney

“Board”

BOARD OF COUNTY COMMISSIONERS OF TULSA COUNTY

By _____

Name _____ Karen Keith

Title _____ Chairman