

1 **Section 1.** The representations made in the May 20, 2002 letter to U.S. Department of
2 Transportation, Federal Aviation Administration (“ FAA”), Request for Release of Surplus
3 Property Pursuant of Federal Aviation Regulations, Part 155.11, copy attached as Exhibit A
4 (without exhibits), are hereby ratified and approved.

5 **Section 2.** The property described in Exhibit “ B”, attached hereto, shall be transferred
6 and sold to the KOLC for purposes of industrial park development.

7 **Section 3.** The property shall be sold for the appraised fair market value and the net
8 proceeds of such sale shall be immediately transferred to the Gainesville-Alachua County
9 Regional Airport Authority for deposit into an interest bearing account where said funds shall
10 remain until utilized for the purposes of Airport development and improvement.

11 **Section 4.** The City of Gainesville has determined that the parcel is not necessary for
12 aviation purposes and the release will not affect the operation or maintenance of the Airport as a
13 public airport, rather that the revenues generated by the sale will significantly enhance the
14 Airport and its ability to serve the aviation public.

15 **Section 5.** The City of Gainesville shall include in the deed conveying title of the
16 property to the KOLC provisions as follows:

17 (1) That the City of Gainesville reserves unto itself, its successors and assigns, for the
18 use and benefit of the public a right of flight for the passage of aircraft in the airspace above the
19 surface of the real property described in Exhibit B, together with the right to cause in said
20 airspace such noise as may be inherent in the operations of aircraft, now known or hereafter used,
21 for navigation of or flight in the said airspace, for use of said airspace for landing on, or taking
22 off from or operating on Gainesville Regional Airport.

1 (2) That the City of Gainesville expressly agrees for itself, its successors and assigns,
2 to restrict the height of structures, objects of natural growth and other obstructions on the
3 hereinafter described real property to such a height so as to comply with Federal Aviation
4 Regulations, Part 77.

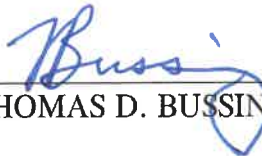
5 (3) That the City of Gainesville expressly agrees for itself, its successors and assigns,
6 to prevent any use of the hereinafter described real property which would interfere with the
7 landing or takeoff of aircraft at Gainesville Regional Airport or interfere with air navigation and
8 or communication facilities serving Gainesville Regional Airport, or otherwise constitute an
9 airport hazard.

10 **Section 6.** The appropriate City of Gainesville officials are hereby authorized to execute
11 any other documents necessary to effectuate the release of restrictions, the transfer of property, and
12 the deposit and use of net proceeds of the sale.

13 **Section 7.** This resolution shall be effective immediately upon adoption.

14 **PASSED AND ADOPTED** this 10th day of June, 2002.

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THOMAS D. BUSSING, MAYOR

ATTEST:


KURT LANNON,
CLERK OF THE COMMISSION

APPROVED AS TO FORM AND LEGALITY:


MARION L. RADSON, CITY ATTORNEY

JUN 11 2002



May 20, 2002

Exhibit "A"

Mr. Richard Owen
U.S. Department of Transportation
Federal Aviation Administration
Orlando Airport's District Office
5950 Hazeltine National Dr., Suite 400
Orlando, Florida 32822

**Re: Request for Release of Surplus Property
Pursuant to FAR Part 155.11**

Dear Mr. Owen:

I am writing on behalf of the City of Gainesville, Florida, sponsor of the Gainesville Regional Airport, Alachua County, Florida. The purpose of this letter is to request that the Federal Aviation Administration release surplus airport property from restrictions in an instrument of disposal. Pursuant to FAR 155.11, the following information is submitted:

