

**FIRST AMENDMENT TO AGREEMENT FOR THE COMMISSION OF PUBLIC ARTWORK –  
HERITAGE PANELS**

THIS FIRST AMENDMENT TO AGREEMENT FOR THE COMMISSION OF PUBLIC ARTWORK – HERITAGE PANELS ("First Amendment") is entered into by and between the **CITY OF OCALA**, a Florida municipal corporation ("City"), and **CHARLES EADY**, ("Artist").

**WHEREAS**, on August 26, 2021, City and Artist entered into an Agreement for the Commission of Public Artwork – Heritage Panels (the "Original Agreement") for the creation of a work of art to be publicly displayed at the Heritage Trail, City of Ocala contract No. REC/210673; and

**WHEREAS**, under the terms of the Original Agreement, Artist is required to utilize subject matter approved by the West Ocala Community Redevelopment Area Committee and the Municipal Arts Commission which includes figurative representation based on a list of nominees identified in Exhibit B – Artist's Design Concept attached to the Original Agreement; and

**WHEREAS**, after the Original Agreement was fully executed by the parties, the nominations identified in Exhibit B – Artist's Design Concept were amended to add two additional nominees; and

**WHEREAS**, City and Artist now desire to enter into this First Amendment solely for the purpose of amending Exhibit A – Artist's Design Concept to reflect the additional nominees.

**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 – ARTIST'S DESIGN CONCEPT.** The document attached to the Original Agreement as Exhibit A – Artist's Design Concept is hereby deleted and replaced, in its entirety, with the document attached to this First Amendment as **Revised Exhibit A – Artist's Design Concept**.

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:

Charles Eady  
4798 SW 116<sup>th</sup> Place  
Ocala, Florida 34476  
Phone: 352-216-3784  
E-mail: [idiarts@yahoo.com](mailto:idiarts@yahoo.com)

If to City of Ocala:

Tiffany L. Kimball, Contracting Officer  
City of Ocala, City Hall  
110 SE Watula Avenue, 3<sup>rd</sup> Floor  
Ocala, Florida 34471  
PH: 352-629-8366  
FAX: 352-690-2025  
E-mail: [tkimball@ocalafl.org](mailto:tkimball@ocalafl.org)

Copy to:

Robert W. Batsel, Jr., Esquire  
Gooding & Batsel, PLLC  
1531 SE 36<sup>th</sup> Avenue  
Ocala, Florida 34471  
PH: 352-579-6536  
E-mail: [rbatsel@lawyersocala.com](mailto:rbatsel@lawyersocala.com)

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.

**IN WITNESS WHEREOF,** the parties have executed this First Amendment on 04 / 11 / 2022.

**ATTEST:****CITY OF OCALA**

Angel B. Jacobs  
City Clerk



Ken Whitehead  
Assistant City Manager

**Approved as to form and legality:****CHARLES EADY**

Robert W. Batsel, Jr.  
City Attorney



Signature



Name



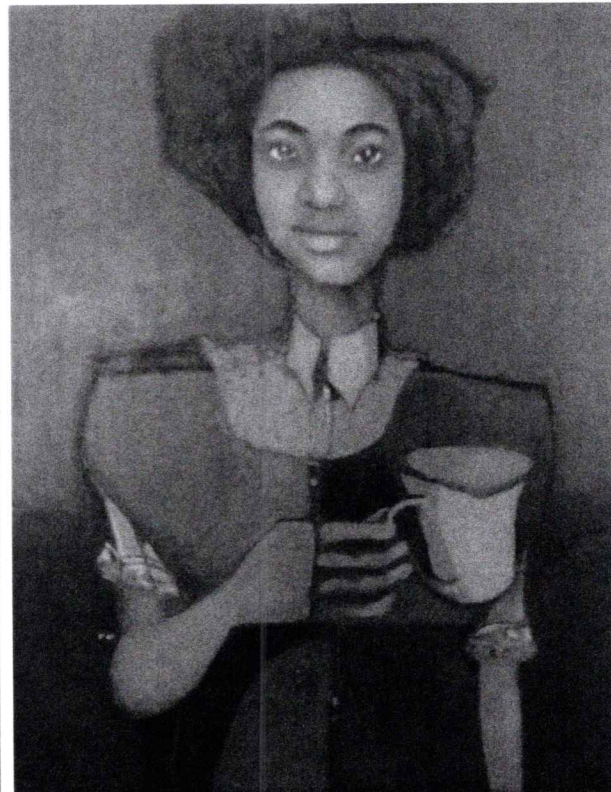
Title

**Revised Exhibit B – Artist's Design Concept****Design Concept:**

Four (4), double-sided street panels shall be painted using primer as approved by the City Project Manager and acrylic paints including the subject matter as approved by the West Ocala Community Redevelopment Area Committee and the Ocala Municipal Arts Commission as indicated below including the style of painting to be utilized. The four subject matters that will be covered are: Medical, Education, Community Activist, and Business including figurative representation based on the nominations below.

