

**AMENDMENT TO CAPITAL IMPROVEMENTS AGREEMENT  
(Jenks Public Park and Parking 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 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 (the "Agreement"), dated April 4, 2016; 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. Paragraph E of the Recitals of the Agreement is hereby amended and restated in its entirety as follows:

"E. On November 4, 2015, the Vision Authority, pursuant to the Resolution, adopted a resolution (the "Vision Authority Resolution"), wherein it approved the funding from Excess Sales Tax of One Million One Hundred Thousand and no/100ths DOLLARS (\$1,100,000) for the construction of capital improvements described within Exhibit "A" attached hereto (the "Improvements") on real property originally described therein (the "Land"). (The Improvements and the Land being hereinafter collectively referred to as the "Project"); and on August 10, 2016, the Vision Authority, pursuant to the Resolution, adopted an additional resolution (the "Additional Vision Authority Resolution"), wherein it approved the funding from Excess Sales Tax of an additional Four Hundred Seventy-two Thousand Nine Hundred Ninety-six and no/100ths Dollars (\$472,996.00) for the construction of the Improvements on the Land."

3. Recital F on Page 1 of the Agreement is hereby amended and restated in its entirety as follows:

“F. The Contracting Party has requested the Board to make, pursuant to the Resolution, the Vision Authority Resolution and the Additional Vision Authority Resolution, disbursements of Excess Sales Tax to the Contracting Party for certain costs of the design and construction of the Project and right-of-way acquisition in connection with the Project (the “Advances”).”

4. Section 1.29 of the Agreement is hereby amended and restated in its entirety as follows:

“1.29. “Maximum Amount of Advances” means \$1,572,996.00.”

5. Section 18 of the Agreement is hereby amended by deleting from the seventh line thereof “(2.42%)” and inserting thereat “(3.457%).”

6. Exhibit “A” attached to the Agreement is hereby amended and restated in its entirety as follows:

“Construction of the following improvements located in Jenks, Oklahoma:

- A. Park at 220 E. “A” Street that includes a stage, green space, public restrooms, bike racks and approximately 32 public parking spaces;
- B. Public parking at 312 E. “B” Street providing approximately 15 parking spaces;
- C. Public parking lot at 110 W. “A” Street that provides approximately 50 parking spaces; and
- D. The above locations and at the alley north of Main Street between 2<sup>nd</sup> and 3<sup>rd</sup> Streets, which includes installation of removable bollards, lighting improvement, pavement improvements, sidewalk installation and upgrades and landscaping.”

7. 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.

8. 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 JENKS, OKLAHOMA**

APPROVED AS TO FORM:

By \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

\_\_\_\_\_  
City Attorney

“Board”

**BOARD OF COUNTY COMMISSIONERS OF  
TULSA COUNTY**

By \_\_\_\_\_  
Name           Karen Keith            
Title           Chairman