- 1. Identification of Instrument of Disposal:** The property sought to be released was released by the United States of America, pursuant to a quit claim deed dated October 15, 1948. A copy of the quitclaim deed is attached and marked as Exhibit 1. The City of Gainesville is requesting that the property be released from the restrictions concerning disposal so that it may be transferred to Kenneth O. Lester Company d/b/a Performance Food Group (KOLC).
- 2. Description of Property:** The real property to be released is described in the attached Exhibit 2 and shall be referred to hereinafter as the "property", together with a copy of the boundary survey marked as Exhibit 3. A map of the airport, reflecting the location of the property sought to be released, is also attached and marked as Exhibit 4.
- 3. Condition of Property:** The property is 3.72 acres, more or less, of dry woodland in a partially developed airport industrial park.
- 4. Purpose for which Property was Transferred:** The instrument of release, attached as Exhibit 1, restricted the property herein sought to be released for use as "public airport purposes". The deed required that the property be utilized for that purpose until such

Fly Easy. Fly Gainesville.

time as the Civil Aeronautics Administration or its successor government agency deemed that release would not interfere with the operation of the remainder of the airport.

The City of Gainesville has determined that the **property** is not necessary for aviation purposes and release will not affect the operation or maintenance of the airport as a public airport but rather that the revenues generated by the sale will significantly enhance the airport and its ability to serve the aviation public.

5. **Nature and Purpose of Release Requested:** The City of Gainesville is requesting a deed of release from the FAA, releasing the **property** from any and all restriction imposed upon it by the government in accordance with attached Exhibit 5, so as to assure that marketable title may be delivered to the purchaser.

6. **Justification for Release:** KOLC is prepared to pay to the City of Gainesville the sum of \$31,000.00 per acre for the **property**, for a total contract price of \$115,500.00, as the fair market value of the **property** sought to be released. The fair market value was determined pursuant to an appraisal by Andrew Santangini. A copy of the appraisal is attached and marked as Exhibit 6. The net proceeds of the sale shall then be transferred to the Gainesville - Alachua County Regional Airport Authority for placement in the airport fund to be used for airport purposes.


7. **Advantage of Sale:** The proceeds of the sale will allow the airport to renovate its airfield facilities.

8. **Other Attachments Included:** (a) Certified copy of the Resolutions of the City Commission of the City of Gainesville and the Gainesville - Alachua County Regional Airport Authority are attached and marked as Composite Exhibit 7; (b) Two scaled drawings showing all airport property and facilities currently obligated for airport purposes is contained in the current AIP/Airport current AIP/Airport Master Plan and incorporated by reference herein.

9. **Conclusion:** The **property** is being purchased pursuant to KOLC's existing option agreement, which agreement requires approval of the sale by FAA within a set period of time. KOLC is proposing to expand its existing warehouse operations and needs this **property** for these purposes.

Yours truly,

WAYNE BOWERS
City Manager
City of Gainesville


Richard Crider
Director of Aviation
Gainesville-Alachua County
Regional Airport Authority

Enclosure(s)

MJR:CLH:sw

A portion of Section 23, Township 9 South, Range 20 East, City of Gainesville, Alachua County, Florida; being more particularly described as follows:

Commence at the southeast corner of Lot 11 of Airport Industrial Park, Unit II as per plat thereof recorded in Plat Book "T", page 37 of the Public Records of Alachua County, Florida and run thence South 24°34'43" West, along the northwesterly right-of-way line of NE 40th Terrace (80' R/W), a distance of 371.84 feet to the POINT OF BEGINNING; thence continue South 24°34'43" West along said northwesterly right-of-way line, 68.91 feet to the beginning of a curve, concave southeasterly, having a radius of 626.90 feet; thence southwesterly, along said right-of-way line and along the arc of said curve, through a central angle of 24°21'07", an arc distance of 266.44 feet, said arc being subtended by a chord having a bearing and distance of South 12°24'10" West, 264.44 feet; thence South 89°31'46" West, 430.33 feet; thence South 89°09'04" West, 41.94 feet; thence South 86°00'46" West, 6.45 feet to a point on the east boundary of a drainage right-of-way as shown on said plat of Airport Industrial Park Unit II; thence North 01°03'45" West, along said east boundary, 315.87 feet; thence North 89°01'24" East, parallel to the south boundary of said Lot 11, a distance of 570.09 feet to the POINT OF BEGINNING.

Containing 3.72 acres (162,092 square feet), more or less.

