

160933

**FOURTH AMENDMENT TO TOLLING AGREEMENT**

This Fourth 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 Third Amendment to Tolling Agreement will expire on Friday, April 28, 2017; and

**WHEREAS**, the Parties wish to avoid the expense, delay and uncertainty of litigating the claims, and have been accordingly working in good faith toward resolution of the claims through settlement negotiations, and have formal mediation scheduled for April 12, 2017; and

**WHEREAS**, the Parties wish to extend the term of the Tolling Period through Thursday, June 15, 2017.

AGREEMENT

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

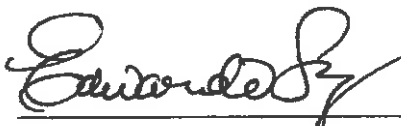
1. All capitalized terms used in this Amendment that are not otherwise defined herein shall have the meaning ascribed to such terms by the Agreement.
2. Paragraph 3 of the Agreement is amended to delete and replace the extension date with "Thursday, June 15, 2017."
3. Except to the extent amended or modified by this Amendment, all the terms, conditions and provisions of the Agreement shall remain in full force and effect.

**AGREED AND EXECUTED:**

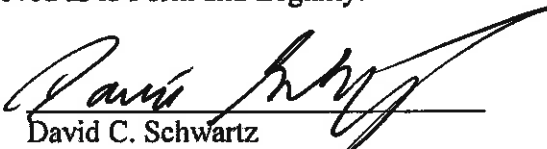
CITY OF GAINESVILLE

JONES EDMUNDS & ASSOCIATES, INC.

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

By:   
Name: EDWARD O. SMITZ  
Title: ATTORNEY  
Date: 4/10/2017

Approved as to Form and Legality:

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