

RESOLUTION NO. 5966

**RESOLUTION APPROVING SECOND AMENDMENT TO VISION 2025  
CAPITAL IMPROVEMENTS AGREEMENT BETWEEN THE CITY OF  
TULSA AND TULSA COUNTY AND THE TULSA DEVELOPMENT  
AUTHORITY FOR DOWNTOWN/NEIGHBORHOOD PROJECTS**

**WHEREAS**, the **TULSA DEVELOPMENT AUTHORITY** (“Authority”), in carrying out its authorized programs has been selected, and has agreed to, administer the Downtown/Neighborhood Projects portion of the Vision 2025 Capital Improvements Agreement between the City of Tulsa and Tulsa County dated October 9, 2006, as amended by that certain Amendment to Amended and Restated Capital Improvements Agreement as of August 6, 2007; and,

**WHEREAS**, representatives of the City of Tulsa have requested that the Authority approve and execute a Second Amendment to Amended and Restated Capital Improvements Agreement for Tulsa Downtown/Neighborhood Fund Project #2 Downtown Housing Assistance in the form attached hereto; and,

**WHEREAS**, the Board of Commissioners of the Tulsa Development Authority has determined that it is in the best interest of it, the City of Tulsa and the general public to approve and execute said SECOND Amendment in the form attached hereto.

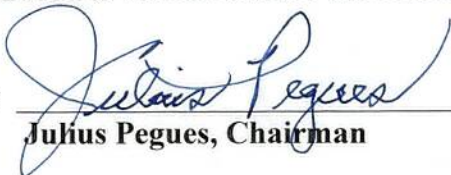
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TULSA DEVELOPMENT AUTHORITY, to-wit:**

**Section 1.** That the Chairman of the Board of Commissioners of the Tulsa Development Authority, shall be and he is hereby authorized to execute said Second Amendment to Amended and Restated Capital Improvements Agreement for Tulsa Downtown/Neighborhood Fund Project #2 Downtown Housing Assistance in the form attached hereto.

**Section 2.** This Resolution shall take effect immediately.

**PASSED and ADOPTED** this 1st day of May, 2014.

**TULSA DEVELOPMENT AUTHORITY**

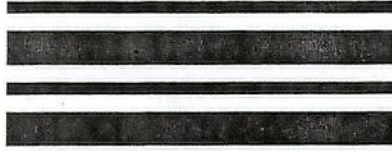
By:   
Julius Pegues, Chairman

Approved as to legal form and adequacy:

  
Jot Hartley, General Counsel  
The Hartley Law Firm, PLLC



**CONTRACT**



Contract #



Dept.



Doc Type:



Amend/ Chg  
Order #



Contract Document Type:

Amt:



**CONTRACT**

Contract Type: **OTHER**

Project Title: **VISION 2025 TULSA DOWNTOWN/NEIGHBORHOOD FUND #2**

Contractor: **BOARD OF COUNTY COMMISSIONERS OF TULSA COUNTY**

Bid/TAC/  
Proj:



Ext  
Days



Pct



Tot  
Pct



----- For City Clerk's Office Use Only \* Data For Scanning \* Please Do Not Alter -----

**SECOND AMENDMENT TO AMENDED AND RESTATED CAPITAL  
IMPROVEMENTS AGREEMENT  
(TULSA DOWNTOWN/NEIGHBORHOOD FUND PROJECT #2  
DOWNTOWN HOUSING ASSISTANCE)**

THIS SECOND AMENDMENT TO AMENDED AND RESTATED CAPITAL IMPROVEMENTS AGREEMENT (this "Amendment") is entered into as of \_\_\_\_\_, 2014, 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 Amended and Restated Capital Improvements Agreement, dated October 9, 2006, as amended by that certain Amendment to Amended and Restated Capital Improvements Agreement dated as of August 6, 2007 (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 2 of the Agreement is hereby amended by replacing "10,049,646.72" with "\$9,959,105.43."

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

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

APPROVED AS TO FORM:

Stephanie Solberg  
Asst. City Attorney

"Board"

**BOARD OF COUNTY COMMISSIONERS OF  
TULSA COUNTY**

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

The undersigned, the Tulsa Development Authority, acknowledges that, pursuant to the Agreement to Provide Development Assistance for Downtown Housing entered into between the City of Tulsa, Oklahoma, and the undersigned, as amended (the "Development Assistance Agreement"), the Amended and Restated Capital Improvements Agreement, dated October 9, 2006, by and between the Board of County Commissioners of Tulsa County, Oklahoma and the City of Tulsa, Oklahoma, as amended (the "Agreement"), is made a part of the Development Assistance Agreement, and the undersigned agrees to the terms and provisions of the Agreement, as amended, including, but not limited to, Sections 1.10, 1.11, 6.3, 8, 9.8, 9.9, and 9.10 thereof.

ATTEST:

**TULSA DEVELOPMENT AUTHORITY**

\_\_\_\_\_  
\_\_\_\_\_

By Julius Regues  
Name JULIUS REGUES  
Title CHAIRMAN

APPROVED AS TO FORM:

Jon Hartley  
TDA Attorney