

000553

TRANSMITTAL LETTER

TO: Kurt Lannon  
Clerk of Commission

FROM: Office of City Attorney  
City of Gainesville  
P.O. Box 1110  
Gainesville, Florida 32602  
TEL: (904) 334-2300  
FAX: (904) 334-2229

DATE: 3/19/01

CITY OF GAINESVILLE  
CITY COMMISSION  
MAR 19 PM 3:22

WE TRANSMIT:  Herewith

Under Separate Cover

Per Your Request

FOR YOUR:  
 Approval  
 Review and Comment  
 Information  
 Distribution  
 Please Handle

THE FOLLOWING:

NO. of COPIES	DESCRIPTION	ACTION CODE
1	Special Warranty Deed - D. Faibisy	C
1	Kenneth O. Lester - Special Warranty Deed & Closing Statement (Agenda Nov Item) 11/17/00	C

REMARKS: Please obtain appropriate signatures & return originals to this office.

Copies to:

BY: Alice Murnahan

(mh)

Original: Recipient

Yellow: File

Pink: Sender

CO6721 0294

**This Special Warranty Deed** Made the day of March, 2001, by

CITY OF GAINESVILLE, a Municipal Corporation of the State of Florida,

existing under the laws of the State of Florida, and having its principal place of business at Post Office Box 490, Gainesville, FL 32602-0490, hereinafter called the grantor, to

KENNETH O. LESTER COMPANY, a Tennessee Corporation,

whose post office address is Post Office Box 340, Lebanon, TN 37087, and whose Federal Tax Identification Number is: hereinafter called the 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)

**Witnesseth:** That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Alachua County, Florida, viz:

Parcel B-1:

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 degrees 34 minutes 43 seconds West, along the northwesterly right-of-way line of NE 40th Terrace (80 foot right-of-way) a distance of 138.43 feet to the POINT OF BEGINNING; thence continue South 24 degrees 34 minutes 43 seconds West along said northwesterly right-of-way line 233.41 feet; thence South 89 degrees 01 minutes 24 seconds West, parallel to the south boundary of said Lot 11, a distance of 570.09 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 degree 03 minutes 45 seconds West along said east boundary, 210.58 feet; thence North 89 degrees 01 minutes 24 seconds East, parallel to the south boundary of said Lot 11, a distance of 671.09 feet to the POINT OF BEGINNING.

SUBJECT TO the restrictions, which shall run with the land, set forth in Exhibit "A" attached hereto and made a part hereof.

**Together** with all the 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 that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through, or under the Grantor; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2000, and except for covenants, easements and restrictions of record.

Property Appraisers Parcel Number(s):

(Corporate Seal)

**In Witness Whereof** the grantor has caused these presents to be executed in its name, and its corporate seal to be hereto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in our presence as witnesses:

CITY OF GAINESVILLE, a Municipal Corporation of the State of Florida

  
Print Name Sharon D. Williams

By:   
PAULA M. DELANEY, Mayor

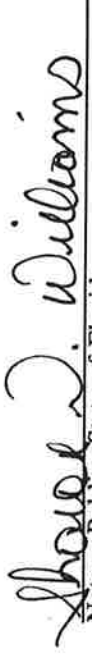
  
Print Name Neomia Brown

Attest:   
KURT LANNON, Clerk  
of the City Commission

This Instrument Prepared by, and return to:  
WAYNE P. CASTELLO  
ATTORNEY AT LAW  
2772 NW 43 STREET, STE W  
GAINESVILLE, FLORIDA 32606  
w2.2001-49.swd

STATE OF FLORIDA  
COUNTY OF ALACHUA

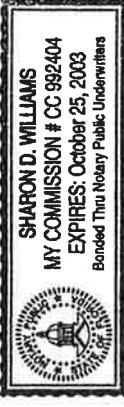
The foregoing instrument was acknowledged before me this 21 day of March, 2001, by PAULA M. DELANEY and KURT LANNON, the Mayor and Clerk of the City Commission, respectively, of the CITY OF GAINESVILLE, a Municipal Corporation of the State of Florida, on behalf of the corporation. They are personally known to me or have produced Driver's Licenses as identification and did not take an oath.



Notary Public, State of Florida

My Commission expires:

My Commission number:



This Form Document No. \_\_\_\_\_  
is a legal instrument approved by the City Attorney.  
Any deviation from its intended use should be  
authorized by the City Attorney.

## EXHIBIT "A"

- (1) Grantor, the City of Gainesville, a Municipal Corporation of the State of Florida, reserves unto itself, its successors and assigns, and unto the Gainesville-Alachua County Regional Airport Authority, 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 herein 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 the Gainesville-Alachua County Regional Airport.
- (2) By the acceptance of this Deed, the Grantee expressly agrees for itself, its successors and assigns, to restrict the height of buildings, structures, objects of natural growth and other obstructions on the hereinabove described real property to such a height so as to comply with Federal Aviation Administration (FAA) Regulations, Part 77, or as it may be amended from time to time, and any other lawful authority having such jurisdiction over the property.
- (3) By the acceptance of this Deed, the Grantee expressly agrees for itself, its successors and assigns, to prevent any use of the hereinabove described real property which would interfere with the landing or takeoff of aircraft at Gainesville-Alachua County Regional Airport or interfere with air navigation and/or communication facilities serving Gainesville-Alachua County Regional Airport, or otherwise constitute an airport hazard, or interfere with the operation or maintenance of the Gainesville-Alachua County Regional Airport, or shall in any way be in violation of or inconsistent with prevailing FAA regulations or other easements or restrictions of record.