


CITY OF GAINESVILLE
Office of the City Attorney

07-30-02 P03:27 IN Memorandum
Phone: 334-5011/Fax 334-2229

TO: MAYOR THOMAS D. BUSSING  DATE: July 24, 2002
FROM: WALTER MATHEWS, IV, Assistant City Attorney
SUBJECT: LAND TRANSACTION BETWEEN THE CITY AND KENNETH O.
LESTER COMPANY **d/b/a Performance Food Group**

Mayor Bussing:

On June 10, 2002, the City Commission of the City of Gainesville authorized you to execute any and all documents to effectuate the transfer of the above named property. (See enclosed copy of Resolution 020022). Enclosed are three (3) Letters of Release and three (3) Deeds of Release. Please execute all three (3) Letters and all three (3) Deeds on behalf of the City and return to the City Attorney's Office. I have scheduled a Closing to take place on August 15, 2002.

If you have any questions, please feel free to contact me. Thank you.

Returned to City Attorney
on 8/1/02. Called Cecile
to pick-up.

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RESOLUTION NO. 020022

PASSED June 10, 2002

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.

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 (hereinafter referred to as "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 CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:



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.

