

CONTRACT NO.: REC/230032

FIRST AMENDMENT TO AGREEMENT FOR ARTWORK LOAN AND DISPLAY

THIS FIRST AMENDMENT TO AGREEMENT FOR ARTWORK LOAN AND DISPLAY ("First Amendment") is entered into by and between the **CITY OF OCALA**, a Florida municipal corporation ("City"), and **ROSE DERKAY** ("Artist").

WHEREAS, on December 15, 2022, City and Artist entered into an Agreement for Artwork Loan and Display for the public display and sale of certain artwork, City of Ocala Contract No. REC/230032 (the "Original Agreement"); and

WHEREAS, the parties now desire to amend the Original Agreement, specifically Exhibit A – Artwork, to reflect a modified selection of artwork to be displayed; and

NOW THEREFORE, in consideration of each of the foregoing recitals and the following mutual covenants, conditions and other good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged, City and Artist agree as follows:

- 1. **RECITALS**. City and Artist hereby represent and warrant that the Recitals set forth above are true and correct.
- 2. **INCORPORATION OF ORIGINAL AGREEMENT**. The Original Agreement between City and Artist is hereby incorporated by reference as if set forth herein in its entirety and remains in full force and effect except for those terms and conditions expressly amended by this First Amendment.
- 3. **AMENDMENT TO EXHIBIT A ARTWORK**. The document attached to the Original Agreement as Exhibit A Artwork is hereby deleted and replaced, in its entirety, with the document attached to this First Amendment as **Amended Exhibit A Artwork**.
- 4. **NOTICES**. All notices, certifications or communications required by this First Amendment shall be given in writing and shall be deemed delivered when personally served, or when received if by facsimile transmission with a confirming copy mailed by registered or certified mail, postage prepaid, return receipt requested. Notices can be concurrently delivered by e-mail. All notices shall be addressed to the respective parties as follows:

If to Artist: Rose Derkay

5203 SE 39th Loop

Ocala, Florida 34480

Phone: 352-497-4985

E-mail: r.derkay55@gmail.com



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If to City of Ocala: Daphne M. Robinson, Esq. - Contracting Officer

City of Ocala

110 SE Watula Avenue, 3rd Floor

Ocala, Florida 34471

E-mail: notices@ocalafl.org

Copy to: William E. Sexton, Esq. – City Attorney

City of Ocala

110 SE Watula Avenue, 3rd Floor

Ocala, Florida 34471

E-mail: cityattorney@ocalafl.org

6. **EFFECT OF AGREEMENT**. In the event of any inconsistency between this First Amendment and a prior version of the Original Agreement, this First Amendment shall govern. Except as expressly set forth herein, the Original Agreement shall remain in full force and effect and is not amended or modified.

- 7. **COUNTERPARTS.** This First Amendment may be executed in counterparts, each of which shall be an original and all of which shall constitute the same instrument.
- 8. **ELECTRONIC SIGNATURE(S).** Artist, if and by offering an electronic signature in any form whatsoever, will accept and agree to be bound by said electronic signature to all terms and conditions of this First Amendment. Further, a duplicate or copy of the First Amendment that contains a duplicated or non-original signature will be treated the same as an original, signed copy of this original First Amendment for all purposes.
- 9. **LEGAL AUTHORITY**. Each person signing this First Amendment on behalf of either party individually warrants that he or she has full legal power to execute this First Amendment on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this First Amendment.

[REMAINDER OF PAGE INTENTIONALLY BLANK. SIGNATURE PAGE TO FOLLOW.]



