

Legistar
#170075

SEVENTH AMENDMENT TO TOLLING AGREEMENT

This Seventh Amendment to Tolling Agreement (“Amendment”) is made and entered into this _____ day of _____, 2017, 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”), as subsequently amended, 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 Sixth Amendment to Tolling Agreement will expire on Monday, November 13, 2017; and

WHEREAS, the Parties tentatively reached a settlement through mediation conducted on October 13, 2017. The tentative settlement is subject to review and recommendation of the Utility Advisory Board, and approval by the City Commission; and

WHEREAS, the Parties wish to extend the term of the Tolling Period through December 15, 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 to delete and replace the extension date with "December 15, 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: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Approved as to Form and Legality:

By: _____

David C. Schwartz
Assistant City Attorney II
City of Gainesville, Florida