## CITY OF GAINESVILLE Office of the City Attorney

07-30-02 P03:27 | 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 <u>020022</u>). 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 Albrina, on 8/1/02. Called Cecile to pick-up.

## RESOLUTION NO. 020022 1 2 PASSED June 10, 2002 3 4 5 A Resolution of the City Commission of the City of Gainesville 6 requesting release of certain real property from certain terms, 7 conditions, reservations, obligations and restrictions contained in or 8 referred to in existing grant agreements and instruments of transfer as 9 they may relate to the property for purposes of sale and agreeing to 10 use proceeds of such sale for developing and improving the Gainesville 11 Regional Airport; and providing an immediate effective date. 12 13 14 WHEREAS, the City Commission for the City of Gainesville, Florida, desires to convey 15 certain lands located at the Airport Industrial Park, which property was originally acquired from 16 the United States Government by Instrument of Transfer dated October 15, 1948, recorded in 17 Deed Book 260, page 239, of the Public Records of Alachua County, Florida, which Instrument 18 of Transfer restricts the City of Gainesville from selling, leasing, or in any way disposing of said 19 Airport lands without the prior approval of the United States Government; and 20 WHEREAS, the City of Gainesville desires to sell said certain lands to Kenneth O. 21 Lester Company d/b/a Performance Food Group (hereinafter referred to as "KOLC"), for 22 Airport Industrial Park developmental purposes, which purpose will not be in conflict with the 23 aeronautical purposes of the Airport; and 24 WHEREAS, the United States Government requires submittal of certain information and 25 requires certain agreements and conditions as a prerequisite to approving the release and sale of 26 said lands. 27 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE 28 CITY OF GAINESVILLE, FLORIDA: 29

- 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.
- 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.
- 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
- remain until utilized for the purposes of Airport development and improvement.
- Section 4. The City of Gainesville 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
- 14 Airport and its ability to serve the aviation public.
- Section 5. The City of Gainesville shall include in the deed conveying title of the
- property to the KOLC provisions as follows:
- 17 (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 B, 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,
- 21 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.

| 1        | (2) That the City of Gainesville expressly agrees for itself, its successors and assigns,              |
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| 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.  |
| LO       | 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.  |
| 15       | 20   |
| 16       | Busa   |
| 17       | THOMAS D. BUSSING, MAYOR   |
| 18       | THOWARD B. BOSONYO, MATTOR   |
| 19       |  |
| 20<br>21 | ATTEST: APPROVED AS TO FORM AND LEGALITY:  |
| 21<br>22 |  |
| 23       | - JUN 1 1 2002   |
| 24       | KURT LANNON. MARION L RADSON, CITY ATTORNEY  |
| 25       | CLERK OF THE COMMISSION  |

25