

**SECOND AMENDMENT TO CAPITAL IMPROVEMENTS AGREEMENT  
(TULSA DOWNTOWN/NEIGHBORHOOD FUND PROJECT #5)**

THIS SECOND AMENDMENT TO CAPITAL IMPROVEMENTS AGREEMENT (this "Amendment") is entered into as of \_\_\_\_\_, 2013, by and between the BOARD OF COUNTY COMMISSIONERS OF TULSA COUNTY, OKLAHOMA (the "Board") and the CITY OF TULSA, 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 May 30, 2007, as amended by that certain Amendment to Capital Improvements Agreement dated \_\_\_\_\_, 2013 (said 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 1.33 of the Agreement is hereby amended and restated in its entirety as follows:

"1.33. Maximum Amount of Advances means \$3,493,957.00."

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:

“Contracting Party”

**CITY OF TULSA, OKLAHOMA**

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

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

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

“Board”

**BOARD OF COUNTY COMMISSIONERS OF  
TULSA COUNTY**

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