

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
AND  
INDIAN RIVER COUNTY  
COUNTY INCENTIVE GRANT PROGRAM LOCALLY FUNDED AGREEMENT  
AMENDMENT NUMBER ONE

THIS Amendment, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by and between the State of Florida Department of Transportation, an agency of the State of Florida, hereinafter called the DEPARTMENT, and Indian River County, 1801 27<sup>th</sup> Street, Vero Beach, Florida 32960, hereinafter called the COUNTY.

WITNESSETH

WHEREAS, on June 9, 2015, the parties entered into a County Incentive Grant Program Locally Funded Agreement, hereinafter referred to as the Agreement, wherein the COUNTY agreed to provide the DEPARTMENT financial assistance in connection with Financial Management (FM) No. 431759-1-4B/42/43/45-01 for the Right of Way appraisal, consultant, acquisition, and relocation services of various parcels for the construction of intersection improvements at SR-60 and 43<sup>rd</sup> Avenue in Indian River County, Florida, hereinafter referred to as the Project; and

WHEREAS, the parties hereto desire to amend the Agreement; and

WHEREAS, the parties hereto mutually agree that this Amendment is in their best interest;

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations herein, the parties agree to amend that certain Agreement dated June 9, 2015 as follows:

1. The recitals set forth above are true and correct and are deemed incorporated herein.
2. Financial Management (FM) Number 431759-1-C2-10 is added to the Agreement for environmental services needed for the completion of the Project.
3. Paragraph 3A of the Agreement is amended to read as follows:

Except as otherwise set forth herein, this Agreement shall continue in effect and be binding to both the COUNTY and the DEPARTMENT until the Project is completed as evidenced by the written acceptance of the DEPARTMENT or June 30, 2019, whichever occurs first.

4. This Amendment increases the total funding needed for the completion of the Project. Paragraph 4B of the Agreement is hereby amended as follows:

The estimated total cost as set forth in the Department Adopted Work Program for this Project is FOURTEEN MILLION SIX HUNDRED THIRTY SEVEN THOUSAND EIGHTY NINE DOLLARS AND NO CENTS (\$14,637,089.00). The COUNTY's amended share for the Project, is SEVEN MILLION THREE HUNDRED EIGHTEEN THOUSAND FIVE HUNDRED FORTY FOUR DOLLARS AND FIFTY CENTS (\$7,318,544.50), which shall be paid to the

DEPARTMENT. In the event the total Project cost is less than the funds provided, the difference shall be refunded to the COUNTY. In the event the actual cost of the Project without modifications, results in a sum greater than that paid by the COUNTY, then any additional cost shall be the sole responsibility of the COUNTY and shall be paid to the DEPARTMENT.

The COUNTY is required to submit the funding for the Project in four payments. Three of the four required payments have already been received by the Department and all three payments have been applied to FM Number 431759-1-4B/42/43/45-01, to cover the COUNTY's one-half of the Project's expenditures. The first, second, and third payments were received on October 14, 2015, October 20, 2016, and October 23, 2017 in the amounts of TWO MILLION ONE HUNDRED ELEVEN THOUSAND NINE HUNDRED SEVEN DOLLARS AND NO CENTS (\$2,111,907.00), ONE MILLION TWO HUNDRED SEVENTY ONE THOUSAND FIVE HUNDRED TWENTY THREE DOLLARS AND NO CENTS (\$1,271,523.00), and ONE MILLION TWENTY ONE THOUSAND ONE HUNDRED NINETY SEVEN DOLLARS AND NO CENTS (\$1,021,197.00), respectively. The fourth and final payment, which is the remaining funds required for the Project in FY 2017/2018, is TWO MILLION NINE HUNDRED THIRTEEN THOUSAND NINE HUNDRED SEVENTEEN DOLLARS AND FIFTY CENTS (\$2,913,917.50), and is due within thirty (30) days of the execution of this Amendment.

Remittance shall be made payable to the Department of Transportation. Payment shall be clearly marked to indicate that it is to be applied to FM Project No 431759-1-4B/42/43/45-01 & 431759-1-C2-10. The Department shall utilize this amount towards cost of Project 431759-1-4B/42/43/45-01 & 431759-1-C2-10.

The final payment of TWO MILLION NINE HUNDRED THIRTEEN THOUSAND NINE HUNDRED SEVENTEEN DOLLARS AND FIFTY CENTS (\$2,913,917.50) shall be allocated as follows:

**FM No. 431759-1-4B/42/43/45-01:** TWO MILLION SEVEN HUNDRED THIRTEEN THOUSAND NINE HUNDRED SEVENTEEN DOLLARS AND FIFTY CENTS (\$2,713,917.50).  
**FM No. 431759-1-C2-10:** TWO HUNDRED THOUSAND DOLLARS AND NO CENTS (\$200,000.00).

The table on page 4 of the Agreement, is hereby amended. The amended table is shown in **Attachment 1** of this Amendment, attached hereto and made a part hereof.

In the event that any of the allocated funds for Phase 4B, 42, 43, and/or 45 are not utilized in its entirety, the Department shall reallocate funds, without an amendment, to cover Project cost as long as the reallocation results in a ZERO DOLLAR (\$0.00) net change and no additional funding is required from the County.

