



050295

Edix Investments Inc.

2005 AUG -2 AM 9:06

August 1, 2005

Subj: Lincoln Pool Deed Restriction  
Subject to paragraph

Dear City Commissioners:

I'm, Edwin B. Dix of Edix Investments, Inc. I'm requesting to be placed as a line item on your August 8, 2005 commissioners' meeting.

Attached is a copy of the draft for the quit claim deed prepared by Sam Bridges of the Public Works Department. This deed was drafted to remove a subject to the clause that limits the use of the Lincoln Pool property to educational purposes only.

As you are aware, the commission granted a land use and zoning change to single family residence on June 27, 2005. I have been moving forward with the plans for a sixteen single family development called Lincoln Park.

I have just been informed that the commission must vote on the removal of the subject clause. I have highlighted the subject clause that is in question on the attached original deed.

In order for me to continue forward with my development, the commission must vote to allow the Mayor to sign the new corrective deed.

Please allow, in your August 8<sup>th</sup> meeting, ten minutes of your time to address this matter.

Sincerely,

Edwin B. Dix

Encl



5726 NW 43rd Road • Gainesville, FL 32606 • (352) 494-6420 • (352) 378-2737 Fax  
edwindix@bosshardtrealty.com

# DRAFT

This Instrument Prepared By:  
Sam Bridges, Land Rights Coordinator  
Public Works Division – MS#58  
City of Gainesville  
P.O. Box 490  
Gainesville, FL 32602-0490

Tax Parcel No. 15800-000-000  
Section 9, Township 10 South, Range 20 East

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## QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by the CITY OF GAINESVILLE, a municipal corporation of the State of Florida, Grantor, to EDWIN DIX, Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, That the said Grantor, for and in consideration of the sum of one (\$1.00) dollar and other good and valuable consideration to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situated, lying and being in the County of Alachua, State of Florida, to wit:

*Lands described in Alachua County Public Records Book 2308, page 1424 and further described as follows:*

*Lot 1 and 4, Block 1, Range 4 East of State Road 331 of Goss 1<sup>st</sup> Addition as per Plat Book A, Page 34 and Lot 1, Block 2, Range 4 East of State Road 331 and the west three quarters of Block 1 Range 5 and closed streets of Eastside City Pool as described in OR Book 965, Pages 156-158; containing 4.8 acres, more or less.*

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee forever.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name, affixed its seal the day and year first above written.

Signed, sealed & delivered  
In the Presence of:

CITY OF GAINESVILLE, FLORIDA  
A Florida Municipal Corporation

\_\_\_\_\_  
Print Name \_\_\_\_\_

\_\_\_\_\_  
Pegeen Hanrahan, City Mayor

\_\_\_\_\_  
Print Name \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Kurt M. Lannon, Clerk of the Commission

**STATE OF FLORIDA  
COUNTY OF ALACHUA**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by Pegeen Hanrahan and Kurt M. Lannon, the City Mayor and Clerk of the Commission, respectively, of the City of Gainesville, Florida, a municipal corporation, who are personally known to me and duly sworn, and acknowledged that as such officers, and pursuant to authority from said corporation, as its act and deed, and for the uses and purposes set forth and contained in said instrument.

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Notary Public, State of Florida  
My Commission Expires:

**Subject to City Commission and City Legal Approval**

REC-10, 50  
D.S. .704

7423

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 1701846 2 PGS  
2000 AUG 22 01:33 PM BK 2308 PG 1424  
J. K. "BUDDY" IRBY  
CLERK OF CIRCUIT COURT  
ALACHUA COUNTY, FLORIDA  
CLERK2 Receipt#026018  
Dec Stamp Deed: 0.70  
By: *[Signature]* D.C.

This Instrument Prepared By:  
Sam Bridges, Land Rights Coordinator  
Public Works Department MS #58  
City of Gainesville  
P.O. Box 490  
Gainesville, Florida 32602-0490

US TITLE  
2622/B2 NW 43rd St.  
Gainesville, FL 32606

↑  
Record and return to

Dix, Edwin  
Tax Parcel #: 15800  
File: Lincoln Pool Property

Revision to Doc # 1688615-3, Book 2297, Page 1612, Legal Description

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED made the 7th day of August, 2000, by the CITY OF GAINESVILLE, FLORIDA, a municipal corporation existing under the laws of the State of Florida, with its permanent post office address at Post Office Box 490, Gainesville, Florida 32602-0490, GRANTOR, to Edwin B. Dix, whose post office address is 4410 Northwest 31<sup>st</sup> Avenue, Gainesville, Florida 32606, GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations wherever the context so admits or requires)

WITNESSETH: That Grantor, for an in consideration of the sum of \$1.00 in hand paid by the Grantee, receipt of which is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situate and lying in the County of Alachua, State of Florida, to wit.

Land Description

*Lots 1 and 4, Block 1, Range 4 East of State Road 331 of Goss 1<sup>st</sup> Addition as per Plat Book A, Page 34 and Lot 1, Block 2, Range 4 East of State Road 331 and the west three quarters of Block 1 Range 5 and closed streets of Eastside City Pool as described in OR Book 965, Pages 156-158; containing 4.8 acres, more or less.*

SUBJECT to valid and enforceable zoning restrictions imposed by governmental authority, valid and enforceable easements and restrictions of record, and taxes for 1999 and subsequent years. The conveyance herein granted shall automatically revert to GRANTOR in the event that the GRANTEE does not commence and complete the construction of an education facility and/or ancillary facility on the real property described (including, without limiting the generality of the foregoing, parking facilities for educational facilities or ancillary facilities) within fifteen (15) years of the date first above written.

GRANTEE, by accepting delivery of this deed, agrees that the real properties described shall be used exclusively to provide and render educational services and/or ancillary services (including, but not limited to, parking facilities for educational facilities and ancillary facilities), and that if the real properties described shall be used for purposes other than those permitted by this sentence, the conveyance herein granted shall revert to GRANTOR.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the GRANTOR hereby covenants with said GRANTEE, except as set forth herein that at the time of delivery of this deed the land was free from all encumbrances made by it, and that it will warrant and defend the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the GRANTOR, but against none other.

Dix, Edwin B.  
Tax Parcel 15800  
File: Lincoln Pool Property  
Page 2

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed & delivered  
In the Presence of:

CITY OF GAINESVILLE, FLORIDA

Jenny Higginbotham  
Witness Signature  
Printed Name: Jenny Higginbotham

Wayne Bowers  
Wayne Bowers, City Manager

D. Brady  
Witness Signature  
Printed Name: D. Brady

STATE OF FLORIDA  
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 7th day of August, 2000, by Wayne Bowers, City Manager of the City of Gainesville, Florida, a municipal corporation, who is personally known to me and duly sworn, acknowledged that as such officer, and pursuant to authority from said corporation, as its act and deed, and for the uses and purposes set forth and contained in said instrument.

Conchi M. Ossa  
Notary Public  
Print Name: Conchi M. Ossa  
Notary Public, State of Florida  
My Commission Expires:



Conchi M. Ossa  
MY COMMISSION # CC69966 EXPIRES  
December 1, 2001  
BONDED THRU TROY FARM INSURANCE, INC.

Approved as to Form and Legality:

Debra Babb  
Debra Babb  
Assistant City Attorney  
City of Gainesville, Florida