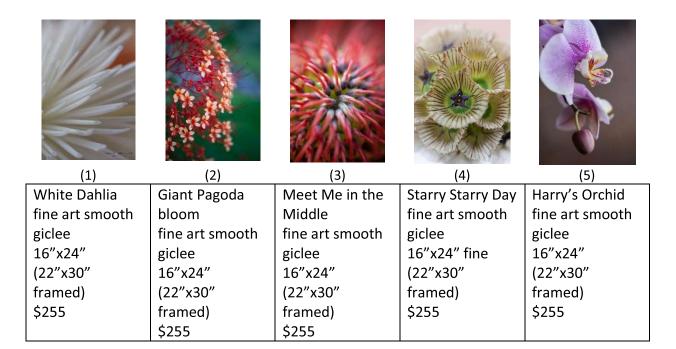
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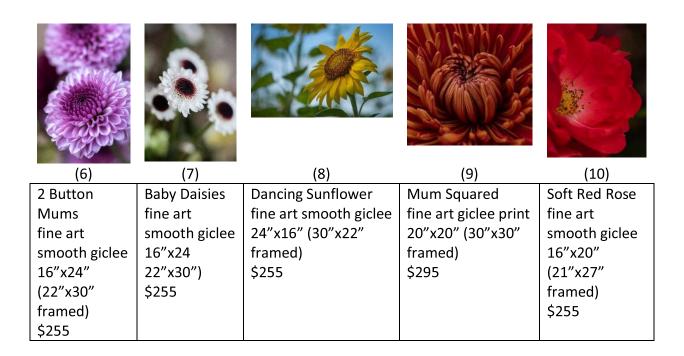
IN WITNESS WHEREOF, the parties have executed this First Amendment on 02/17/2023 ____.

ATTEST:	CITY OF OCALA
Angel B. Jacobs	Ken Whitehead
Angel B. Jacobs	Ken Whitehead
City Clerk	Assistant City Manager
Approved as to form and legality:	ROSE DERKAY
William E. Sexton	RoserryMJ
William E. Sexton, Esq.	Signature
City Attorney	Rose Derkay
	Name
	Photographer
	Title

Amended Exhibit A – Artwork

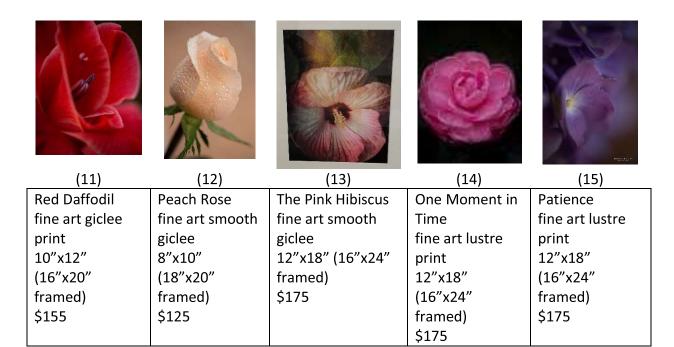
ROSE DERKAY / JANUARY 13, 2023 – JUNE 13, 2023

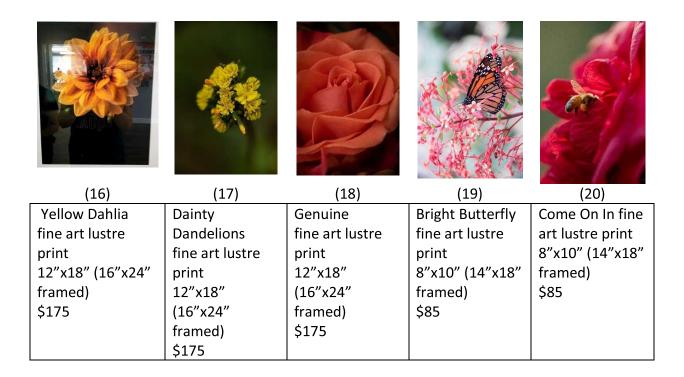




Amended Exhibit A – Artwork

ROSE DERKAY / JANUARY 13, 2023 - JUNE 13, 2023







Title FOR SIGNATURES - Amendment 1 to Artwork Loan and Display -...

File name Amendment 1 to Ar...(REC 230032)).pdf

Document ID 094c61feaf13fdad1d43ced40d5cc296f6377dee

Audit trail date format MM / DD / YYYY

Status • Signed

Document History

SENT 15:25:31 UTC-5 (wsexton@ocalafl.org), Rose Derkay (r.derkay55@gmail.com),

Ken Whitehead (kwhitehead@ocalafl.org) and Angel B. Jacobs

(ajacobs@ocalafl.org) from slewis@ocalafl.org

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O2 / 16 / 2023 Viewed by Rose Derkay (r.derkay55@gmail.com)

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Title FOR SIGNATURES - Amendment 1 to Artwork Loan and Display -...

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Status • Signed

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O2 / 17 / 2023 Viewed by Ken Whitehead (kwhitehead@ocalafl.org)

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O2 / 17 / 2023 Viewed by Angel B. Jacobs (ajacobs@ocalafl.org)

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7 02 / 17 / 2023 The document has been completed.

11:56:56 UTC-5