All provisions, covenants, terms and conditions of the Agreement between the parties theretofore entered into on June 9, 2015, as originally set forth therein, which are not hereby expressly amended or modified and not in conflict with the terms hereof, are hereby ratified and confirmed and shall remain the same and be unaffected by these presents.

IN WITNESS WHEREOF, the COUNTY has caused this Amendment to be executed on its behalf this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Chairman or designee, authorized to enter into and execute same by Resolution No. \_\_\_\_\_ dated the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and the DEPARTMENT has executed this Amendment through its Director of Transportation Development for District 4, Florida Department of Transportation, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**INDIAN RIVER COUNTY, FLORIDA**

ATTEST

\_\_\_\_\_  
CLERK OF THE COURT AND  
COMPTROLLER

\_\_\_\_\_  
BY: PETER D. O'BRYAN  
CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
WILLIAM K. DEBRAAL, DEPUTY COUNTY ATTORNEY

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

ATTEST: \_\_\_\_\_ (SEAL)  
EXECUTIVE SECRETARY

BY: \_\_\_\_\_  
MARK PLASS, P.E  
ACTING DIRECTOR OF TRANSPORTATION  
DEVELOPMENT

NAME: \_\_\_\_\_

DISTRICT \_\_\_\_\_

Availability of Funds Approval:

LEGAL REVIEW:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
OFFICE OF THE GENERAL COUNSEL

**ATTACHMENT 1**

Phase No.	Fiscal Year	County's Share	Amendment 1	Amendment Total	Department's Share	Amendment 1	Amendment Total
C2	2017/2018	\$0.00	\$200,000.00	\$200,000.00	\$0.00	\$200,000.00	\$200,000.00 \$0.00
	<b>SUBTOTAL</b>	\$0.00	\$200,000.00	\$200,000.00	\$0.00	\$200,000.00	\$200,000.00
4B	2014/2015	\$0.00	\$0.00	\$0.00	\$507,961.00	\$0.00	\$507,961.00
	2015/2016	\$507,961.00	\$0.00	\$507,961.00	\$240,164.00	\$0.00	\$240,164.00
	2016/2017	\$159,807.00	\$0.00	\$159,807.00	\$0.00	\$0.00	\$0.00
	2017/2018	\$80,357.00	\$67,142.00	\$147,499.00	\$0.00	\$67,142.00	\$67,142.00
	<b>SUBTOTAL</b>	\$748,125.00	\$67,142.00	\$815,267.00	\$748,125.00	\$67,142.00	\$815,267.00
42	2014/2015	\$0.00	\$0.00	\$0.00	\$646,446.00	\$0.00	\$646,446.00
	2015/2016	\$646,446.00	\$0.00	\$646,446.00	\$0.00	\$0.00	\$0.00
	2016/2017	\$167,621.00	\$0.00	\$167,621.00	\$167,621.00	\$0.00	\$167,621.00
	2017/2018	\$0.00	(\$454,067.00)	(\$454,067.00)	\$0.00	(\$454,067.00)	(\$454,067.00)
	<b>SUBTOTAL</b>	\$814,067.00	(\$454,067.00)	\$360,000.00	\$814,067.00	(\$454,067.00)	\$360,000.00
43	2014/2015	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00
	2015/2016	\$916,500.00		\$916,500.00	\$916,500.00	\$0.00	\$916,500.00
	2016/2017	\$916,500.00		\$916,500.00	\$916,500.00	\$0.00	\$916,500.00
	2017/2018	\$904,435.00	\$466,523.50	\$1,370,958.50	\$904,435.00	\$466,523.50	\$1,370,958.50
	2018/2019	\$0.00	\$486,500.00	\$486,500.00	\$0.00	\$486,500.00	\$486,500.00
	2019/2020	\$0.00	\$330,500.00	\$330,500.00	\$0.00	\$330,500.00	\$330,500.00
	2020/2021	\$0.00	\$840,479.00	\$840,479.00	\$0.00	\$840,479.00	\$840,479.00
	2021/2022	\$0.00	\$840,479.00	\$840,479.00	\$0.00	\$840,479.00	\$840,479.00
	<b>SUBTOTAL</b>	\$2,737,435.00	\$2,964,481.50	\$5,701,916.50	\$2,737,435.00	\$2,964,481.50	\$5,701,916.50
45	2014/2015	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	2015/2016	\$41,000.00	\$0.00	\$41,000.00	\$41,000.00	\$0.00	\$41,000.00
	2016/2017	\$27,595.00	\$0.00	\$27,595.00	\$27,595.00	\$0.00	\$27,595.00
	2017/2018	\$36,405.00	\$136,361.00	\$172,766.00	\$36,405.00	\$136,361.00	\$172,766.00
	2018/2019	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	<b>SUBTOTAL</b>	\$105,000.00	\$136,361.00	\$241,361.00	\$105,000.00	\$136,361.00	\$241,361.00
<b>TOTAL AMOUNT: ORIGINAL AGREEMENT</b>		\$4,404,627.00			\$4,404,627.00		
<b>AMENDMENT AMOUNT</b>			\$2,913,917.50			\$2,913,917.50	
<b>TOTAL AMOUNT SHARES (County &amp; Department)</b>				\$7,318,544.50			\$7,318,544.50
<b>TOTAL CONTRACT AMOUNT</b>				\$14,637,089.00			