



MEMORANDUM

Office of the City Attorney

Legistar No. 020022

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TO: Mayor and City Commission

DATE: June 10, 2002
RESOLUTION

FROM: City Attorney

SUBJECT: Airport Industrial Park Sale of Property

A Resolution of the City Commission of the City of Gainesville requesting 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.

Recommendation: The City Commission adopt the proposed resolution.

On April 24, 1995, the Gainesville-Alachua County Regional Airport Authority (GACRAA) and the City of Gainesville entered into a Real Property Purchase Option Agreement with the Kenneth O. Lester Company (KOLC), related to land in the Airport Industrial Park. On April 14, 1997, the agreement was amended to revise the total acreage included in the option agreement and to reduce the number of acres that must be purchased in each option period. KOLC purchased 2.01 acres of the optioned property on July 28, 1998, and subsequently expanded their distribution center. Subsequently, KOLC purchased an additional 3.0 acres of the optioned property. Pursuant to the option agreement, KOLC has exercised their final option to purchase 3.72 additional acres to provide room for further expansion. Prior to completing a sale, a Deed of Release must be obtained from the FAA. As part of that process, resolutions are required from GACRAA and the City of Gainesville requesting the release, identifying the purpose of the sale and agreeing to use the proceeds of such sale for developing and improving the Airport. Following receipt of the Deed of Release from the FAA, the real estate closing will be accomplished.

GACRAA adopted a similar resolution on March 14, 2002, recommending the sale for the same reasons and under the same conditions. Although the City Attorney's Office no longer represents GACRAA, the City Attorney has examined the underlying documentation on behalf of the City as owner of the Airport property, and is able to confirm the Director of Aviation's representations related to this transaction. Based upon this investigation and examination, the City Attorney believes that the transaction and adoption of the proposed resolution would not violate any federal or state laws.

Prepared by: 
Walter Mathews, IV, Assistant City Attorney

Approved and
Submitted by: 
Marion J. Radson, City Attorney

MJR:WM:sw