Exhibit "B"

RESOLUTION NO. 02-004

PASSED March 14, 2002

A Resolution of the Gainesville-Alachua County Regional Airport Authority concerning release of certain real property from certain terms, conditions, reservations, obligations and restrictions contained in or referred to in existing grant agreements and instruments of transfer as they may relate to the property for purposes of sale and agreeing to use proceeds of such sale for developing and improving the Gainesville Regional Airport; and providing an immediate effective date.

WHEREAS, the City Commission for the City of Gainesville, Florida, desires to convey certain lands located at the Airport Industrial Park, which property was originally acquired from the United States Government by Instrument of Transfer dated October 15, 1948, recorded in Deed Book 260, page 239, of the Public Records of Alachua County, Florida, which Instrument of Transfer restricts the City of Gainesville from selling, leasing, or in any way disposing of said Airport lands without the prior approval of the United States Government; and

WHEREAS, the City of Gainesville desires to sell said certain lands to Kenneth O. Lester Company d/b/a Performance Food Group (KOLC), for Airport Industrial Park developmental purposes, which purpose will not be in conflict with the aeronautical purposes of the Airport; and

WHEREAS, the United States Government requires submittal of certain information and requires certain agreements and conditions as a prerequisite to approving the release and sale of said lands.

NOW, THEREFORE, BE IT RESOLVED BY THE GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY (GACRAA), that:

Section 1. GACRAA concurs with the determinations and requests made by the City of Gainesville relating to the sale of this property and the use of the proceeds of the sale as reflected in the proposed City of Gainesville Resolution, copy attached as Exhibit A (without exhibits).

Section 2. The representations made in the Request for Release of Surplus Property Pursuant of Federal Aviation Regulations, Part 155.11, copy attached as Exhibit B (without exhibits), are hereby ratified and approved.

Section 3. The property described in Exhibit "C", attached hereto, shall be transferred and sold to the KOLC for purposes of industrial park development.

Section 4. The property shall be sold for the appraised fair market value and the net proceeds of such sale shall be immediately transferred to the Gainesville-Alachua County Regional Airport Authority for deposit into an interest bearing account where said funds shall remain until utilized for the purposes of Airport development and improvement.

Section 5. The GACRAA has determined that the parcel is not necessary for aviation purposes and the release will not affect the operation or maintenance of the Airport as a public airport, rather that the revenues generated by the sale will significantly enhance the Airport and its ability to serve the aviation public.

Section 6. The City of Gainesville shall include in the deed conveying title of the property to Kenneth O. Lester d/b/a Performance Food Group (KOLC) provisions as follows:

(1) That the City of Gainesville reserves unto itself, its successors and assigns, for the use and benefit of the public a right of flight for the passage of aircraft in the airspace above the surface of the real property described in Exhibit C, together with the right to cause in said airspace such noise as may be inherent in the operations of aircraft, now known or hereafter used, for navigation of or flight in the said airspace, for use of said airspace for landing on, or taking off from or operating on Gainesville Regional Airport.

(2) That the City of Gainesville expressly agrees for itself, its successors and assigns, to restrict the height of structures, objects of natural growth and other obstructions on the hereinafter described real property to such a height so as to comply with Federal Aviation Regulations, Part 77.

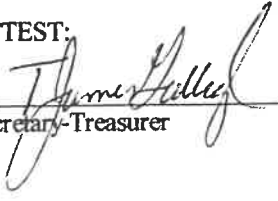
(3) That the City of Gainesville expressly agrees for itself, its successors and assigns, to prevent any use of the hereinafter described real property which would interfere with the landing or takeoff of aircraft at Gainesville Regional Airport or interfere with air navigation and or communication facilities serving Gainesville Regional Airport, or otherwise constitute an airport hazard.

Section 7. The appropriate GACRAA officials are hereby authorized to execute any other documents necessary to effectuate the release of restrictions, the transfer of property, and the deposit and use of net proceeds of the sale.

Section 8. This resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 14th day of March, 2002.

ATTEST:


Secretary-Treasurer

GAINESVILLE-ALACHUA COUNTY
REGIONAL AIRPORT AUTHORITY


Chair

APPROVED AS TO FORM AND LEGALITY:

