

**FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN
ALACHUA COUNTY AND THE CITY OF GAINESVILLE FOR THE
TRANSITION OF SERVICES UPON AN ANNEXATION BY THE
CITY OF GAINESVILLE WITHIN ITS MUNICIPAL RESERVE AREA**

THIS AMENDMENT is entered into as of this _____ day of _____, 2009, by and between Alachua County, a charter county and political subdivision of the State of Florida (hereinafter referred to as the "County"), and the City of Gainesville, a municipal corporation (hereinafter referred to as the "City").

WHEREAS, the COUNTY and the CITY have previously entered into an interlocal agreement dated March 13, 2007 for the transition of services upon an annexation by the CITY (hereinafter referred to as "the Agreement"); and

WHEREAS, the COUNTY and the CITY developed this Interlocal Agreement to apply to certain annexations by the CITY; and

WHEREAS, the COUNTY and the CITY desire to extend the term of the Agreement under the terms set forth herein;

NOW, THEREFORE, in consideration of the mutual benefits to flow to each other, the parties agree as follows:

1. **Section XVIII, "EFFECTIVE DATE, DURATION, and TERMINATION"** of the Agreement is amended to read as follows:

XVIII. Effective Date, Duration and Termination

A. This Agreement shall be effective immediately after passage by the Alachua County Board of County Commissioners and the City Commission of the City of Gainesville and shall remain in full force and effect until September 30, 2014. This agreement may be renewed in subsequent twenty-four month intervals by mutual agreement in writing by both parties. Any amendments and termination shall be in writing and executed in the same manner as provided by law for the execution of this Agreement.

B. If either party fails to fulfill its obligations under this Agreement in a timely and satisfactory manner, or if either party breaches any of the provisions, covenants, or stipulations under this Agreement, the other party shall give a written notice to the party in default stating the failure or breach, and providing a reasonable time period for correction of same. In the event the correction is not made in the allotted time, the other party shall have the right to terminate this Agreement after giving written notice of intent to terminate at least thirty (30) days prior to the termination date.

C. This Agreement will commence upon the approved date of the second party approving the Agreement and remain in effect until affirmatively terminated by either or both parties to the Agreement. Except as provided for in Section XVIII (B), termination of the Agreement requires a three hundred sixty-five (365) day notice in writing to the other party.

2. The First Amendment, when executed together with the original Agreement constitutes the entire contract between the parties.

Upon execution of this Agreement by both parties, the County will record this Agreement in the Public Records of Alachua County.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed for the uses and purposes therein expressed on the day and year first above written.

ALACHUA COUNTY, FLORIDA

By: _____
Mike Byerly, Chair
Board of County Commissioners

ATTEST:

J.K. "Buddy" Irby, Clerk

(SEAL)


APPROVED AS TO FORM
AND LEGALITY

By: _____
David W. Wagner
County Attorney

CITY OF GAINESVILLE


By: Pegeen Hanrahan
Pegeen Hanrahan, Mayor

ATTEST:


Kurt Lannon, Clerk of the Commission

(SEAL)

APPROVED AS TO FORM
AND LEGALITY

By: 
Marion J. Radson
City Attorney

MAR 19 2009