**Design Image:**

The images below are examples of the approved artist style for this public art project. The table below includes the nominations to be represented figuratively in the project as approved by the West Ocala Community Redevelopment Area Committee.



**West CRA Guidelines:**

| Type               | Individual                              |
|--------------------|---|
|                    |   |
|                    | Allen, Clifford                         |
| Business           | Allen, Larena                           |
| Business           | Brown, D.D.-Funeral Home                |
| Business           | Cheseborough, Chese<br>Cleaners         |
| Business           | Jasper, Scipio (Florida<br>Legislator)  |
| Business           | Long, Austin (Grocery)                  |
| Business           | Lloyd, T. Playfair MD<br>(1stDrugstore) |
| Business           | Miss Pearl Café                         |
| Business           | Mitchell, Reuben S.                     |
| Business           | Rainbow Cleaners                        |
| Community Activist | Jenkins, Whitfield                      |
| Community Activist | Poole, Eugene A                         |
| Community Activist | Vernon, William B                       |
| Community Activist | Lillian Bryant                          |
| Education          | Broxton, Eugene Rev                     |
| Education          | Davis, Edward D. Sr.                    |
| Education          | Kirkland, Gertrude (GV)                 |
| Education          | Parker, Charles                         |
| Education          | Perry, Willie                           |
| Education          | Shellman, Eddie Dr.                     |
| Education          | Taylor, Margaraet                       |
| Education          | Williams, Alma                          |
| Education          | Williams, Beatrice                      |
| Medical            | Harrell, Henry Dr.                      |
| Medical            | Lewin, Pamela Dr.                       |
| Medical            | Mercy Hospital 1903                     |
| Medical            | Ponder, James Dr Physician              |
| Medical            | Thomas, Margaret (Nurse)                |
| Medical            | Dr. NH Jones                            |
| Medical            | Whitman, Estella Byrd                   |
|                    | Coleman, Herbert S.                     |
|                    | Daniels, Edward                         |
|                    | Vernon, Dorothy                         |
|                    | Woodbury, Pickney                       |

|                                |  |
|--------------------------------|--|
| <b>TITLE</b>                   | FOR SIGNATURES - First Amendment to Agreement for the..... |
| <b>FILE NAME</b>               | 18022.original   |
| <b>DOCUMENT ID</b>             | a03cdec55398a7b89c3f0ecc6ad4c10287c3e842                   |
| <b>AUDIT TRAIL DATE FORMAT</b> | MM / DD / YYYY   |
| <b>STATUS</b>                  | • Signed   |

## Document History



SENT

**03 / 04 / 2022**  
12:32:22 UTC-5

Sent for signature to Robert W. Batsel, Jr. (rbatsel@lawyersocala.com), Charles Eady (idiarts@yahoo.com), Ken Whitehead (kwhitehead@ocalafl.org) and Angel Jacobs (ajacobs@ocalafl.org) from biverson@ocalafl.org  
IP: 216.255.240.104



VIEWED

**04 / 08 / 2022**  
10:38:58 UTC-4

Viewed by Robert W. Batsel, Jr. (rbatsel@lawyersocala.com)  
IP: 216.255.247.55



SIGNED

**04 / 08 / 2022**  
10:39:26 UTC-4

Signed by Robert W. Batsel, Jr. (rbatsel@lawyersocala.com)  
IP: 216.255.247.55



VIEWED

**04 / 08 / 2022**  
16:40:12 UTC-4

Viewed by Charles Eady (idiarts@yahoo.com)  
IP: 71.214.110.40



SIGNED

**04 / 10 / 2022**  
21:52:54 UTC-4

Signed by Charles Eady (idiarts@yahoo.com)  
IP: 71.214.110.40

|                                |  |
|--------------------------------|--|
| <b>TITLE</b>                   | FOR SIGNATURES - First Amendment to Agreement for the..... |
| <b>FILE NAME</b>               | 18022.original   |
| <b>DOCUMENT ID</b>             | a03cdec55398a7b89c3f0ecc6ad4c10287c3e842                   |
| <b>AUDIT TRAIL DATE FORMAT</b> | MM / DD / YYYY   |
| <b>STATUS</b>                  | • Signed   |

## Document History



**04 / 10 / 2022**  
21:53:12 UTC-4

Viewed by Ken Whitehead (kwhitehead@ocalafl.org)  
IP: 40.94.29.175



**04 / 11 / 2022**  
09:54:21 UTC-4

Signed by Ken Whitehead (kwhitehead@ocalafl.org)  
IP: 216.255.240.104



**04 / 11 / 2022**  
10:06:02 UTC-4

Viewed by Angel Jacobs (ajacobs@ocalafl.org)  
IP: 216.255.240.104



**04 / 11 / 2022**  
10:06:12 UTC-4

Signed by Angel Jacobs (ajacobs@ocalafl.org)  
IP: 216.255.240.104



**04 / 11 / 2022**  
10:06:12 UTC-4

The document has been completed.