

**THIRD AMENDMENT TO CAPITAL IMPROVEMENTS AGREEMENT  
(Owasso Heart Healthy 5K Trail Project)**

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 OWASSO, 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 December 1, 2015, as amended by Amendment to Capital Improvements Agreement dated as of December 6, 2016, and Second Amendment to Capital Improvements Agreement dated October 3, 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 and restated in its entirety as follows:

"1.29. Maximum Amount of Advances means \$15,422.50."

3. 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.

4. 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 OWASSO, OKLAHOMA**

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

“Board”

**BOARD OF COUNTY COMMISSIONERS OF  
TULSA COUNTY**

By \_\_\_\_\_  
Name     Ron Peters      
Title     Chairman