

FIRST AMENDMENT TO THE AGREEMENT

In accordance with the Evaluation and Appraisal Report (EAR) and Planned Service Area (PSA) Study Agreement entered into on April 14, 2024, and all of its amendments (if any), collectively (the "Agreement") this First Amendment to the Agreement (this "Amendment") is made and entered into by and between **Kimley-Horn and Associates, Inc.**, whose address is 1700 SE 17th Street, Suite 200, Ocala, FL 34470; possessing FEIN **56-0885615**, (hereinafter referred to as "FIRM") and Marion County, a political subdivision of the State of Florida, 601 SE 25th Avenue, Ocala, FL, 34471, (hereinafter referred to as "COUNTY").

WITNESSETH

WHEREAS this Amendment shall remain in full force and effect until completion of all services required of FIRM, and the parties wish to amend the Agreement.

IN CONSIDERATION of the mutual covenants and conditions contained herein, COUNTY and FIRM (singularly referred to as "Party", collectively "Parties") hereto agree as follows:

1. This Amendment shall be deemed to amend and become part of the Agreement in accordance with the project 23Q-087, (the "Project"). All provisions of the Agreement not specifically amended herein shall remain in full force and effect.
2. This Amendment extends the Agreement 120 calendar days from the time the Notice to Proceed is received by the FIRM, effective Upon Board Approval (the "Term").
3. This Amendment adds Exhibit A to the Scope of Work to 23Q-087-TO-14.

[Remainder of this page left intentionally blank]

IN WITNESS WHEREOF the Parties have entered into this Amendment, as approved by the Marion County Board of County Commissioners, on the date of the last signature below.

ATTEST:

MARION COUNTY, A POLITICAL SUB-DIVISION OF THE STATE OF FLORIDA

GREGORY C. HARRELL, DATE
MARION COUNTY CLERK OF COURT

MICHELLE STONE DATE
CHAIRMAN

FOR USE AND RELIANCE OF MARION COUNTY ONLY, APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BCC APPROVED: October 15, 2024
23Q-087-TO-14 Evaluation and Appraisal Report (EAR) and
Planned Service Area (PSA) Study

MATTHEW G. MINTER, DATE
MARION COUNTY ATTORNEY

WITNESS:

KIMLEY-HORN AND ASSOCIATES, INC.

SIGNATURE

PRINTED NAME

BY: DATE

PRINTED:

ITS: (TITLE)

WITNESS:

SIGNATURE

PRINTED NAME

EXHIBIT A - SCOPE OF WORK

TASK ORDER NUMBER 24

Describing a specific agreement between Kimley-Horn and Associates, Inc. ("Kimley-Horn") and Marion County, a political subdivision of the State of Florida, ("County" or "Client") in accordance with the terms of the Master Agreement for Civil/Site Engineering for Miscellaneous Projects #23Q-087, which is incorporated herein by reference.

Identification of Project:

Project: 2024 Land Development Code Updates

Project Manager: Blair Knighting, AICP

Project Understanding:

1. Kimley-Horn is currently working on Task Order 12, which provides overview and management of the Evaluation Appraisal Report (EAR) for the Comprehensive Plan.
2. During workshops with the Board of County Commissioners (BOCC) the County has identified a need to proceed with certain Land Development Code (LDC) updates while the EAR process is being completed.
3. Under this Task Order, Kimley-Horn will prepare LDC updates and revisions for consideration by County staff, the Land Development Review Committee (LDRC) and the BOCC. Once the code updates are presented to the LDRC, the proposed changes will follow the normal approval processes under current County regulations and procedures.
4. Following adoption by the BOCC, the County will handle the formalities associated with updating the LDC (i.e. updates to online code repositories, Municode website, hard copy updates, etc.) as is required.

Scope of Services:

The services to be performed by Kimley-Horn will include the following:

Task 1 – LDC Code Updates

- A. LDC Update Language. Kimley-Horn will prepare draft updates to certain sections of the LDC to address the following issues which have been identified by the County:
 - 1) Updates to buffer design and planting requirements in LDC Section 6.8.6.
 - 2) New code language for right-of-way buffering on rural versus urban corridors.
 - 3) Note: This Task does not include Countywide mapping and definition of urban versus rural corridors. We assume these corridors are already defined or can be easily defined by text language. A Countywide mapping exercise can be completed as an Additional Service if requested by the County.
 - 4) New code language for buffering standards for protection of rural subdivisions.
 - 5) Updates to the open space section(s) of the LDC to incorporate recreational open space requirements for residential projects, and to define what qualifies as recreational open space.

