

LEGISTAR #

150762

**THIRD AMENDMENT TO TOLLING AGREEMENT**

This Third Amendment to Tolling Agreement (“Amendment”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, and is by and between JONES EDMUNDS & ASSOCIATES, INC., a Florida corporation, with a contact c/o Edward O. Savitz, Esquire, its counsel, 1801 North Highland Avenue, Tampa, Florida 33602 (“Jones Edmunds”) and the City of Gainesville, a municipality organized under the laws of the State of Florida, doing business as Gainesville Regional Utilities, with a contact c/o David C. Schwartz, Assistant City Attorney, Post Office Box 490, Station 46, Gainesville, Florida 32627-0490 (“City”). Jones Edmunds and the City are collectively referred to herein as the “Parties,” and each individually as a “Party.”

**RECITALS**

**WHEREAS**, the Parties entered into a Tolling Agreement dated August 20, 2015 (the “Agreement”), a First Amendment dated February 22, 2016 and a Second Amendment dated June 27, 2016, in which the Parties agreed that, in exchange for the preservation and tolling of all claims within the scope of the Agreement, the Parties would not take or file any civil, administrative or regulatory action, claim or complaint against any other Party to the Agreement during the term of the Agreement; and

**WHEREAS**, the Tolling Period established in the Agreement will expire on Monday, October 31, 2016; and

**WHEREAS**, the Parties wish to extend the term of the Tolling Period until April 28, 2017,

**AGREEMENT**

**NOW, THEREFORE**, the Parties do hereby agree as follows:

1. All capitalized terms used in this Amendment that are not otherwise defined herein shall

have the meaning ascribed to such terms by the Agreement.

2. Paragraph 3 of the Agreement is amended as follows: The day of the Tolling Period shall be deleted and replaced with "Friday, April 28, 2017."
3. Except to the extent amended or modified by this Amendment, all the terms, conditions and provisions of the Agreement shall remain in full force and effect.

**AGREED AND EXECUTED:**

CITY OF GAINESVILLE

JONES EDMUNDS & ASSOCIATES, INC.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: Edward O. Spitz  
Name: EDWARD O. SPITZ  
Title: ATTORNEY  
Date: 10/11/16

Approved as to Form and Legality:

By: \_\_\_\_\_  
David C. Schwartz  
Assistant City Attorney II  
City of Gainesville, Florida