- 6) Revisions to the tree preservation / protection regulations to regulate clear-cutting for new projects and to provide strengthened protections for very high-quality trees.
 - 7) Updates to PUD standards as directed by Growth Services.
 - 8) Updates to the Special Use Permit (SUP) regulations to specify that a requested SUP must be consistent with the underlying land use in the Comprehensive Plan.
 - 9) Updates to Section 4.3.12 (Roadside Vendors) to address recent issues per County staff.
 - 10) New LDC regulations for solar facility buffers, setbacks, access, etc.
- B. Definitions Updates. Where needed to support updates to the LDC in Task 1.A., Kimley-Horn will prepare revisions and updates to the definition of certain terms contained in the regulation language.

Task 2 – LDRC Coordination

Under this Task, Kimley-Horn will assist County staff with preparing agenda items for the LDRC to review the proposed LDC updates and revisions. County staff will present the items to the LDRC and facilitate that committee's normal processes to review and modify the proposed updates.

- A. Kimley-Horn will provide the LDC updates to County staff for review. Kimley-Horn will provide normal and reasonable updates as requested by County staff.
- B. Kimley-Horn will provide redlined edits to the LDC, along with comments explaining the basis for the edits, to County staff and assist with preparation of the discussion materials for the LDRC. County staff will present the materials to the LDRC.
- C. Once the LDRC has received the edits for action the proposed LDC updates will follow their normal course of approval to the BOCC for final adoption.

Task 3 – Meetings

Under this Task, Kimley-Horn has budgeted for a certain number of progress or coordination meetings with County Administration and/or BOCC members to discuss the proposed LDC updates. Meetings with staff Department managers are included in Tasks 1 and 2.

- A. Kimley-Horn will prepare for and attend up to three meetings with County Administration to discuss the LDC updates.
- B. Kimley-Horn will prepare for and attend one block of meetings with BOCC members (typically a half-day of sequential one-on-one meetings) to discuss the LDC updates.

Additional Services

Any service not specifically identified in the above Scope of Services is not included in this Task Order but can be provided as additional services if authorized by the County. Compensation for additional services will be agreed to prior to their performance.

Schedule

Kimley-Horn will provide the above Scope of Services provided above within 120 days of Notice to Proceed. A schedule will be established upon Notice to Proceed and maintained through the duration of the Project. The project schedule may be modified due to circumstances that arise during the execution of the Work if mutually agreed to by Kimley-Horn and the County.

Fee


Kimley-Horn will provide the services described in the Scope of Services for a lump sum fee of \$42,740.00. Table A (attached) summarizes the estimated staff hours and expenses needed to complete the Scope of Services.

Attachments: TABLE A – Cost Estimate for Service

MARION COUNTY
A POLITICAL SUBDIVISION OF FLORIDA

KIMLEY-HORN AND ASSOCIATES, INC.

BY: _____

BY:  _____
Richard V. Busche, P.E.

TITLE: Michelle Stone

TITLE: Senior Vice President

DATE: Chair

DATE: October 3, 2024

TABLE A
COST ESTIMATE FOR SERVICES

PROJECT: 2024 LAND DEVELOPMENT CODE UPDATES

CLIENT: MARION COUNTY OFFICE OF THE COUNTY ENGINEER

KH PM: BLAIR KNIGHTING

BASIS FOR ESTIMATE: RFQ 23Q-087 COUNTY-APPROVED HOURLY RATES; CIVIL/SITE ENGINEERS FOR MISC PROJECTS

DATE: OCTOBER 2024

		DIRECT LABOR (MAN-HOURS)							
		Principal Engineer	Staff Engineer	Landscape Architect	Senior Planner	Clerical	Labor Hours	SUB (\$)	Labor Total
TASK ID	TASK DESCRIPTION	\$245.00	\$125.00	\$140.00	\$130.00	\$60.00			
1	LDC CODE UPDATES	36.0	40.0	20.0	65.0	40.0	201.0		\$ 27,470
2	LDRC COORDINATION	16.0	0.0	0.0	20.0	20.0	56.0		\$ 7,720
3	MEETINGS	10.0	0.0	0.0	30.0	20.0	60.0		\$ 7,550
	TOTALS:	62.0	40.0	20.0	115.0	80.0	317.0	\$ -	\$ 42,740.00
								Grand Total:	\$ 42,740.00